

Lester, Steve

From: Lester, Steve
Sent: Thursday, August 29, 2013 3:17 PM
To: Saxton, Craig
Subject: RE: records correction

• 67-445
• 67-11371

Craig:

S.O. e well point

That sounds good:

Your follow up with Matt re point & I'll cover ownership update & letter for transfer/other options. That should clean things up. ✓ ✓

SL

From: Saxton, Craig
Sent: Tuesday, August 27, 2013 7:16 AM
To: Lester, Steve
Subject: RE: records correction

Hey Steve,

Sorry (yet again) that it took me a while to get to this. It took me a bit to get on track. I made comments in the body of your e-mail below.

C

From: Lester, Steve
Sent: Tuesday, August 20, 2013 3:46 PM
To: Saxton, Craig
Subject: records correction

Hi Craig:

Got a call from Doug Ploss yesterday (cell 859-9082), owns land in Indian Valley, has rights 67-445 & 67-11371. These records should be corrected.

Background

See attached, shows current Ploss tax lots that include POU for 67-445 & 67-11371. Also well log.
Ploss completed ownership change for both rights, see dept letter 12/18/2008. Deed only listed 14N 1W S26.
ArcMap does not show POD or well for Ploss home in 14N 1W S26 NWNE, 580 Indian Valley Road.
ArcMap does not show POD or well for incorrect POD site in 67-11371.
Both rights list 580 Indian Valley Road for previous right owners Coulter & Knutsen.
Coulter well log for centroid in NENW, no home there.
Davison well log for centroid in SENW, no home there.
Ploss confirmed current house rebuilt in NWNE on same spot as original homestead, Coulter had old domestic well replaced around early 1990s, well about 20 ft. from current home in NWNE instead of NENW per log/Arcmap. Log lists 580 Indian Valley Road.
Ploss confirmed no other wells in his property.

8/27/2013 EMAIL - RECORDS CORRECTION

Corrections

67-445 still shows last owner Knutsen as current owner, does not show Ploss. Obvious dept error easily fixed, I imagine.
Agreed

67-11371 domestic well POU correct. POD completely wrong, not in 13N 1E S26 which is pretty far away up in the hills. I guess what happened was:

Confirming POD for irrigation 67-445 in 13N 1E S6 (correct for Richardson Ditch Ploss uses) caused typo to use 13N 1E S26 instead of 14N 1W S26. QQQ in 67-11371 probably due to home/well appears to be SENWNE & that got tagged as well POD. That makes sense to me.

Suggest correct to same legal as POU & add POD as centroid in NWNE for this per above info.

Send updated proof reports to Ploss.

But?

Changing element of water right, even if obvious error, requires transfer or owner to ask Court to reconsider the decree, can't correct element w/o formal process. That means easiest way is \$200 transfer unless can find way around that ...? (Well...they could abandon right and file new permit (\$100) but would lose priority date – not sure if I would go that route. The other point I guess is that he doesn't need a water right for his domestic use) Perhaps this: Send corrected proof report 67-445 with cover letter that could/should fix 67-11371 with transfer or petition to Court. If Ploss declines to correct 67-11371, we note file & worry about it later. Agreed Not ideal but hard to see how or why we would try to force a formal change to be made. We can correct well log & well point in ArcMap whether right corrected or not? I believe so. We just need to tell well construction about the discrepancy (Matt Anders), and they will fix it. I don't know what they need to prove it is wrong. But I assume that the well owners statement would suffice which you essentially have in the form of the attached map.

Thoughts, comments? If your group likes suggested solution, we could do it from here or from SO, your call. Want to split it up. I will work with Matt to find out what we need to get the well log etc corrected. Do you guys want to update ownership and send correspondence regarding the need for a TR?

Sometimes this little stuff is the worst! No kidding. Thx

Steve