

Edl, Michele

From: Edl, Michele
Sent: Tuesday, March 17, 2009 4:19 PM
To: Homan, John
Subject: Storage ownership question

John,
Shelley recommended that I contact you for help with a transfer. On the face of it, the transfer attempts to move water rights that are not owned by the transfer applicant. As I understand it the applicant sold property without holding back the water rights. So the water rights were split between the applicant and the buyer, who is also a neighbor. This problem transfer involves the splits which are the neighbor's water rights.

The rights are for irrigation, diversion to storage, irrigation from storage and irrigation storage.
What complicates this for us is that the transfer applicant owns the property wherein lie the 2 storage ponds. Our questions to you are "Does ownership of the storage facility mean ownership of the water rights?" "Are you aware of any precedence cases?"

Need more detail? I have the file in my cube.
Thanks
Michele Edl
Water Rights Section

3/18/2009