

Transfer No. 71876
Receipt No. S031345

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information DENNIS W and DIANA E KOCH
3154 N 4750 E
MURTAUGH ID 83344
(208)731-0953

RECEIVED
JUN 09 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? X Yes No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-13621	WR/License	0.04	13.6		3.4	GROUND WATER
45-10173	WR/Decreed	0.04				GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-13621	NO	YES	NO	NO	NO	NO
45-10173	NO	NO	NO	NO	NO	NO

Describe the reason for the proposed changes

We recently purchased this property with this water right and want to change the point of diversion for right 45-13261 to an existing well on our property. In addition, the transfer will update the ownership of right 45-10173.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

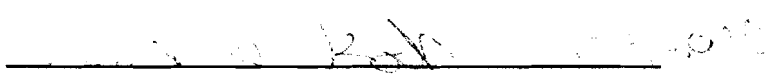
5. Total Amounts Transferred

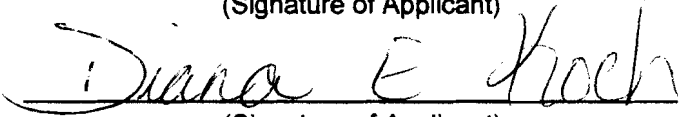
	Rate	Acre Limit	Total Acres	Volume
45-13621	0.04 cfs		3.4	13.6 af
45-10173	0.04 cfs			
TOTAL	0.08 cfs			

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

 6-9-10
(Signature of Applicant)

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**IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-13621

Priority Date: July 14, 1983

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.04 CFS	13.6 AFA	
	Total Diversion	0.04 CFS	13.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNE Sec. 21 Twp 11S Rge 20E TWIN FALLS
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 20E 21			3.4														3.4

Total Acres: 3.4

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. THIS RIGHT IS A PORTION OF FORMER RIGHT 45-7280.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM MILNER LOW LIFT IRRIGATION DIST.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

n/a

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Current Water Right No. 45-10173

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS		
STOCKWATER	1/01	12/31	0.02 CFS		
	Total Diversion		0.04 CFS		

GROUND WATER SWNE Sec. 21 Twp 11S Rge 20E TWIN FALLS County

[illegible][illegible]

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 11S20E210600 STOCKWATER, 4 HORSES

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

n/a

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Proposed Water Right No. 45-13621

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.04 CFS	13.6 AFA	
	Total Diversion	0.04 CFS	13.6 AFA	

GROUND WATER SESWNE Sec. 21 Twp 11S Rge 20E TWIN FALLS
County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 3.4

Proposed Water Right No. 45-10173

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS		
STOCKWATER	1/01	12/31	0.02 CFS		
	Total Diversion		0.04 CFS		

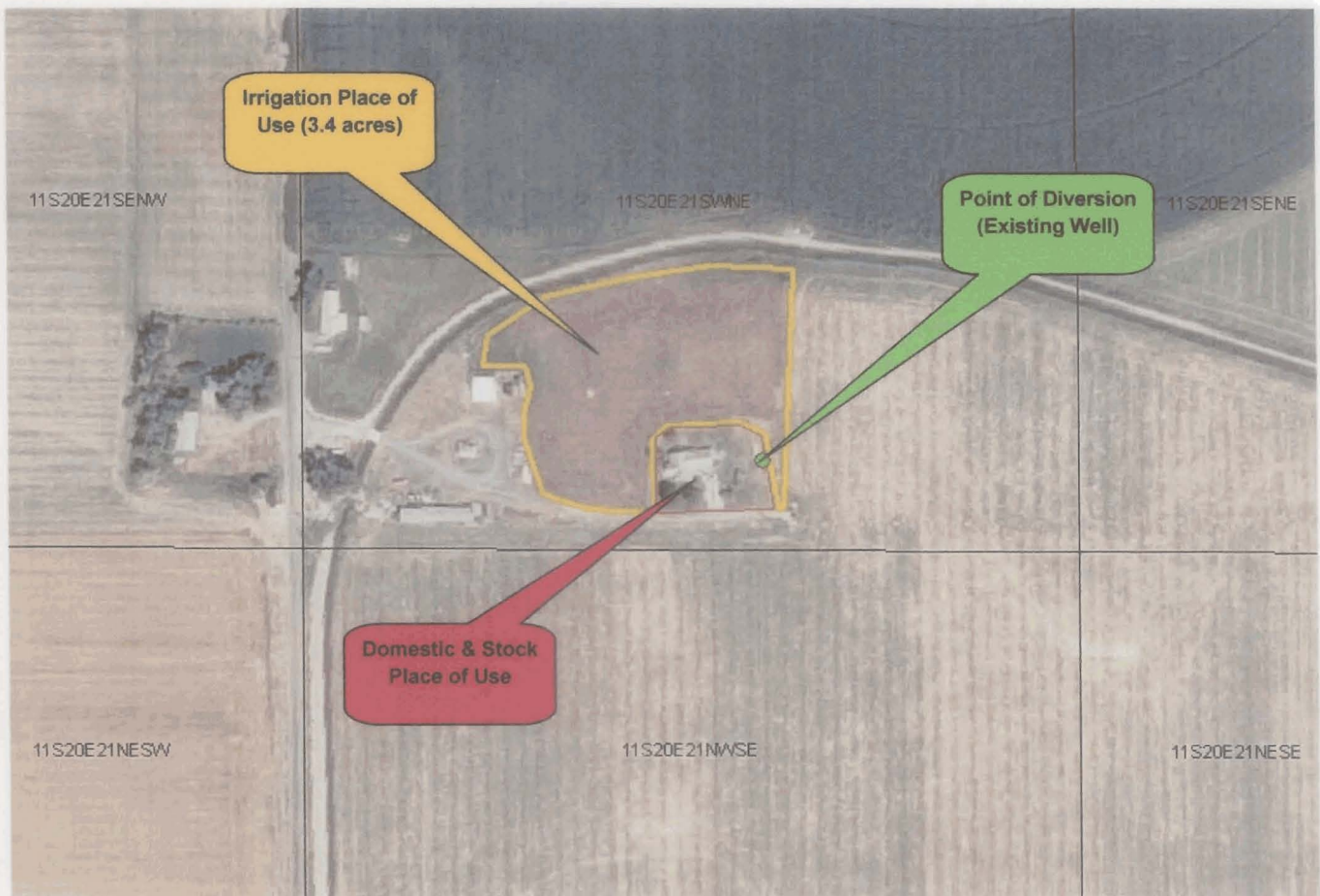
GROUND WATER SESWNE Sec. 21 Twp 11S Rge 20E TWIN FALLS
County

Point of Diversion # 1 WELL AND PUMP

[illegible][illegible]

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF APPLICATION FOR TRANSFER

To change the ownership of an application for transfer

Page 1 of 2 is to be completed by the current transfer applicant. Notarization required.

Page 2 of 2 is to be completed by the new transfer applicant. Notarization not required.

I, CARTER E LAUREL DILLMAN, hereby assign to
Current Applicant(s)
DENNIS W E DIANA E KOCH
New Applicant(s)
of, 3154 N 4750 E
Mailing address
MURTAUGH ID 83344 731-0953
City State ZIP Telephone No.

All my right, title, and interest in and to Application for Transfer No. 71876.

Made this 28 day of MAY, 20 10.

Carter E. Dillman
Signature of Current Applicant or Authorized Representative

CARTER E. DILLMAN
Print Name and Title (if applicable)

Laurel E. Dillman
Signature of Current Applicant or Authorized Representative

Laurel E. Dillman
Print Name and Title (if applicable)

State of Idaho)
County of Twin Falls)ss

On this 28th day of May, 20 10, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Mary A. Baldwin
Notary Public

My commission expires: 10/16/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR TRANSFER

Name of New Applicant(s) DENNIS W & DIANA KOCH Phone 731-0953
Mailing address: 3154 N 4750 E
City MURTAUGH State ID Zip 83344 Email dd-wekoch@ymail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant.
Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner.
Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner.
Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

<u>Dennis W Koch</u> Signature of Applicant or Authorized Representative	<u>Dennis W Koch</u> Print Name and Title if applicable	<u>6-3-10</u> Date
<u>Diana E Koch</u> Signature of Applicant or Authorized Representative	<u>Diana E Koch</u> Print Name and Title if applicable	<u>6-3-10</u> Date

NOTE: Include the appropriate attachments identified above with this assignment form.

WARRANTY DEED

#2092

CARTER L. DILLMAN and LAUREL E. DILLMAN, husband and wife

hereby grants, bargains, sells and conveys unto

DENNIS W. KOCH and DIANA E. KOCH, husband and wife as community property with right of survivorship

Address: 1006 S 1300 W, MURTAUGH, ID 83344

Hereinafter called the Grantee, the following described premises situated in TWIN FALLS County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO:

The first one-half of the 2009 taxes are paid, the balance is due and payable, but not delinquent until after June 20 of current year

for 2010 and subsequent years, a lien, but not yet due or payable

assessments of said filer Irrigation District and the rights and powers of said District as by law provided

rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States as granted to the United States under provisions of Section 58-604, Idaho Code.

Easement for Irrigation Ditch given by P E Dean and Mary T Dean to Murtaugh Canal Company, dated August 2, 1921, recorded August 3, 1921 as Instrument Number 133983, records of Twin Falls County, Idaho, granting an easement, right of way and privilege to construct, operate and maintain an irrigation ditch over, across, along the NE1/4 of Section 21, Township 11 South, Range 20 East Boise Meridian.

Easement by and between the State of Idaho, acting by and through the State Board of Land Commissioners and Harold Menser and Geneva Menser, husband and wife and Idaho Power Company, dated February 26, 1948, recorded March 26, 1948 as Instrument Number 1033, records of Twin Falls County, Idaho, granting a right of way, for a power line in a strip of land 6.0 feet wide in the South half the SW1/4NE1/4 of Section 21, Township 11 South, Range 20 East Boise Meridian

Power Line Easement given by Robert G. Widmier and Diane Widmier, his wife to Idaho Power Company, a corporation, dated March 26, 1979 as Instrument Number 761739, Twin Falls County records, affecting a parcel of land in Section 21, Range 20 East Boise Meridian, Twin Falls County, Idaho

as continued in Warranty Deed given by Peggy Kelly, a married woman dealing with her sole and separate property and Robert G. Widmier and Diane Widmier, husband and wife, dated December 1, 1976, recorded January 2, 2001 as Instrument Number 01-000040, records of Twin Falls County, Idaho.

subject to A 20.00 foot wide access and utility easement as disclosed in Warranty Deed given by Robert G. Widmier and Diane Widmier, husband and wife to Carter L. Dillman and Laurel E. Dillman, husband and wife, dated March 31, 2005, recorded April 1, 2005 as Instrument Number 2005-006745, records of Twin Falls County, Idaho.

use and maintenance of an existing Domestic Well and appurtenances as disclosed in Warranty Deed given by Robert G. Widmier, husband and wife to Carter L. Dillman and Laurel E. Dillman, husband and wife, dated March 31, 2005, recorded April 1, 2005 as Instrument Number 2005-006745, records of Twin Falls County, Idaho.

Easement for use and maintenance of existing buried domestic water lines as disclosed in Warranty Deed given by Robert G. Widmier and Diane Widmier, husband and wife to Carter L. Dillman and Laurel E. Dillman, husband and wife, dated March 31, 2005, recorded April 1, 2005 as Instrument Number 2005-006745, records of Twin Falls County, Idaho.

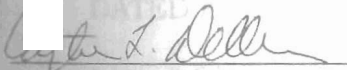
sement to the Canal Company for the use and maintenance of the irrigation canals and laterals that lie within the boundaries of the foregoing parcels as disclosed in Warranty Deed given by Robert G. Widmier and Diane Widmier, husband and wife to Carter L. Dillman and Laurel E. Dillman, husband and wife, dated March 31, 2005, recorded April 1, 2005 as Instrument Number 2005-006745, records of Twin Falls County, Idaho.

men, Maintenance and Use Agreement by and between Robert G. Widmier and Diane Widmier, husband and wife and Peggy Kelly, a single person and Carter L. Dillman and Laurel E. Dillman, husband and wife, dated December 9, 2004, recorded April 13, 2005 as Instrument Number 2005-007654, and recorded November 1, 2005 as Instrument Number 2005-024827, records of Twin Falls County, Idaho.

Observations in patents or deeds in the 'n of title.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all claims whatsoever.

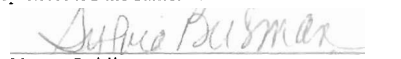
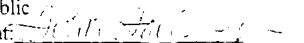
DATED April 2, 2010


CARTER L. DILLMAN


LAUREL E. DILLMAN

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

On this day of April, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared CARTER L. DILLMAN and LAUREL E. DILLMAN, known or identified to me to be the persons whose names are subscribed to the within and acknowledged to me that they executed the same.


Notary Public
Residing at: 
My Commission expires: 

SYLVIA BUSMAN
NOTARY PUBLIC
STATE OF IDAHO

LEGAL DESCRIPTION ATTACHED TO AND MADE A PART OF WARRANTY DEED,
DATED APRIL 2, 2010

Loan # 0119660645

Our Order # 2092

Borrower(s) DENNIS W. KOCH and DIANA E. KOCH

EXHIBIT "A"

PARCEL NO 1:

TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY,
IDAHO

Section 21: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Commencing at the North One Quarter ($\frac{1}{4}$) corner of said Section 21, from which the center one
Quarter (C $\frac{1}{4}$) corner of said Section 21 bears South 00°15'35" East - 2632.69 feet;
Thence South 00°15'35" East along the West boundary of the NE $\frac{1}{4}$ of said Section 21 for a
distance of 2604.50 feet;

Thence South 89°45'18" East for a distance of 600.20 feet to the TRUE POINT OF

BEGINNING;

Thence North 00°15'35" West for a distance of 200.00 feet;

Thence South 89°49'45" East for a distance of 230.60 feet;

Thence South 03°01'04" West for a distance of 201.14 feet;

Thence South 89°27'17" West for a distance of 161.94 feet;

Thence North 86°54'26" West for a distance of 57.26 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A 20.00 foot wide access easement for the purpose of ingress, egress, said easement being on,
over, under and across a 20.00 foot wide strip of land that is centered on the following described
line:

Commencing at the North One Quarter (N $\frac{1}{4}$) corner of said Section 21;

Thence South 00°15'35" East along the West boundary of the NE $\frac{1}{4}$ of said Section 21 for a
distance of 2427.82 feet to the TRUE POINT OF BEGINNING;

Thence South 79°18'02" East for a distance of 127.24 feet;

Thence South 67°13'03" East for a distance of 260.86 feet;

Thence South 71°36'58" East for a distance of 62.55 feet to the point of curvature of a non-
tangent curve left;

Thence Southeasterly along the arc of the curve left for a distance of 178.62 feet to a point on the
West boundary of the before described parcel and being the terminus point of said
easement, said arc having a radius of 454.06 feet and a chord bearing and distance of
South 82°45'16" East - 177.47 feet;

The sideline boundaries of the described easement shall be lengthened and/or shortened as
necessary to intersect the West boundary of the NE $\frac{1}{4}$ of Section 21 and the West
boundary of before described parcel.

NO. 3:

TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY,
IDAHO

Section 21:

A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Commencing at the North One Quarter (N $\frac{1}{4}$) corner of said Section 21, from which the center one quarter (C $\frac{1}{4}$) corner of said Section 21 bears South 00°15'35" East - 2632.69 feet;

Thence South 00°15'35" East along the West boundary of the NE $\frac{1}{4}$ of said Section 21 for a distance of 2604.50 feet;

Thence South 89°45'18" East for a distance of 83.66 feet to a point in the center of the Milner Low Lift Canal and being the TRUE POINT OF BEGINNING;

Thence North 16°40'58" East along the center of the Milner Low Lift Canal for a distance of 97.64 feet;

Thence North 23°28'00" East along the center of the Milner Low Lift Canal for a distance of 30.05 feet to the point of curvature of a curve right;

Thence Northeasterly along the center of the Milner Low Lift Canal and the arc of the curve right for a distance of 437.14 feet to the point of tangency, said arc having a radius of 501.15 feet and a chord bearing and distance of North 48°28'11" East 423.41 feet;

Thence North 73°26'38" East along the center of the Milner Low Lift Canal for a distance of 133.20 feet;

Thence North 73°29'52" East along the center of the Milner Low Lift Canal for a distance of 22.89 feet to the point of curvature of a non-tangent curve right;

Thence Northeasterly along the center of the Milner Low Lift Canal and on the arc of the curve right for a distance of 256.27 feet, said arc having a radius of 566.86 feet and a chord bearing and distance of North 86°26'56" East - 254.09 feet;

Thence leaving the center of the Milner Low Lift Canal on a bearing of South 03°01'04" West for a distance of 265.28 feet;

Thence North 89°49'45" West for a distance of 230.60 feet;

Thence South 00°15'35" East for a distance of 200.00 feet;

Thence North 89°45'18" West for a distance of 516.54 feet to the TRUE POINT OF

BEGINNING.

EXCEPT the following described parcel of land:

Commencing at a point on the West boundary of the NE $\frac{1}{4}$ of said Section 21, said point being located South 00°15'35" East - 2476.03 feet from the North one quarter (N $\frac{1}{4}$) corner of said Section 21;

Thence North 89°44'25" East for a distance of 289.71 feet to the TRUE POINT OF

BEGINNING;

Thence North 00°53'33" West for a distance of 6.25 feet;

Thence North 89°06'27" East for a distance of 6.25 feet;

Thence South 00°53'33" East for a distance of 6.25 feet;

Thence South 89°06'27" West for a distance of 6.25 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 4:

One third interest in and to a Domestic Well and appurtenances, and the following described parcel of land:

Commencing at a point on the West boundary of the NE¼ of said Section, said point being located South 00°15'35" East - 2476.03 feet from the North one quarter (N¼) corner of said Section 21;

Thence North 89°44'25" East for a distance of 289.71 feet to the TRUE POINT OF BEGINNING;

Thence North 00°53'33" West for a distance of 6.25 feet;
Thence North 89°06'27" East for a distance of 6.25 feet;
Thence South 00°53'33" East for a distance of 6.25 feet;
Thence South 89°06'27" West for a distance of 6.25 feet to the TRUE POINT OF BEGINNING.

AND

A 20.00 foot wide access and utility easement, said easement being on, over, under and across a strip of land that is encompassed by the following described boundary:

Commencing at a point on the West boundary of the NE¼ of said Section 21, said point being located South 00°15'35" East - 2417.63 feet from the North one quarter (N¼) corner of said Section 21 and being the TRUE POINT OF BEGINNING;

Thence South 79°18'02" East for a distance of 130.23 feet;
Thence South 67°13'03" East for a distance of 15.15 feet to a point on the Westerly boundary of the before described parcel;
Thence South 26°55'04" West along the Westerly boundary of the before described parcel for a distance of 20.05 feet;
Thence North 67°13'03" West for a distance of 11.58 feet;

Thence North 79°18'02" West for a distance of 124.24 feet to a point on the West boundary of the NE¼ of said Section 21;

Thence North 00°15'35" West along the West boundary of the NE¼ of said Section 21 for a distance of 20.37 feet to the TRUE POINT OF BEGINNING.

AND

A 5.00 foot wide building maintenance easement, said easement being encompassed by the following described boundary:

Commencing at a point on the West boundary of the NE¼ of said Section 21, said point being located South 00°15'35" East - 2604.50 feet;

Thence South 89°45'18" East for a distance of 177.39 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 89°45'18" East for a distance of 130.15 feet;
Thence South 00°14'42" West for a distance of 5.00 feet;
Thence North 89°45'18" West for a distance of 130.15 feet;
Thence North 00°14'42" East for a distance of 5.00 feet to the TRUE POINT OF BEGINNING.