

MEMO: Ownership Change

Water Right No.'s: 34-172F, 34-313A, 34-446C, 34-503D and 34-7226C

Date: March 21, 2012

By: Kerrie Mathews/IDWR

On December 2, 2011, Butte County submitted an ownership change request. During the research it was found that the water rights appurtenant to the deeded acres for Butte County had already be transfer to John McAfee in an ownership change in 2005.

The water rights appurtenant to T04N R27E Sec 32 of the SE quarter are:

34-172F, 34-313A, 34-446C, 34-503D & 34-7226C

These water rights were transferred to John McAfee in 2005 based on deed #39622. The water right numbers listed on this deed were incorrect and not appurtenant to the property described.

In order to correct the ownership change the new owner was asked to submit a chain of title showing that David H. Banta did not have the authority to transfer the above numbers. Butte County submitted deed #33045 and #33866 both of which were silent on the water. This silence confirmed that there was an error in the ownership change and Mr. Banta had no authority to complete an ownership change to water rights that were not appurtenant to the deeded property.

The final ownership change and correction are as follows based on a complete chain of title:

Butte County – T04N R27E Sec 32 of the SE ¼

- 34-172F, 34-313A, 34-446C, 34-503D & 34-7226C

John McAfee – T04N R27E Sec 32 of E ½ of the NW ¼ & E ½ of the SW ¼

- 34-172G, 34-313B, 34-446D, 34-503E & 34-7226D