

Gary Rogers
January 27, 2009

Arizona Dept of Water Resources
Notice of Intent Unit
P.O. Box 33589
Phoenix, Arizona 85067-3589

Dear Mr. Ball,

I have a well ownership situation that is somewhat confusing, hopefully you can analyze the documents I've enclosed and help resolve the issue. In 2001, my father purchased a parcel from Gila county which had been taken for unpaid taxes. The property deed, and all other documents we've searched since, show no easement or other claims of ownership of a well which is on the property and currently being used by the local water company. The cadastral and registration numbers posted at the well by the water company are incorrect. The water company claims they have ownership of the well, but they have no documentation to prove it. We've tried to get them to cease using the well, but they will not.

After much research, I've discovered the actual registration data for the well, located and talked with the person who had the wells drilled, and pieced together the chain of events leading up to the present time.(see enclosures)

Basically, a development company bought the property, and in 1986 drilled two wells. One of the wells didn't produce, so they moved over and drilled the second one, which proved out. The water was to be fed into the local water company grid and used as exchange for water needed for a development further south. Due to the change in tax laws, the developer went bankrupt in 1987, and the water exchange deal never took place. The property eventually reverted to the county for taxes not being paid. I assume then, sometime after that, and prior to 2001, the local water company, which was barely keeping up with demand, had a well dry up. Knowing of the unused well, they appear to have taken the registration number from the failed well, and applied it to this well, installed a pump, and hooked it into the grid.

It is my understanding that wells transfer with property ownership, and if the water company did have any legitimate claim to use the well:

1. They would know the proper registration number
2. They would have some documents recorded to the effect
3. They would have claimed an easement to access the well

None of these things have been done.

I believe the correct registration number for the well is: 55-513856.

The attached documents and explanation detail what I have discovered about the well.

Thank you for looking into the matter.

Sincerely,

Gary B Rogers