

# MANCOS WATER CONSERVANCY DISTRICT

## Reallocation and Transfer of Water Allotments

There are several pertinent facts regarding the individual water allotments which should be recognized by the allottees.

First: The original water allotments were made by voluntary petitions of the land owners requesting a certain number of acre-feet of water and, thereafter, an order of the Board of Directors was entered allotting a definite number of acre-foot units of water to the lands described in the owners' petitions.

Second: An allotment of an acre-foot of water means that the allottee is entitled to *beneficial use* of one acre-foot, or portion thereof of the annual supply of project irrigation water available to the Conservation District and made available for irrigation by the board. Payment for such water shall not be reduced because of a shortage of project irrigation water and no liability shall accrue against the District or the United States or their officers, agents, or employees as a result thereof.

Third: By law and contract, the allotment is attached to the described land for assessment purposes. It makes the land subject to annual assessment of charges as provided in the original petition and order for the use of the water and becomes a tax lien against the land and collectible along with other taxes. The allotment follows the land whenever the entire tract is conveyed from one party to another. The allocation transferred by Real Estate deed does not bind the District to the transaction. As long as the allotment is not modified or changed by such transaction. A reallocation form must be completed with the land transaction so that all records may be appropriately changed.

Fourth: **Modifications or change** of allotment occurs when property is divided in ownership or when it is requested that water be permanently moved to other land than that to which it is already attached. As provided by the Conservancy District Act, only the District Board is given the power to reallocate or transfer the water supply of the District. Such modifications or changes must be made by action and order of the Board of Directors and in addition the approval of the United States must also be obtained pursuant to the provisions of the repayment contract between the United States and the Mancos Water Conservancy District. The Act also gives to the Board the power to make and enforce all reasonable rules and regulations. The allocation transferred by Real Estate deed does not bind the District to the transaction.

Therefore, the Board of Directors has established procedures by which allottees may make application to the Board for modifications or changes of the original allotment. In general, these required changes are divided into three classes: (1) Reallocation....property is not modified or divided. (2) Reallocation....property is being modified or changed, and (3) Transfer....water is being allotted to a property other than the original petitioned.

## REALLOCATION

(Property is not modified or subdivided.)

The allotment is attached to the described land as originally petitioned and assessed. The allotment follows the land whenever the *entire* tract is conveyed from one party to another. The allotment is not modified or changed by such transaction. The allocation transferred by Real Estate deed does not bind the District to the transaction. A reallocation form must be completed with the land transaction so that all records may be appropriately changed. If approved and ordered by the Board, the assessment and tax lien as changed will be certified to the Montezuma County Assessor for collection through the County Treasurer.

## REQUIREMENT

- (1) Application for Reallocation shall be made on the form furnished by the District for the process for the above described. Forms of Application may be obtained from the District office.
- (2) Application for Reallocation must give legal description of the property to which the water has been allotted, using attached deeds and plats, and must be joined in by all owners of and lien holders against the property. The signatures of the seller shall be notarized.
- (3) The Application, signed and acknowledged by all parties in interest, shall be submitted to the Board of Directors accompanied by payment of a **fee of \$1000.00** to cover District administrative costs, including research and verification, and recording fees. The Board will hear, consider and act upon the Application at the earliest regular meeting of the Board convenient to that purpose.
- (4) Upon approval of the Board of Directors of the Order granting the reallocation in accordance with the judgment of the Board, the District shall record a certified copy of the application in the records of the Clerk and Recorder of Montezuma County, Colorado.

## REALLOCATION

(Modification or change allotment)

Reallocation is the procedure provided for in the Conservancy District Act, of dividing an original allotment among specified parcels of land within the boundaries of the tracts of land described in the original Allotment Petition and Order.

This procedure permits the division of an allotment and accompanying lien to fit the requirements of irrigation on the parcels into which an original tract has been divided in ownership subsequent to the original allotment order.

For example, 100 acre-feet may have been allotted to a quarter section and the quarter section later divided into two 80-acre tracts. To properly reallocate the 100 acre-feet, the owners and lien holders interested in both eighty-acre tracts must join in a single application (Reallocation form) to the Board requesting that the 100 acre-feet be divided between the two eighty-acre tracts in amounts agreed to by the owners. If approved and ordered by the Board and approved by the United States, the special assessment and tax lien as changed will be certified to the Montezuma County Assessor for collection through the County Treasurer.

When an owner anticipates the sale or subdivision of a portion of a tract to which an allotment is attached, an Application for Reallocation must be filed so that the records may be appropriately changed. The allocation transferred by Real Estate deed does not bind the District to the transaction.

## REQUIREMENTS

- (1) Application for Reallocation shall be made on the form furnished by the District for the process for the above described. Forms of Application may be obtained from the District office.
- (2) Application for Reallocation must give legal description of the property to which the water has been allotted, using attached deeds and plats, and must be joined in by all owners of and lien holders against the property. The signatures of the seller (divider) shall be notarized.
- (3) The division of the Allotment must be agreed upon by all interested parties and the Application shall show:
  - (a) Legal Description of each parcel of land into which the original tract was divided with attached deeds and plats.

- (b) The exact number of whole acre-foot units which, upon approval of the Board of Directors and the United states, shall attach to each of the described parcels of land.
- (4) The Application, signed and acknowledged by all parties in interest, shall be submitted to the Board of Directors accompanied by payment of a **fee of \$1000.00** to cover District administrative costs, including research and verification, and recording fees. The Board will hear, consider and act upon the Application at the earliest regular meeting of the Board convenient to that purpose.
- (5) Upon approval of the United States, the Board of Directors and the entry of the Order granting the reallocation in accordance with the judgment of the Board, the District shall record a certified copy of the application in the records of the Clerk and Recorder of Montezuma County, Colorado.

## TRANSFER

Transfer of allotments, or portions of allotments.

The process by which the Board of Directors is empowered, by the Conservancy District Act, to transfer water from the lands to which water has been allocated to other irrigable lands certified irrigable by the Secretary of the Interior within the District boundaries and to discharge liens from the lands to which the water was first attached and to create liens upon the lands to which water is transferred.

A permanent transfer of all or part of the allotment and accompanying lien may be made to other lands by an application (Transfer Form) to the Board requesting such transfer. The application for Transfer must be signed by all owners and lien holders of both tracts of land in the manner specified in the Rules and Regulations. The allocation transferred by Real Estate deed does not bind the District to the transaction.

As in the case of the original allotment, the Board must determine the need for Project water on lands to which the allotment would be transferred and the approval of the Application for Transfer will be made after the Board in its judgment, has determined it to be for the best interest of Project water use within the District.

## REQUIREMENTS

- (1) Application for Transfer of Allotment shall be made on the form furnished by the District for the process for the above described. Forms of Application may be obtained from the District office.
- (2) Application for Transfer of Allotment must be joined in by all owners of and lien holders against:
  - (a) The land from which an allotment, or portion thereof, is sought to be removed, and,
  - (b) The lands to which it is requested that the allotment, or portion of allotment, be transferred.
  - (c) The signatures of land owner which the allotment was petitioned for originally must be notarized.
- (3) The application shall show:
  - (a) The legal description of the lands to which the allotment and lien is attached and from the same is, in whole or in part, to be removed, with attached deeds and plat, and
  - (b) The legal description of the lands to which the allotment, or any part thereof, is to be transferred with attached deeds and plat.

- (c) Lien holders, by signing said Application, must release or subordinate as the case may be, their interest in the allotment and the assessment lien for said allotments.
- (4) The Application, signed and acknowledged by all parties in interest, shall be submitted to the Board of Directors accompanied by payment of a **fee of \$1000.00** to cover District administrative costs, including research and verification, and recording fees. The Board will hear, consider and act upon the Application at the earliest regular meeting of the Board convenient to that purpose.
- (5) Upon approval of the United States, the Board of Directors and the entry of the Order granting the reallocation in accordance with the judgment of the Board, the District shall record a certified copy of the application in the records of the Clerk and Recorder of Montezuma County, Colorado.

<b>REQUIREMENTS</b>
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**COMPLETED APPLICATION  
FORM  
INCLUDES:**

**LEGAL PROPERTY  
DESCRIPTION**

**COPY OF DEEDS**

**NOTARIZED SIGNATURE  
OF THE PROPERTY  
(SELLER, DIVIDER OR  
TRANSFERER)**

**SIGNATURE OF  
(BUYER OR RECEIVER)**

**COPY OF PLATS OR MAPS**

**FEE: \$1,000.00**

**PROJECT WATER WILL NOT BE DELIVERED UNTIL THESE  
REQUIREMENTS HAVE BEEN MET AND THE BOARD HAS APPROVED  
THE APPLICATION**

**(The margin of the reallocation/transfer application form must comply to the C.R.S. 30-10-406 (3) (a) for recording. Faxing and/or copying the form could change the margins. Changing in this form could cause a fee to be charged to the District by the Clerk. That fee will be passed onto whoever changed the form. Thank you)**