

MEMO

TO: Water Right File 34-13818

FROM: Jonie Barg 

DATE: September 27, 2017

RE: Ownership Changes filed by Andersen and Smith

On December 7, 2011, Joel and Belva Andersen ("Andersen") filed an ownership change notice for water right 34-13818. The owners of record for water right 34-13818, prior to the Andersen ownership change, were Jeffrey and Aldean Haskell ("Haskell"). Andersen provided a warranty deed from Haskell which included the following language:

This conveyance shall include any and all estate, right, title interest, appurtenances, tenements, hereditaments, reversions, remainders, easement, rents, issues, profits, right of way and water right, including but not limited to water right # 34-13818, in anywise appertaining to the property herein described as well in law as in equity.

The 2011 deed from Haskell to Andersen excluded a 3.2-acre parcel in the NWSW of Section 16, T04N, R26E. The place of use for water right 34-13818 included not only the property conveyed by Haskell to Andersen, but also included the 3.2-acre parcel excluded from the conveyance.

When Department staff processed the Andersen ownership change in 2011, they did not notice the 3.2-acre exclusion in the 2011 deed. Consequently, the Department changed the ownership record to list Joel and Belva Andersen as the owners of the entirety of water right 34-13818.

On March 7, 2017, Christopher and Sarah Smith ("Smith") filed an ownership change notice for the portion of water right 34-13818 appurtenant to the 3.2-acre parcel described above. Smith provided a copy of a 2016 deed from Haskell to Smith for the 3.2-acre parcel. During the processing of the Smith ownership change, Department staff discovered the error in the Andersen ownership change. A proportionate share of water right 34-13818 should have remained associated with the 3.2-acre parcel. Department staff have now split water right 34-13818 into two parts:

34-13818	Joel and Belva Andersen	0.90 cfs	65.8 acres
34-14619	Christopher and Sarah Smith	0.04 cfs	3.2 acres