

Transfer No. 75420
Receipt No. S030698

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

1. Applicant Information ARLENE M KISER
PO BOX 64
HAGERMAN ID 83332
(208)837-4703

And

JOHN F KISER
PO BOX 64
HAGERMAN ID 83332
(208)837-4703

RECEIVED

FEB 18 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? Yes

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-76A	WR/Decreed	0.69			10.0	BILLINGSLEY CREEK

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
36-76A	YES	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

We own 1 acre of land that only has a domestic well for outside irrigation. Rather than continue to use the well for outside irrigation, we have purchased 1 inch of Bell Ditch water from Mr. Gossi. He has agreed to dry up some highly-irrodable land so that we can irrigate our lawn and garden. Our well pumps a lot of sand, so using it less will save wear and tear on our culinary water system. Mr. Gossi is the last water user on the Bell Ditch, and our land is about 1/4 mile upstream from his property. We will pump from the Bell Ditch, the same as most other users on the Ditch.

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

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-16724	0.02 cfs		.3	
TOTAL	0.02 cfs		.3	

Transfer No. 75420
Receipt No. S030698

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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.

Urban Kiser - John Kiser
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 18th day of February, 2009.



J. E. Stanton
(Notary Public)

My commission expires 1-12-2013

Transfer No. 75420
 Receipt No. S030698

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

Current Water Right No. 36-76A

Priority Date: June 26, 1881
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	2/15 11/30	0.69 CFS		
	Total Diversion	0.69 CFS		

Source and Point(s) of Diversion:

BILLINGSLEY CREEK NESENE Sec. 11 Twp 07S Rge 13E GOODING 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
07S	13E	2			6.0	3.0									1.0				10.0
					L 2	L 1													

Total Acres: 10

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. WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

Documentation of Ownership of the Current Place of Use

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

Land will be dried up and not irrigated.

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

No

Transfer No. 75420
Receipt No. S030698

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-16724

Priority Date: June 26, 1881

Origin:

Basis: Decreed

Status: Pending
Transfer

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/15 11/30	0.02 CFS		
	Total Diversion	0.02 CFS		

Source and Point(s) of Diversion:

BILLINGSLEY CREEK NESENE Sec. 11 Twp 07S Rge 13E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 VIA JOHN BELL DITCH

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2																	.3

Total Acres: 0.3

Transfer No. 75420
Receipt No. S030698

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3B**

PORTION OF RIGHT No. 36-76A BEING TRANSFERRED

Priority Date: June 26, 1881

Origin:

Basis: Decreed

Status: Pending
Transfer

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/15 11/30	0.02 CFS		
	Total Diversion	0.02 CFS		

Source and Point(s) of Diversion:

BILLINGSLEY CREEK NESENE Sec. 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S 13E 2				.3													.3
				L 1													

Total Acres: 0.3

I Phillip C. Gossi, sell one share of water, delivered through the John Bell Ditch
to John F. Kiser.

Phillip C. Gossi

WARRANTY DEED

For Value Received

TERRY L. ANDERSEN and BILLIE J. ANDERSEN,
husband and wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JOHN F. KISER and ARLENE M. KISER, husband and wife
Star Route
Bliss, Idaho

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit.

A tract of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 7 South, Range 13, East of the Boise Meridian, Gooding County Idaho, described as follows:
Commencing at the NE corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 88° 51' West, 488.00 feet;
Thence South 208.00 feet;
Thence South 88° 51' West, 170.43 feet to the True Point of Beginning;
Thence South 1° 09' East, 208.71 feet;
Thence South 88° 51' West, 208.71 feet;
Thence North 1° 09' West, 208.71 feet;
Thence North 88° 51' East, 208.71 feet to the True Point of Beginning,
containing the 1.00 acres more or less.
(Except the North 25 feet reserved for an access road.)

Easement for roadway purposes: A strip of land 25 feet in width, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

Commencing at the NE corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence South 88° 51' West, 488.00 feet; Thence South 208.00 feet;
Thence South 88° 51' West, 170.43 feet to the True Point of Beginning; Thence continuing South 88° 51' West, 631.57 feet to a point on the easterly Right-of-Way of U. S. No. 30 Highway; Thence South 4° 07' East, along said Right-of-Way, a distance of 25.03 feet; Thence North 88° 51' East, 603.27 feet; Thence North 25.00 feet to the True Point of Beginning.

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

Dated: August 26, 1975

x Terry L. Andersen

x Billie J. Andersen

7 South, Range 13, East of the Boise Meridian, Gooding County Idaho, described as follows:
Commencing at the NE corner of said S. SE $\frac{1}{4}$;
Thence South 88° 51' West, 488.00 feet;
Thence South 208.00 feet;
Thence South 88° 51' West, 170.43 feet to the True Point of Beginning;
Thence South 10° 09' East, 208.71 feet;
Thence South 88° 51' West, 208.71 feet;
Thence North 10° 09' West, 208.71 feet;
Thence North 88° 51' East, 208.71 feet to the True Point of Beginning,
containing the 1.00 acres more or less.
(Except the North 25 feet reserved for an access road.)

Easement for roadway purposes: A strip of land 25 feet in width, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

Commencing at the NE corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence South 88° 51' West, 488.00 feet; Thence South 208.00 feet; Thence South 88° 51' West, 170.43 feet to the True Point of Beginning; Thence continuing South 88° 51' West, 631.57 feet to a point on the easterly Right-of-Way of U. S. No. 30 Highway; Thence South 4° 07' East, along said Right-of-Way, a distance of 25.03 feet; Thence North 88° 51' East, 603.27 feet; Thence North 25.00 feet to the True Point of Beginning.

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

Dated: August 26, 1975

Terry L. Andersen
Billie J. Andersen

Instrument No.

56144

STATE OF IDAHO, COUNTY OF New London
On this 26th day of August, 1975
before me, a notary public in and for said State, personally appeared
TERRY L. ANDERSEN and BILLIE J.
ANDERSEN, husband and wife,

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

Residing at NOTARY PUBLIC
My Commission Expires March 31, 1976

Notary Public

STATE OF IDAHO, COUNTY OF Gooding

I hereby certify that this instrument was filed for record at the request of SECURITY TITLE CO.
at 25 minutes past 3 o'clock P m.,
this 3 day of September
1975 in my office, and duly recorded in Book
of Deeds at page

Margaret F. Clement

Ex-Officio Recorder

By Dora Scott

Fees \$

Mail to:

INDEXED

Direct Deputy

Indirect

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

Instrument # 20377

GOODING, GOODING, IDAHO
2003-11-28 10:48:23 No. of Pages: 1
Recorded for : TITLEFACT, INC.
HELEN EDWARDS Fee: 3.00
Ex-Officio Recorder Deputy *Penny Watson*

**** SPACE ABOVE FOR RECORDER ****

DEED OF RECONVEYANCE

TITLEFACT, INC., an Idaho corporation, as SUCCESSOR Trustee in the deed of trust executed by
JOHN F. KISER AND ARLENE M. KISER, husband and wife

recorded August 4, 1975
re-recorded August 25, 1981

as Instrument No. 055767
as Instrument No. 091078,

records of Gooding County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and
RECONVEY unto the PARTIES ENTITLED THERETO,

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 2-7-13. Gooding County, Idaho

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the land therein
described.

The corporate name subscribed by its Vice President, is pursuant to a resolution authorizing the execution of this
reconveyance duly adopted by its Board of Directors.

Dated: November 12, 2003

TITLEFACT, INC.
BY: *R. Todd Blass*
R. Todd Blass, Vice President

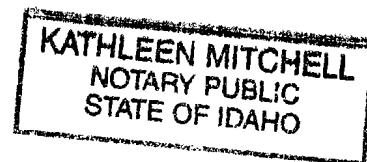
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of November in the year 2003, before me a Notary Public in and for said State, personally
appeared R. Todd Blass, known to me to be the Vice President of the corporation that executed the within
instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me
that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this
certificate first above written.

Kathleen Mitchell
Notary Public for the State of Idaho
Residing in: Twin Falls
Commission expires: 1-12-2004

Mail to: John and Arlene Kiser
PO Box 64
Hagerman ID 83332
Loan payoff confirmation



K.M.



Gossi

Out

T75420

Kiser