

MEMORANDUM

Date: December 10, 2014
To: Transfer 79587 File
From: Bill Mills
Re: Transfer Withdrawal

On 9/29/2014 while researching Helen Bonds irrigation water rights in transfer application #79587, I noticed a decree error for the recorded point of diversion (POD) on her domestic water right (37-11758), and called her and asked her if she wanted to amend her POD transfer application to correct the decree error as well. The error listed the POD in the right government lot, but the quarter-quarter description was incorrect. She wanted to think about it and said she would get back to me. I tried to call her on three occasions over the course of the month of October only to leave messages on her answering machine. On 11/10/2014, I forwarded the transfer for advertising. On 11/17/2014, Ms. Bond called me indicating she thought the application was on hold and she had received new information that made her reconsider withdrawing the application.

The purpose of the transfer was to move the POD for her irrigation ground water rights (37-20619 & 37-20621) into her domestic well to avoid forfeiture and because, for reasons beyond her control, she no longer could access the recorded POD. She indicated that she now wanted to lease her rights to a local operator who has access to the well. I informed her that the transfer would still go to advertising, she would not be entitled to a refund, but she was welcome to withdraw the transfer. She said she felt that if she proceeded with the transfer that the Department could eventually diminish her flow rate based on the reduced capacity of the domestic well. I suggested that in lieu of the transfer, placing the rights in the Water Supply Bank (WSB) would be a better option and that the operator could possibly rent the water from the WSB, and that would protect the rights from forfeiture and misuse by the operator. She indicated she had no desire to lease the water rights to the WSB, and she felt that leasing to the operator was in her best interest. I talked to her about filing a transfer to change the place of use and obtaining a written agreement to protect the ownership of her water rights and the operator she intended to lease to. She did say she would speak to a lawyer and indicated that she still wanted to withdraw the transfer. Withdrawal of Application For Transfer of Water Right(s) was received on 11/21/2014.