

MEMORANDUM

TO: Files involving Donna Bell Trust Water Rights Splits

FROM: Angela Grimm

DATE: June 27, 2008 Amended January 6, 2009

RE: Calculations of Donna Bell Trust Water Rights Splits

The original Donna Bell Trust parent rights are 61-2127 and 61-4136 as follows:

61-2127: 0.64 cfs / 114.99 AFA / 32 AC (52 AC PPU)

61-4136: 0.28 cfs / 80.0 AFA / 20 AC (52 AC PPU)

61-2127 + 61-4136: 0.74 cfs / 114.99 AFA / 52 AC

Deeds submitted for various lots within the Bell Country Estates along with a letter from the attorney for Donna Bell Trust established deeds for lots 1, 2, 3, 4, 6 and 7 issued sold a proportionate share of each of the parent water rights to a new owner. The portion sold was from a total of 52.7 acres rather than 52 acres covered by the water rights. The deeds also withheld 5 acres from the water right being sold. Based on the proportion noted in the deeds and the assumption the 5 acres was intended to be withheld only once, the following calculations illustrate the water right acre (WR AC) per land acre (LD AC) each owner was sold:

Acreage Calculations:

Deeds reference a certain amount of acres sold out of 52.7 AC total when the water right only covers 52 AC:

$$52/52.7 = .986717 * 100 = 98.6717 \% \text{ of WR per LD AC}$$

$$1 \text{ LD AC} = 0.986717 \text{ WR AC}$$

Deeds also withhold 5 AC:

$$52 \text{ AC} - 5 \text{ AC} = 47 \text{ AC}$$

$$47/52 * 100 = 90.384615 \% \text{ WR available for sale per LD AC}$$

Therefore:

$$\# \text{ LD AC sold} * 0.986717 * 0.90384615 = \# \text{ WR AC purchased}$$

Ex. 11.34 LD AC sold to Crossley:

$$11.34 \text{ LD AC} * 0.986717 * 0.90384615 = 10.1 \text{ WR AC}$$

Due to the initial withholding of five acres and the portion being sold from 52.7 acres rather than 52 acres, each new owner will have less water right acres than actual land acres thereby creating a small permissible place of use for lots 1, 2, 3, 4, 6 and 7. For example, Crossley (Lots 6 & 7) is entitled to 10.1 acres of water rights even though he purchased 11.34 acres of land. The 11.34 acres is entirely within the original place of use. Therefore, Crossley has a combined limit allowing irrigation of 10.1 acres within an 11.34 acre permissible place of use.

The 5 acres of water right withholding was not in the deeds for lots 5, 8, 9, and 10. Therefore, the owners of these lots were sold all the water right appurtenant to the property.

The following calculation illustrates the amount of water right acres (WR AC) per water right:

AC amount from each WR:

61-2127: $32 \text{ AC} / 52 \text{ AC} * 100 = 61.53846\%$ of total WR

61-4136: $20 \text{ AC} / 52 \text{ AC} * 100 = 38.46154\%$ of total WR

Ex. 11.34 LD AC i.e. 10.1 WR AC purchased by Crossley

61-2127: $10.1 \text{ AC} * 0.6153846 = 6.2 \text{ AC}$

61-4136: $10.1 \text{ AC} * 0.3846154 = 3.9 \text{ AC}$

The following calculation illustrates the rate of flow, volume, and acreage per acre:

Flow/Volume/Acre Amount per AC:

61-2127: $0.64 \text{ cfs} / 32 \text{ AC} = 0.02 \text{ cfs/AC}$

$114.99 \text{ AFA} / 32 \text{ AC} = 3.6 \text{ AFA/AC}$

61-4136: $0.28 \text{ cfs} / 20 \text{ AC} = 0.014 \text{ cfs/AC}$

$80.0 \text{ AFA} / 20 \text{ AC} = 4.0 \text{ AFA/AC}$

61-2127 + 61-4136: $0.74 \text{ cfs} / 52 \text{ AC} = 0.014 \text{ cfs/AC}$

$114.99 \text{ AFA} / 52 \text{ AC} = 2.2 \text{ AFA/AC}$

Attached is a table outlining the resultant water right quantities based on the above calculation methods based on lot sizes according to deed information and Elmore County tax lot data.

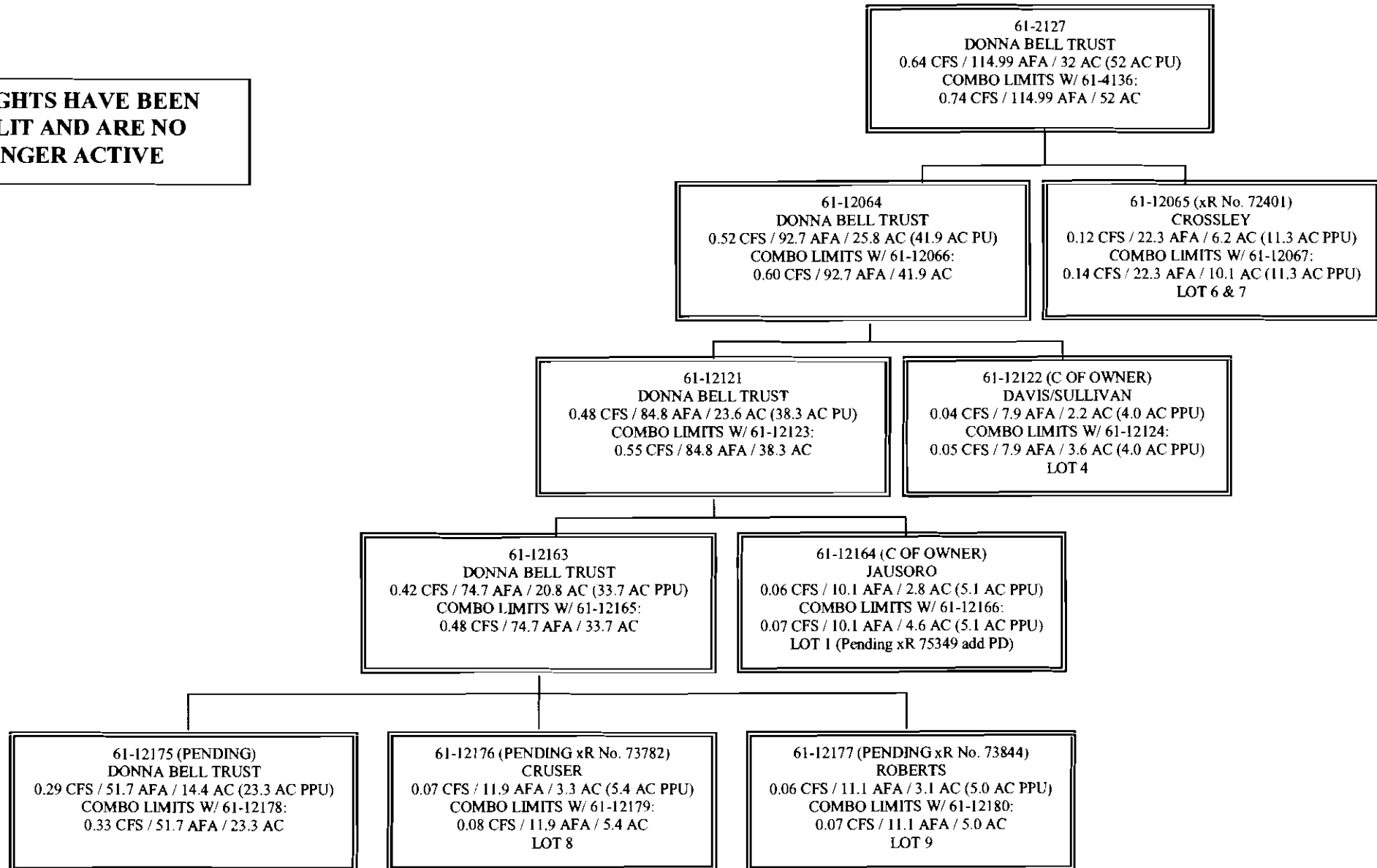
Split trees outlining the splits of the two parent rights that have been accomplished through processing of one transfer (transfer no. 72401 Crossley Lots 6 & 7) and two ownership changes (Lot 1 Jausoro and Lot 4 Sullivan/Davis) are attached. The quantities given to Jausoro and Sullivan/Davis through change of ownership approvals do not match those calculated using the methods outlined above, which are based on the first split of the rights accomplished through approval of transfer no. 72401. It appears the calculations conducted during processing of the change of ownerships were in error. Revised split trees including the correct quantities for each right and the two transfer applications currently being processed (transfer no. 73782 Crusier and transfer no. 73844 Roberts) are attached.

Bell Country Estates Water Rights

Lot	1	2	3	4	5	6 + 7	8	9	10	W/held by Initial Deeds/Remaining Portion
61-2127: Acres	2.8	2.8	2.8	2.2	3.1	6.2	3.3	3.1	3.3	2.4
Flow (cfs)	0.06	0.06	0.06	0.04	0.06	0.12	0.07	0.06	0.07	0.04
Volume (AFA)	10.1	10.1	10.1	7.9	11.1	22.3	11.9	11.1	11.9	8.5
61-4136: Acres	1.8	1.7	1.7	1.4	1.9	3.9	2.1	1.9	2.0	1.6
Flow (cfs)	0.03	0.02	0.02	0.02	0.03	0.06	0.03	0.03	0.03	0.01
Volume (AFA)	7.2	6.8	6.8	5.6	7.6	15.6	8.4	7.6	8.0	6.4
Combo Limit: Acres	4.6	4.5	4.5	3.6	5.0	10.1	5.4	5.0	5.3	4.0
Flow (cfs)	0.07	0.06	0.06	0.05	0.07	0.14	0.08	0.07	0.08	0.06
Volume (AFA)	10.1	10.1	10.1	7.9	11.1	22.3	11.9	11.1	11.9	8.5
Total Acre PPU	5.1	5.1	5.1	4.0	5.0	11.3	5.4	5.0	5.3	N/A

61-2127 DONNA BELL TRUST SPLIT TREE REVISED

**RIGHTS HAVE BEEN
SPLIT AND ARE NO
LONGER ACTIVE**



61-4136 DONNA BELL TRUST SPLIT TREE REVISED

**RIGHTS HAVE BEEN
SPLIT AND ARE NO
LONGER ACTIVE**

