

Rushing, Emalee

From: Robertson, Jean
Sent: Tuesday, June 07, 2011 11:27 AM
To: Rushing, Emalee
Subject: RE: Water Right 45-571A

Thanks Emalee...I am sure the Bedkes will be pleased!

From: Rushing, Emalee
Sent: Tuesday, June 07, 2011 10:56 AM
To: Robertson, Jean
Subject: RE: Water Right 45-571A

Thank you so much for your help. After looking at the claim file, I thought this might be the case. I will undo the split and restore water right 45-571A to the way it was decreed.

From: Robertson, Jean
Sent: Tuesday, May 31, 2011 11:49 AM
To: Rushing, Emalee
Subject: RE: Water Right 45-571A

Emily,
I pulled the file and looked things over and this is what I came up with on this right:

45-571 was decreed in the Basin Decree on 2/12/1988.

These rights were required to re-file in the SRBA but the fees would be waived if they were claimed exactly as decreed.

Only the stock water portion of this right was claimed in the SRBA by Firth and it was claimed as 45-571A, no fees were paid. (He actually claimed 0.04 cfs and the stock water portion was only 0.02 cfs and it was in a different place of use than originally decreed.)

Fairchild never filed a claim in the SRBA on any portion of this right.

During the claims investigation part, I found where Firth had claimed this in a different location than decreed in the Basin Decree. I tried to contact Firth because according to tax lot info, it appeared he no longer owned the property. Letters were sent to two different addresses with no response.

I was going to recommend to Zollinger's, as they at least seemed to own the property where Firth had claimed it. I solicited an ownership change from them but never heard anything.

Then I was going to disallow it cause it was claimed differently than originally decreed in the Basin Decree and no fees were paid and I couldn't contact anyone.

Then along came Bedke and I received an ownership change from Firth to Bedke, who paid the fees and amended the claim to correct the place of use to at least one ¼ ¼ of where it was originally decreed. (One thing kinda weird was that the deed provided by Bedkes from Firth specifically mentioned right 45-590, but not 45-571?)

I never had any chain of title from Firth to Zollinger but I did have one from Firth to Bedke. Bedke owns a sliver of land which covers the NWSE and the SWNE, where 45-571 was originally decreed.

I don't believe Zollinger's had any part of this right to convey cause their deed was from Fairchild to them and Fairchild never filed a claim, so he doesn't have a part of the right anymore, at least the stock water portion. (The irrigation portion has never been claimed.)

I don't think Bedke's portion should have been split.

I also think the data base needs to be corrected to show old right 45-571 has either been **disallowed and recommended as 45-571A**, or **superseded by decree**, so it no longer says ACTIVE from Fairchild.

Jeanie

From: Rushing, Emalee
Sent: Friday, May 27, 2011 11:19 AM
To: Robertson, Jean
Subject: Water Right 45-571A

I need a little help on an ownership change that I did for this water right. The owner of the entire right before the split was Bedke. I split it in ½ based on the request and the deed submitted.

Jared Bedke called me today and was upset that I took his right. He mentioned having worked with you re the SRBA claim.

I see various comments regarding the Zollingers (they are the ones who conveyed the property to the new owner – Saurey).

Would you mind refreshing your memory as to this water right and give me your thoughts?

I will be out of the office after today...I will return on June 7th.

Thank you!
Emalee