

Peppersack, Jeff

From: Peppersack, Jeff
Sent: Monday, September 08, 2003 8:17 AM
To: Yenter, Cindy (Hodges)
Subject: RE: pod changes on split rights

How about just relinquishing or abandoning the POD. Have them send in a notarized statement with appropriate signatures and we can remove the POD from the water right.

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

From: Yenter, Cindy (Hodges)
Sent: Monday, September 08, 2003 8:07 AM
To: Peppersack, Jeff
Subject: pod changes on split rights

Jeff-

I am researching a situation regarding right nos. 36-15557, 59, 61, 63 in the name of Notch Butte Dairy, and 36-15558, 60, 62, 64 in the name of LDS Church. These are series of split rights which were originally decreed to Sun Valley Farms and purchased by the above parties. I think the split occurred after recommendation but prior to partial decree. All three pods from the original farm appear on both split series, even though LDS only acquired the NENE Sec 23 well, and Notch Butte acquired the other two. Trish tells me this was AJ policy a few years ago when a notice of change was processed for a split where there were no other changes to the water rights.

The property is divided along either side of HWY 93 just north of Jerome. Notch Butte now has a pending sale on their portion (west of hwy 93) and is concerned because the additional well appears on the water right. It is apparently felt that the presence of the extra pod (to which the farm has no access) adds a false implication of ownership in that well and this is evidently holding up the sale.

Short of a transfer, can anything be done to remove the extra pod from the water right prior to the sale?

Cindy