

MEMORANDUM

Date: August 26, 2013
To: Water Right File 34-164
From: bjordan
Re: Warranty deed

On May 15th 2013 the department received a water right ownership change from Terry Lynn and Phyllis Jean Smith. This ownership change included irrigation water rights 34-2414, 34-2503, 34-7027, 34-12053, 34-2318, 34-164, 34-165B and 34-10292. The warranty deed conveying ownership from Phillip D Scott (grantor) and Sandra k. Scott (grantor) to Grant B. Smith (grantee) and Arlene C. Smith (Grantee) included an exception that said:

"TOGETHER WITH ALL appurtenant Water Rights with subject property, EXCEPTING THEREFROM and reserving to said grantors 0.80 cfs (40 miner's inches) of Grantors existing appurtenant surface water rights and 0.80 cfs (40 miner's inches) of Grantors existing ground water rights.

Phillip D. Scott (grantor) was contacted concerning the warranty deed and he clarified that they only wanted to reserve no more or no less than their proportionate portion of the water rights that are appurtenant to their property. Thus, the ownership change was completed and the grantor retained their proportionate portion of irrigation water rights 34-2414, 34-2503, 34-7027, 34-12053, 34-2318, 34-164, 34-165B and 34-10292. The grantor retained a combined total 1.1 cfs and 47.0 acres which equates approximately 0.023 cfs per acre (slightly over one miner's inch to the acre).