

Walker, Kay

From: Walker, Kay
Sent: Tuesday, August 30, 2011 11:53 AM
To: rstover@eberle.com; clh@ringertlaw.com
Cc: Walker, Kay; Westra, John
Subject: Memo regarding Willowbrook transfer

fixed & resent - kw
'clh@ringertlaw.com'

Gentlemen:

Attached is a scanned copy of the memo we discussed during our telephone conversation this morning.
Let me know if you have any questions or concerns.

Thanks.

Kay Walker
Sr. Water Resource Agent
334-2190



Willowbrook
tillsdale memo.pdf..

MEMORANDUM

TO: Willowbrook/Hillsdale

FROM: Kay Walker *Kay*

RE: Proposed Transfer

Date: August 30, 2011

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After discussions with the attorneys for the above parties and John Westra, I revisited the proposed transfer and found the following:

Pursuant to the Declaration of Covenants, Hillsdale Estates No. 1 (as submitted with the application for transfer)

1. (Willowbrook =) Declarant reserves all right, title & interest in and to any and all water rights appurtenant to open common areas
Open Common Areas = area designated as open common area on the plat (page 3)
Open area = those lots described as excluded lots (page 3)
2. Declarant can transfer water rights from open common areas (page 10(e))
3. Article V: Domestic water supply – (page 11) supply to each lot domestic water at a quantity sufficient to meet reasonable anticipated needs of a single family residential dwelling unit, including lot irrigation
4. Amendment (page 6) Use of domestic water supply system for irrigation shall not exceed 3.0 acre feet of water annually.

The transfer proposes to “move” irrigation water rights off of the NWSW, S28, to the NESE, S29 that has no water rights. The irrigation rights are: 63-7131A and 63-8376E
There is also domestic right 63-12125 that covers the lots in Sec. 28 at 1.2 af per lot (house & lawn).

Lots on this land consist of:

Lot 1, Blk. 3 = 1.0 acre = 0.5 minus domestic use
Lot 2, Blk. 3 = 1.0 acre = 0.5 minus domestic use
Lot 1, Blk. 2 = 1.1 acre = 0.6 minus domestic use
Lot 2, Blk. 2 = 1.0 acre = 0.5 minus domestic use
Lot 3, Blk. 2 = 1.1 acre = 0.6 minus domestic use
Lot 4, Blk. 2 = 1.0 acre = 0.5 minus domestic use
Portion of Lot 3, Blk. 3 = 0.14 acre – per measurement tool in arc view
Portion of Lot 5, Blk. 2 = 0.43 acre – per measurement tool in arc view

Recommend 3.8 (round from 3.77) acres be “left” on the NWSW, S28 under both rights. The rights should remain under the Willowbrook name so an ownership change from each lot owner is not necessary at this time.