

MEMORANDUM

TO: Amended Transfer Application # 71876 File

FROM: Corey Skinner

DATE: June 10, 2010

SUBJECT: Amended transfer application

Transfer application # 71876 was originally filed by Carter and Laurel Dillman to change the authorized point of diversion for right 45-13621 from a well located on a neighboring property to an existing well located on their property. During final processing of the transfer, it was discovered that an existing decreed domestic and stockwater right, 45-10173, is actually associated with the well and use located on the Dillman property. *During initial review of the transfer it was mistakenly determined that right 45-10173 was appurtenant to another nearby parcel.* Right 45-10173 lists the current owner as Robert Widmier, who was the original owner of the Dillman property.

Records at the Twin Falls County Assessor's office relating to when homes were built on various parcels were examined. Right 45-10124 with a 1920 priority date should be associated with parcel RP11S20E211600 with the oldest home. Right 45-10173 with a 1981 priority should be associated with parcel RP11S20E211700 with the newest home. Right 45-10174 with a 1947 priority should be associated with parcel RP11S20E211630 with some old out buildings (no home) that are provided with water from a well located on parcel RP11S20E211610. It was also determined that the well on parcel RP11S20E211610 not only serves as the point of diversion for right 45-10174, but also right 45-10124 and right 45-13710 which is in the name of Peggy Kelly and used to provide water to parcel RP11S20E212400 (located in the SENW of Section 21 on the west side of the county road). Note that this particular well is the well described on Parcel 4 (1/3 interest) on the Widmier to Dillman warranty deed. Right 45-10173 is diverted from a different well located on parcel RP11S20E211700 (the well described as proposed point of diversion on transfer # 71876).

After making the above described determinations of what rights were associated with what wells and parcels, it was determined that Carter and Laurel Dillman should be contacted so that they could amend transfer # 71876 to include right 45-10173 so that the ownership of the right could be updated from Widmier to Dillman. When Carter and Laurel Dillman were contacted it was discovered that they had just sold their property to Dennis and Diana Koch. The Dillmans executed an assignment of Transfer # 71876 to Dennis and Diana Koch who then filed the amended transfer to include right 45-10173. This amended transfer application, along with the supporting assignment and deed, allow the ownership of right 45-10173 to be updated from Widmier to the Kochs. Note that Dennis and Diana Koch also filed an ownership change to update the ownership of right 45-10174 (diverted from a separate system than system described by transfer # 71876 so it could not be included as part of amended transfer).