

RECEIVED

JAN 25 2007

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Transfer No. 73327

Receipt No. 5029256

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

**1. Applicant Information** GLEN KOELLING

2023 E 3600 S  
MALTA ID 83342  
(208) 824-5001

And/Or

ARLENE KOELLING

2023 E 3600 S  
MALTA ID 83342  
(208) 824-5001

And/Or

KREG KOELLING

2023 E 3600 S  
MALTA ID 83342  
(208) 824-5001

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          |
|---------|--------------------|------|--------|------------|-------------|-----------------|
| 43-4083 | AJC/Beneficial Use | 0.99 | 188.4  | 47.0       | 64.0        | HOLT CREEK      |
| 43-2237 | WR/License         | 0.40 | 80.0   | 20.0       | 64.0        | CEMETERY SPRING |

**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 |
|---------|-------|-----|----------------|---------|---------------|---------------|
| 43-4083 | NO    | NO  | YES            | NO      | NO            | NO            |
| 43-2237 | NO    | NO  | <del>YES</del> | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

Water rights were previously transferred to another place of use in Sections 22 and 23, and even though changes were never accomplished, the rights were decreed that way. Applicants purchased property in Sections 26 and 27 with these two water rights. Transfer will change the place of use of these two rights back to the property in Sections 26 and 27 which they purchased.

**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**

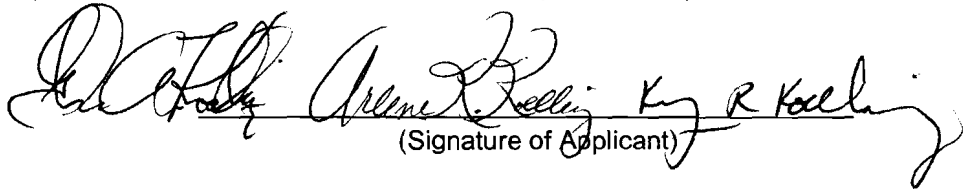
|         | Rate     | Acre Limit | Total Acres | Volume   |
|---------|----------|------------|-------------|----------|
| 43-4083 | 0.99 cfs | 42.5       | 74.9        | 188.4 af |
| 43-2237 | 0.40 cfs | 20.0       | 74.9        | 80.0 af  |
| TOTAL   | 1.39 cfs | 42.5       | 74.9        | 170.0 af |

Transfer No. 73327

Receipt No. \_\_\_\_\_

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

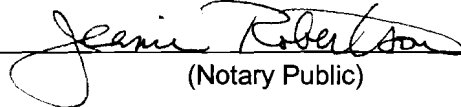
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application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

  
(Signature of Applicant)

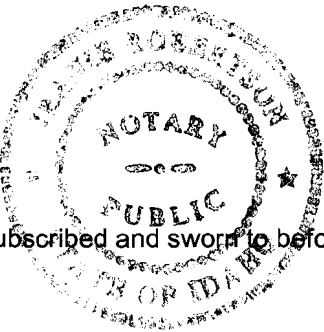
OWNERS

(Title or Office)

Subscribed and sworn to before me this 25<sup>th</sup> day of January, 2007.

  
(Notary Public)

My commission expires 1-12-2013



Transfer No. 73327

Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 43-4083

Priority Date: April 16, 1920

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** HOLT CREEK**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| STOCKWATER            | 01/01 12/31           | 0.03 CFS              | 0.4 AFA       |                    |
| IRRIGATION            | 04/01 10/31           | 0.96 CFS              | 188.0 AFA     |                    |
| Total Diversion       |                       | 0.99 CFS              | 188.4 AFA     |                    |

Source and Point(s) of Diversion:

HOLT CREEK                      SENENE                      Sec. 27 Twp 16S   Rge 26E   CASSIA County

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16S 26E 22  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    | X      |
| 16S 26E 23  |    |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |        |

**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 |        |
| 16S 26E 22  |    |    |    |    |    |    |    |    |    |      |      |    | 16.0 |    |    |    | 16.0   |
| 16S 26E 23  |    |    |    |    |    |    |    |    |    | 16.0 | 16.0 |    |      |    |    |    |        |

Total Acres: 64

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS. AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 256.0 AF. COMBINED RIGHT NOS.: 43-02237, 43-04084.
- STOCK - 30 HEAD

3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 64 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02237, 43-04084.
4. 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.
5. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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?

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

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

Transfer No. 73327

Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 43-2237

Priority Date: April 16, 1920

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** CEMETERY SPRING**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 11/01    | 0.40 CFS              | 80.0 AFA      |                    |
| Total Diversion       |                | 0.40 CFS              | 80.0 AFA      |                    |

Source and Point(s) of Diversion:

CEMETERY SPRING      SWSENW      Sec. 26 Twp 16S   Rge 26E   CASSIA County

**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   |        |
| 16S | 26E | 22  |    |    |    |    |    |    |    |    |      |      |    |    | 16.0 |    |    | 16.0 | 32.0   |
| 16S | 26E | 23  |    |    |    |    |    |    |    |    | 16.0 | 16.0 |    |    |      |    |    |      | 32.0   |

Total Acres: 64

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 64 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-04083, 43-04084.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS. AND A COMBINED ANNUAL DIVERSION VOLUME OF 256.0 AF. COMBINED RIGHT NOS.: 43-04083, 43-04084.
3. 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.

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?

YES

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

Former Place of Use will be reduced accordingly.

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. 73327

Receipt No. \_\_\_\_\_

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

**Proposed Water Right No.** 43-4083

Priority Date: April 16, 1920

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** HOLT CREEK**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| STOCKWATER            | 01/01 12/31    | 0.03 CFS              | 0.4 AFA       |                    |
| IRRIGATION            | 04/01 10/31    | 0.96 CFS              | 188.0 AFA     |                    |
| Total Diversion       |                | 0.99 CFS              | 188.4 AFA     |                    |

Source and Point(s) of Diversion:

HOLT CREEK                      SENENE                      Sec. 27 Twp 16S   Rge 26E   CASSIA County

Describe the proposed diversion system**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16S 26E 26  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |
| 16S 26E 27  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**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 |        |
| 16S 26E 26  |      |    |    |    |    | 39.0 | 9.9 |    |    |    |    |    |    |    |    |    | 48.9   |
| 16S 26E 27  | 26.0 |    |    |    |    |      |     |    |    |    |    |    |    |    |    |    | 26.0   |

Total Acres: 74.9

Transfer No. 73327

Receipt No. \_\_\_\_\_

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

**Proposed Water Right No.** 43-2237

Priority Date: April 16, 1920

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** CEMETERY SPRING**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 11/01           | 0.40 CFS              | 80.0 AFA      |                    |
|                       | Total Diversion       | 0.40 CFS              | 80.0 AFA      |                    |

Source and Point(s) of Diversion:

CEMETERY SPRING      SWSENW      Sec. 26 Twp 16S   Rge 26E   CASSIA County

Describe the proposed diversion system**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 |        |
| 16S 26E 26  |      |    |    |    |    | 39.0 | 9.9 |    |    |    |    |    |    |    |    |    | 48.9   |
| 16S 26E 27  | 26.0 |    |    |    |    |      |     |    |    |    |    |    |    |    |    |    | 26.0   |

Total Acres: 74.9

22

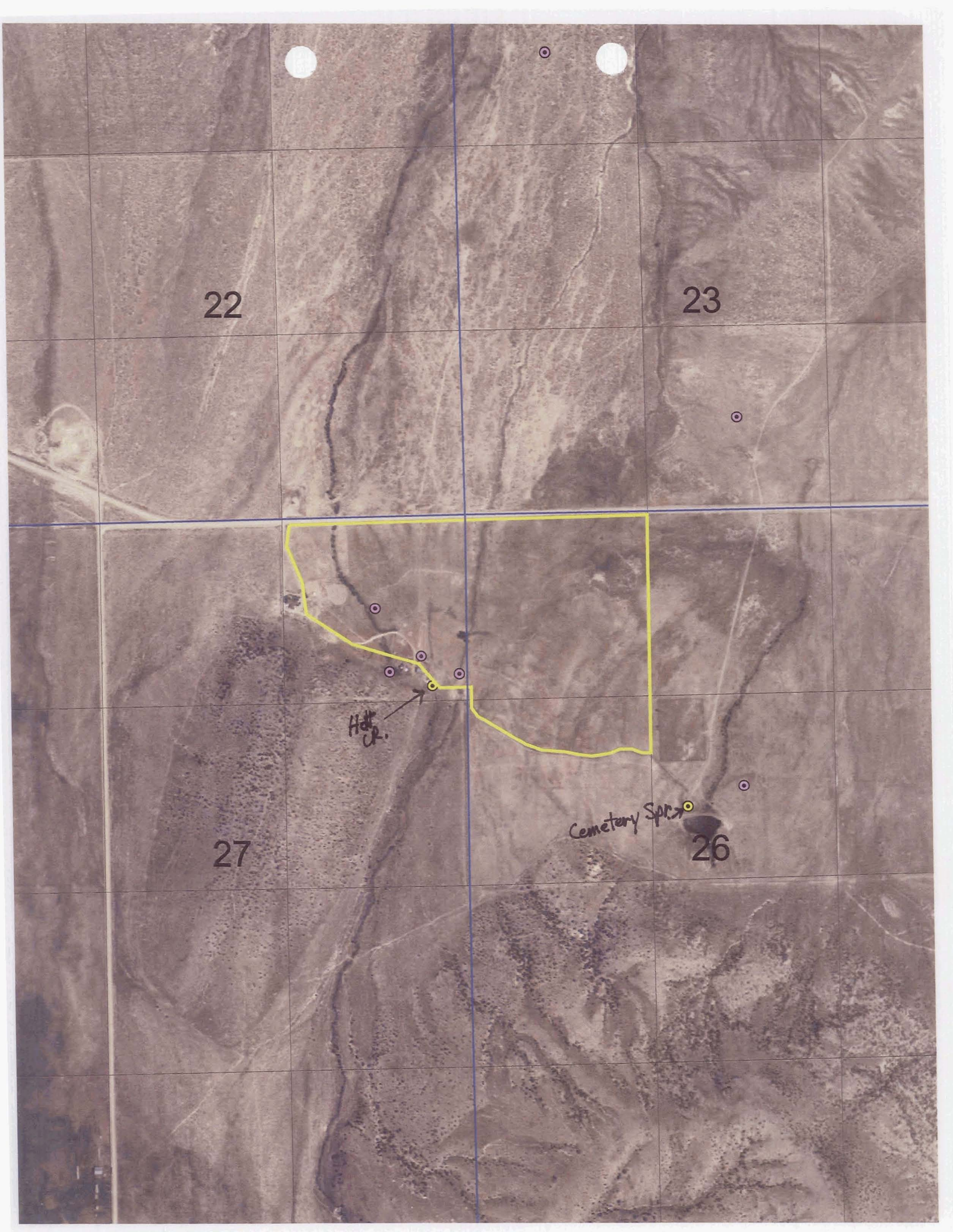
23

27

26

Holt Cr.

Cemetery Spr.



**313491****QUITCLAIM DEED**

For Value Received

LANE GOCHNOUR and CARLA GOCHNOUR, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

GLEN A. KOELLING and ARLENE KOELLING, husband and wife and KREG R. KOELLING  
2023 East 3600 South, Malta, ID 83342Hereinafter called the grantee,  
to-wit:

This deed is to convey the following water rights:

100% of Idaho Department of Water Resources Water Right Nos. 43-4083  
and 43-2237.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

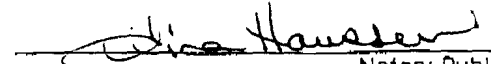
Dated: <sup>Nov.</sup> October 14, 2006

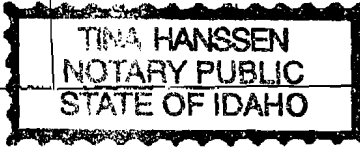
Lane Gochnour

x Carla Gochnour

Individual

STATE OF ID, COUNTY OF Cassia

On this 14<sup>th</sup> day of November 2006  
before me, a Notary Public in and for said State,  
personally appeared  
Lane Gochnour and Carla Gochnourknown or identified to me to be the person  
whose names are subscribed to the within  
instrument, and acknowledged to me that they  
executed the same.
  
 Notary Public  
 Residing at Rupert, ID  
 Commission expires 05/07/09

  
 TINA HANSSEN  
 NOTARY PUBLIC  
 STATE OF IDAHO

RECORDED AT THE REQUEST OF

Kreg Koelling  
2023 E 3600 S  
Malta ID 83342

2007 JAN 25 AM 11 53

FEE

300

RECORDER

DEPUTY

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN

313491