

Ball, Diana

From: Peppersack, Jeff
Sent: Thursday, February 07, 2008 12:48 PM
To: Ball, Diana
Subject: FW: Owner Change for 63-7011A, 63-32299 and 63-32301

Diana,
Here's the latest on the owner change for Deersky Ranch

Jeff

From: Peppersack, Jeff
Sent: Thursday, February 07, 2008 12:46 PM
To: Shurte, Jan
Cc: Homan, John
Subject: RE: Owner Change for 63-7011A, 63-32299 and 63-32301

Hi Jan,
These subdivision conveyances can be confusing. In general, if lots are sold without any reservation of water rights, then water right ownership is conveyed to the lot owner with the land. In that situation, we would need a deed from each lot owner if a HOA or other entity claims ownership. In this case, the deeds conveying land to the lot owners in the subdivision (see sample deed conveying to one lot owner) indicates that the conveyance is subject to the CC&R's. The next question is, do the CC&R's reserve water rights? In this case, the CC&R's are not real clear, but I think there are enough references to the water system and control by the HOA that we can presume the water rights were reserved to the HOA for purposes of serving water for irrigation to the lot owners. IDWR's action to update water right records is not a final determination of ownership; individual lot owners could still go to court to resolve a dispute. In this case, I think we have enough evidence to update the water right records. I recommend documenting the file to indicate that the evidence was accepted as is, but ownership could be changed based on additional evidence or by a court decision.

I discussed this with John Homan. John recommended that the changes should occur in advance of future action in the SRBA so that ownership is part of the record before the SRBA court and potential objectors have opportunity to raise the issue.

Jeff

From: Shurte, Jan
Sent: Wednesday, February 06, 2008 12:57 PM
To: Peppersack, Jeff
Cc: Harris, Lori
Subject: FW: Owner Change for 63-7011A, 63-32299 and 63-32301

Hi Jeff,

This thing surfaced as not getting done a few days ago. It had been on call up for sometime. In looking these rights over we found an error in our quantity on 63-32301, instead of .10 cfs it should be 1.0 cfs. We are submitting an Amended Director's Report due to fat fingers on that one and would like to fix it before we do the ownership change.

The only thing that bothers me about this one is that when we had the "Training Session" for the AJ people last November, I asked the question as to whether or not we could do ownership changes for these homeowners associations without getting a deed from all the lot owners. Shelley was on my panel also and I asked him if Transfer procedures allow this and he said No. So, I do not want to get into trouble as doing some thing out of the ordinary. As it turns out, this change of ownership will result in a split of 63-32299 & 63-32301 for one quarter-quarter.

I just need an ok for sure from you. I personally would love to be able to do these types of ownerships without getting the deed, just do not want to have someone come up later and say the adjudication did one of these and why didn't they get the deeds from each homeowner. Could you give me the ok on this one. Your email points to probably, etc. I would make me feel better if you would just say do it.

Hope this explains it without putting you too much on the spot.

Thanks,
Jan

From: Harris, Lori
Sent: Wednesday, February 06, 2008 11:46 AM
To: Shurte, Jan
Subject: RE: Owner Change for 63-7011A, 63-32299 and 63-32301

From: Shurte, Jan
Sent: Tuesday, November 13, 2007 2:04 PM
To: Harris, Lori
Subject: FW: Owner Change for 63-7011A, 63-32299 and 63-32301

From: Peppersack, Jeff
Sent: Tuesday, November 13, 2007 12:34 PM
To: Shurte, Jan
Subject: FW: Owner Change for 63-7011A, 63-32299 and 63-32301

Hi Jan,
Can you have someone provide a status update for this owner change please.

Thanks,
Jeff

-----Original Message-----

From: Ball, Diana
Sent: Tuesday, November 13, 2007 12:31 PM
To: Peppersack, Jeff
Cc: Marshall, Aaron
Subject: RE: Owner Change for 63-7011A, 63-32299 and 63-32301

Jeff,

Have you been contacted by anyone from Deersky Ranch HOA since our last correspondence with them?
I'll request warrants for 2007 lessor payments this week and will put theirs on hold and track it.

Diana

-----Original Message-----

From: Peppersack, Jeff
Sent: Thursday, October 25, 2007 6:14 PM
To: Shurte, Jan
Cc: Ball, Diana
Subject: Owner Change for 63-7011A, 63-32299 and 63-32301

Hi Jan,

An owner change notice was filed last August in the name of Deersky Ranch HOA for the rights referenced above. I've discussed the ownership issue with representatives of the HOA and the prior owner/developer of the property (Williams' son) on several occasions. Apparently Williams owned the property and gifted it to their son, who developed the property under the name of Deer Flat 200, LLC. The owner change notice included a sample Warranty deed to indicate that the individual lots were conveyed with restrictions subject to the CC&R. A copy of the CC&R was also included. The CC&R does not provide a clear reservation of the appurtenant water rights to the HOA; but I agreed that it appears that there is at least some intent to provide for water to the lots by the HOA under the water system described in the CC&R. I agreed that there is probably enough evidence for IDWR to change the ownership record to the HOA, with the understanding that IDWR records are not the final determination of ownership if someone chooses to question it in the future. Since the HOA needs to keep a water right in order to provide water for the benefit of the lot owners, I think there is limited risk if we accept the evidence to change our records in the name of the HOA. I think we have good reason to question the evidence in circumstances where the water rights are proposed to be transferred away by the original owner or developer and it appears that the water rights may have been conveyed to individual lot owners; I don't think that applies in this case.

We are waiting to clear up some water bank issues for these same rights. We need to clarify the owner issue in order to disburse the rental fee that was paid as a result of rental from the bank. I understand that a deficiency letter was sent to the HOA asking for more evidence of ownership. I am certain that I will be contacted by these folks since I met with them prior to their filing the notice. Can you provide some detail regarding the deficiency or status of the processing of the notice?

Thanks,
Jeff