

# MANCOS WATER CONSERVANCY DISTRICT

## Change of Ownership, Reallocation and Transfer of Water Allotments Rule

Mancos Project (“Project”) water allotments may be reallocated or transferred only in accordance with the requirements attached hereto and incorporated herein. In addition, when ownership of the parcel of land to which an allotment is attached changes, a change of ownership form must be completed and filed. The forms are available by contacting the District office.

**Failure to obtain approval of a change of ownership, reallocation or transfer of an allotment will result in forfeiture and removal of the allotment from the parcel of property unless, within 2 years from the time that one of the above changes to an allotment occurs, the owner applies for, and receives approval of, a requested change in ownership, reallocation or transfer and pays all fees and assessments owing for the allotment. After such 2 year-period, if the owner does not comply with the requirements above, the allotment will forfeited and becomes the property of the District subject to reallocation to another property.**

A “change of ownership” is a change in the ownership of land to which an allotment is attached.

A “reallocation” allows an allotment to be divided among parcels of land created from the original parcel of land to which the allotment was originally attached. When the original parcel is subdivided into smaller parcels, the allotment can be reallocated from the original parcels to the subdivided parcels.

A “transfer” is the permanent transfer of an allotment, or a portion of an allotment, from the original parcel of land to which it is attached to a new parcel of land located within the boundaries of the District and that has been certified as irrigable by the Secretary of the Interior.

An allotment entitles the allottee to *beneficial use* of a defined quantity of water, or portion thereof, of the annual supply of Project irrigation water available to the District and made available for irrigation by the District Board of Directors (“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.

An allotment of Project water is attached to a specific parcel of land and makes that land subject to annual assessment of charges by the District. Such assessment constitutes a lien against the land and is collectible along with other real property taxes.

An allotment follows the land to which it is attached whenever the entire parcel of land is conveyed. While a real estate transfer of the land to which an allotment is attached does not bind the District in any manner, the District will recognize the allotment under the new ownership provided that the real estate transfer does not purport to modify either the parcel of land or the allotment of Project water. A change of ownership form must be completed with the transfer of ownership of the land to which the allocation is attached and submitted to the District so that the District’s records may be updated and the current property owner assessed.

# MANCOS WATER CONSERVANCY DISTRICT

## CHANGE OF OWNERSHIP

*(Property is not modified or subdivided.)*

A change of ownership form must be filed with the District whenever the ownership of a parcel of land to which an allotment is attached changes. If the change of ownership is approved by the Board, the new owner for purposes of assessment and tax lien will be certified to the Montezuma County Assessor for collection through the County Treasurer.

### REQUIREMENT

(1) An application for approval of a change of ownership must be made on the form furnished by the District.

(2) The application must be completed in full and 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 must be notarized.

(3) The signed and completed application must be submitted to the Board accompanied by payment of a **fee of \$1000.00** to cover District administrative costs, including research and verification, and recording fees. A reduced fee may be charged by the District for changes of ownership within a family, or into a family-owned entity such as a trust, at the District's sole discretion. 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, the District will record a certified copy of the approved application in the records of the Clerk and Recorder of Montezuma County, Colorado.

# MANCOS WATER CONSERVANCY DISTRICT

## REALLOCATION

*(Reallocation of an allotment when land is subdivided)*

A “reallocation” allows an allotment to be divided among parcels of land created from the original parcel of land to which the allotment was originally attached. When the original parcel is subdivided into smaller parcels, the allotment can be reallocated from the original parcels to the subdivided parcels.

This procedure permits the division of an allotment and accompanying assessment and lien to meet the requirements of irrigation on the parcels into which an original tract has been divided.

For example, 100 acre-feet of Project water may have been allotted to a 160-acre parcel, and the 160 acres later are subdivided into two 80-acre parcels. To properly reallocate the 100 acre-feet of water between the two subdivided parcels, the owners and lien holders of both 80-acre tracts must join in a single reallocation application to the Board requesting that the 100 acre-feet be divided between the two 80-acre parcels in amounts agreed to by the owners. If approved and ordered by the Board, assessment and tax lien change will be certified to the Montezuma County Assessor for collection through the County Treasurer.

## REQUIREMENTS

- (1) An application for approval of a reallocation request must be made on the form furnished by the District
- (2) The application must be completed in full and must provide the 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 signature(s) of the seller/subdivider must be notarized.
- (3) The division of the allotment requested by the reallocation application must be agreed upon by all parties and the application must include:
  - (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, shall attach to each of the subdivided parcels of land.
- (4) The application must be signed and acknowledged by all parties and must be submitted to the Board accompanied by payment of a **fee of \$1000.00** to cover District administrative costs, including research and verification, and recording fees. A reduced fee may be charged by the District for reallocations within a family, or into a family-owned entity such as a trust, at the District’s sole discretion. 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 Board, the District will record a certified copy of the approved application in the records of the Clerk and Recorder of Montezuma County, Colorado.

# MANCOS WATER CONSERVANCY DISTRICT

## TRANSFER

*(Transfer of allotments, or portions of allotments, to a different parcel of land)*

A “transfer” is the permanent transfer of an allotment, or a portion of an allotment, from the original parcel of land to which it is attached to a new parcel of land located within the boundaries of the District and that has been certified as irrigable by the Secretary of the Interior.

A permanent transfer of all or part of the allotment and accompanying lien may be made to other lands by an application 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 Board must determine the need for Project water on lands to which the allotment is proposed to be transferred. An application for transfer will be approved by the Board only if the Board determines, in its sole judgment, that the transfer will be in the best interest of Project water use within the District.

## REQUIREMENTS

1. An application for approval of a transfer request must be made on the form furnished by the District.
- (2) The application must be completed in full and 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 transferred, and,
  - (b) The lands to which it is requested that the allotment, or portion of allotment, be transferred.
- (3) The application must include:
  - (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 transferred, 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.
- (4) 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.
- (5) The application must be signed and acknowledged by all parties and must be submitted to the Board 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.
- (6) Upon approval the Board, the District shall record a certified copy of the approved application in the records of the Clerk and Recorder of Montezuma County, Colorado.

# MANCOS WATER CONSERVANCY DISTRICT

## APPLICATION SUBMITTAL REQUIREMENTS

### COMPLETED APPLICATION FORM INCLUDES:

**OWNERS' APPLICATION FOR  
CHANGE OF OWNERSHIP,  
REALLOCATION OR TRANSFER.**  
(COPY AVAILABLE FROM THE DISTRICT)

Web site:

[www.mancoswaterconservancydistrict.com](http://www.mancoswaterconservancydistrict.com)

**LEGAL DESCRIPTION OF  
PROPERTY**

**COPY OF DEEDS**

**NOTARIZED SIGNATURE OF THE  
PROPERTY SELLER, SUBDIVIDER  
OR TRANSFEROR**

**SIGNATURE OF  
BUYER OR TRANSFEREE**

**COPY OF PLATS OR MAPS AS  
REQUIRED**

**FEE: \$1,000.00**

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

*(The margins of the application form must comply with the C.R.S. 30-10-406 (3) (a) for recording. Faxing and/or copying the form could change the margins. Changing the form could cause a fee to be charged to the District by the County Clerk and Recorder. That fee will be assessed to the party responsible for changing the margins.)*

CONTACT INFO: Mancos Water Conservancy District Office  
42599 Road N  
Mancos CO 81328  
(970) 533-7325  
[wyatt.mwcd@gmail.com](mailto:wyatt.mwcd@gmail.com)