

MEMORANDUM

DATE: February 24, 2014

Created by: Jonie Barg

RE: Change of Ownership 13-56

On August 24, 2012 the department received a Notice of Change in Water Right ownership from Miller Family Real Estate for a portion of 13-56. The ownership was approved having a full chain of title and was complete and split on 7/12/2013.

Water information as follows:

Water Right number 13-56 split into 13-56 and 13-7837

Original water right 13-56

Owner: John Caldwell and Rufus Caldwell

Diversion rate: 2.1 cfs

Place of Use: E SW Sec 14 T13S R38E & S SE Sec 14 T13S R38E

Split information

Water Right 13-56

Owner: John Caldwell & Rufus Caldwell

Diversion Rate: 1.05 cfs

Place of Use: S SE Sec 14 T13S R38E

Water Right 13-7897

Owners: Miller Family Real Estate LLC

Diversion Rate: 1.05 cfs

Place of Use: E SW Section 14 T13S R38e

On December 12, 2013 the department received an ownership from Abbott Ranches place all of water right number 13-56 into the name of Abbot Ranches. The application was complete of January 2, 2014. Water right information as follows:

Water right: 13-56

Owner: Abbott Ranches

Diversion Rate: 1.05 cfs.

Place of Use: S SE Sec 14 T13S R38E

On January 24, 2014 Brent Abbott came into the office with concerns about his water right and the diversion rate.

Mr. Abbot brought in a deed showing his family purchased the property in 1962 from Westover (deed attached). The deed specifically mentioned the water rights and that James and Erma Abbot were to receive 4/7 approx 60 inches of the original 105. 60 inches would be 1.2 cfs of the original 2.1 cfs. In the original Split Abbotts were given 1.05 cfs.

Research completed for the original split, gave each split 50/50 of the water right. Abbott Ranches and the Miller Family Real Estate would each receive 80 acres of the original 160 acre place of use. The Miller Family Real Estate deeds did not contain any information regarding water rights, therefore the ownership change was split 50/50, based on the property purchased.

Mr. Abbott brought in additional information showing the entire chain of title. In 1955 Harold, Reed and Clair Westover were sold the entire place of use of the water right along with the entire 105 inches or 2.1 cfs. On May 9, 1962 Westovers deeded a portion of the property and specifically deeded 60 inches of water to James and Erma Abbott, the deed was recorded on September 6, 1962. On May 9, 1962 Westover's also signed a deed giving a portion of the property to Leo and Fern Burkott together with appearances but no specific mention of the water rights, the deed was recorded June 1967, significantly later that the deed to the Abbotts deed was recorded. Both deeds were signed on May 9, 1962, however the Abbott deed was recorded September 6, 1962 as instrument number 383712 and the Burkott deed was recorded June 9, 1967 as instrument number 439779.

When Mr. Abbott brought in the additional information the department researched the information and it was determined that Abbott Ranches is entitled to the additional cfs all other information will remain the same. The water right will be updated as follows:

Water Right 13-56

Owner: Abbott Ranches

Diversion Rate: 1.2 cfs

Place of Use: S SE Sec 14 T13S R38E

Water right 13-7897

Owner: Miller Family Real Estate LLC

Diversion Rate: 0.9 cfs.

Place of Use: E SW Sec 14 T13S R38E