

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20866 V1

WATER RIGHT NUMBER: 37-20866 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE GULCH TRUST ARTHUR HARRIGAN TRUSTEE C/O T MASON COM INVEST LCC 2300 CARILLON PT KIRKLAND, WA 98033 (425)828-8000
Original Owner	RICHARD R KREITLER PO BOX 2360 KETCHUM, ID 83340 (208)726-3632
Original Owner	JEANNE P FLOWERS PO BOX 656 KETCHUM, ID 83340 (208)726-5051
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 11/26/1909

Basis: License

Status: Active

Source

ADAMS GULCH CREEK

Tributary

BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.070 CFS	10.50 AF
IRRIGATION STORAGE	01/01 to 12/31		1.00 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		1.00 AF
AESTHETIC STORAGE	01/01 to 12/31		1.00 AF
DIVERSION TO STORAGE	04/15 to 10/15	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	11.50 AF

Location of Point(s) of Diversion

ADAMS GULCH CREEK

SE1/4SE1/4

Sec. 2, Twp 04N, Rge 17E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE		
				NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20866 V1

04N 17E 1								3.0		3.0
Total Acres: 3										

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	17E	1																X	

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	17E	1																X	

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	17E	1																X	

DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	17E	1																X	

Conditions of Approval:

1. P21 This right is a split from former water right 37-2165B.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. C18 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.
6. E61 Rights 37-20866 and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20866 V1

7. E55 Right Nos. 37-8400 and 37-20866 are limited to the irrigation of a combined total of 3.0 acres in a single irrigation season.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

1. tfawcett 2/4/2003 transfer 5112

Comment: This claim represents WR 37-2165D. It was split from 37-2165C pursuant to approved transfer 5112.

2. cclark 11/5/2006 Splits

Comment: Licensed water right 37-2165 was split into parts A and B. Water right 37-2165B was subsequently split into parts C and D pursuant to transfer no. 5112. SRBA claims 37-2165, 37-2165A, 37-2165B, and 37-2165D are portions of water right 37-2165A. SRBA claim 37-2165C corresponds with water right 37-2165B. SRBA claim 37-2165C was split into 37-20865 and 37-20866 to reflect transfer no. 5112. Claim 37-20865 corresponds to water right 37-2165C and claim 37-20866 corresponds to water right 37-2165D.

3. kwalker 1/26/2007 Quantity

Comment: Quantity of water under this right limited to 0.07 per claimed amount and approved transfer 5112 dated 1/6/1998.

4. mvanbussum 2/12/2007 Conditions

Comment: Moved R04 to explanatory.

5. akriwox 2/15/2007 POU

Comment: irrigation storage and aesthetic storage POU should be linked to pond.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		6.7

Combined Water Rights: 37-20865 , 37-20866

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20866 V1

SubCase:

SubCase Number: 37-20866
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: cclark
Basis of Claim: License
Date Filed: 12/21/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active
Date Filed: 11/14/2007 Objection Status: Active

Water Supply Bank:

RECEIVED

DEC 19 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Claimant Name:

The Gulch Trust
Arthur Harrigan Trustee
c/o T mason COM Investment LLC
2300 Carillon Point
Kirkland, WA 98033

Attorney Name & Address:

James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

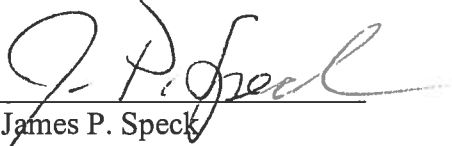
This is a notice of appearance by counsel on behalf of the claimant of the water right identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, The Gulch Trust, for the following water right which is not the subject of a subcase: 37-20866.

DATED this 17 day of December, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of December, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

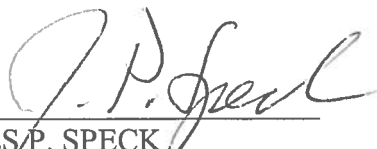
☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

December 17, 2007

RECEIVED

DEC 19 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: *Water Right No. 37-20866;*
 *The Gulch Trust***

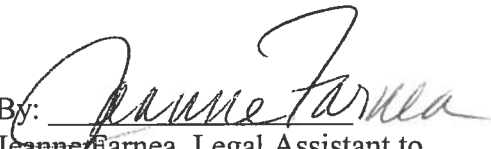
Dear Trish:

Enclosed please find original and one copy of the Notice of Appearance for the above-captioned Subcase No. 37-20866 . Please receipt date stamp the original and return the copy in the enclosed envelope.

Please call our office if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jeanne Farnea, Legal Assistant to
James P. Speck

Enclosures

cc: Client (w/encls.)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20866
Date Received: 2/4/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE GULCH TRUST Phone: (425)828-8000
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT
KIRKLAND WA 98033

2. Date of Priority: 11/26/1909

3. Source: ADAMS GULCH CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	2	SE SE	BLAINE	

5. Description of diverting works:

DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.07	10.5
IRRIGATION STORAGE	01/01	12/31		1
IRRIGATION FROM STORAGE	04/15	10/15		1
AESTHETIC STORAGE	01/01	12/31		1
DIVERSION TO STORAGE	04/15	10/15	0.07	

7. Total Quantity Appropriated is:
0.07 C.F.S. and/or 11.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	1	SE	SW	IRRIGATION	3
			SE	SW	IRRIGATION STORAGE	
			SE	SW	IRRIGATION FROM STORAGE	
			SE	SW	AESTHETIC STORAGE	
			SE	SW	DIVERSION TO STORAGE	
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This claim was split from 37-2165C pursuant to approved transfer 5112. Claim 37-20866 represents water right 37-2165D.

Rights 37-02165D and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate for irrigation of 3.0 acres.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

AJ 37-20866

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2165D

WATER RIGHT NUMBER: 37-2165D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE GULCH TRUST ARTHUR HARRIGAN TRUSTEE C/O T MASON COM INVEST L CC 2300 CARILLON PT KIRKLAND, WA 98033 (425)828-8000
Original Owner	THORNTON W FLOWERS , ID

Priority Date: 11/26/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ADAMS GULCH CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	4/15 to 10/15	0.070 CFS	
IRRIGATION STORAGE	1/01 to 12/31		1.00 AF
IRRIGATION	4/15 to 10/15	0.070 CFS	10.50 AF
AESTHETIC STORAGE	1/01 to 12/31		1.00 AF
IRRIGATION FROM STORAGE	4/15 to 10/15		1.00 AF
	<u>Total Diversion:</u>	0.070 CFS	11.50 AF

Location of Point(s) of Diversion

ADAMS GULCH CREEK	SE1/4SE1/4	Sec. 2, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE		Totals
04N	17E	1		NE	NW	SW	SE	NE	NW	SW	SE	3.0
												3.0

Total Acres: 3

DIVERSION TO STORAGE same as IRRIGATION
IRRIGATION STORAGE same as IRRIGATION
AESTHETIC STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2165D

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General Rights 37-02165D and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate for irrigation of 3.0 acres.

Comments:

1. ZIMMERMA 12/2/1993 EXTENSION OF TIME TO AVOID FORFEITURE

Comment: An extension of time to avoid forfeiture has been approved on a 7 acre portion of this water right. The remaining 3 acres has been irrigated using Adam's Gulch water co-mingled in a pond with groundwater under license 37-8400.

2. PSKAGGS 12/30/1997 TRANSFER 5112

Comment: Transfer 5112 changes the nature, season & period of use under a portion of Right 37-02165B, splitting the right into Parts C & D.

Dates and Other Information:

Licensed Date: 5/8/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20866 V1

WATER RIGHT NUMBER 37-20866 V1

Owner Type Name and Address
Current Owner THE GULCH TRUST
Original Owner RICHARD R KREITLER
Original Owner JEANNE P FLOWERS

Priority Date: 11/26/1909

Basis: License

Status: Active

Source

ADAMS GULCH CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION — link to in. pool
IRRIGATION STORAGE — link to pond
IRRIGATION FROM STORAGE — link to pond
AESTHETIC STORAGE — link to pond
DIVERSION TO STORAGE

From To
04/15 to 10/31
01/01 to 12/31
04/15 to 10/31
01/01 to 12/31
04/15 to 10/15

Diversion Rate

0.070 CFS

0.070 CFS

Annual Volume

10.50 AF
1.00 AF
1.00 AF
1.00 AF

Total Diversion:

0.070 CFS

11.50 AF

Location of Point(s) of Diversion

ADAMS GULCH CREEK

SE1/4SE1/4

Sec. 2, Twp 04N, Rge 17E, B.M.

BLAINE 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	
04N	17E	1												3.0					3.0

Total Acres: 3

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1												X					

IRRIGATION FROM STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20866 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	17E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	17E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	17E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

Conditions of Approval:

1. P21 This right is a split from former water right 37-2165B.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. C18 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.
6. Rights 37-20866 and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate.
7. E55 Right Nos. 37-8400 and 37-20866 are limited to the irrigation of a combined total of 3.0 acres in a single irrigation season.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20866 V1

Comments:

1. tfawcett 2/4/2003 transfer 5112

Comment: This claim represents WR 37-2165D. It was split from 37-2165C pursuant to approved transfer 5112.

2. cclark 11/5/2006 Splits

Comment: Licensed water right 37-2165 was split into parts A and B. Water right 37-2165B was subsequently split into parts C and D pursuant to transfer no. 5112. SRBA claims 37-2165, 37-2165A, 37-2165B, and 37-2165D are portions of water right 37-2165A. SRBA claim 37-2165C corresponds with water right 37-2165B. SRBA claim 37-2165C was split into 37-20865 and 37-20866 to reflect transfer no. 5112. Claim 37-20865 corresponds to water right 37-2165C and claim 37-20866 corresponds to water right 37-2165D.

3. kwalker 1/26/2007 Quantity

Comment: Quantity of water under this right limited to 0.07 per claimed amount and approved transfer 5112 dated 1/6/1998.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		6.7

Combined Water Rights: 37-20865 , 37-20866

Water Supply Bank:

MEMORANDUM

To: Claim file 37-2165A, 37-2165B, 37-2165D, 37-20865, 37-20866, and 37-22126

From: Cynthia Bridge Clark

Date: January 29, 2007

Re: SRBA Claim Review

Preliminary recommendations for the above referenced SRBA claims were revised. Attorney Jim Speck represents the owner of claim 37-2165A. He acknowledged the reduction in acres claimed through the preliminary recommendation but requested the diversion rate reflect the amount claimed. All of the claims referenced above are parts of licensed water right 37-2165. The license authorized diversion of water for irrigation of one inch per acre. Therefore, the diversion rates were reduced accordingly based on the number of acres recommended for each claim. The claimants did not provide additional information to substantiate diversion of more than an inch per acre, but SRBA staff acknowledged that higher rates have been recognized for surface water rights with conveyance losses, etc. Without additional information, the diversion rates were increased to the following (0.03 cfs per acre for less than or equal to 5 acres, 0.15 cfs for 5 to 7.5 acres):

Claim No.	Diversion Rate	Place of Use
37-2165 (renumbered to 37-22126)	0.03 cfs	1.0 acre
37-2165A	0.15 cfs	6.4 acres
37-2165B	0.15 cfs	6.7 acres
37-2165D	0.15 cfs	6.1 acres
37-20865	0.11 cfs	3.7 acres
37-20866	0.07 cfs*	3.0 acres
Totals:	0.66 cfs	26.9 acres

*Limited by Transfer no. 5112.

U.S.

- 09070609

2009-12-06 00:00

09-11-1968

[illegible]

REPORT OF THE 1971-72, 1972-73, 1973-74

100-443887-100

$$(0.15) \rightarrow (0.15)$$
$$\begin{array}{ccc} (0.15) & \Rightarrow & (0.15) \\ \leftarrow 0.03 & \rightarrow & 0.02 \end{array}$$

Recommendation: 4/15 to 10/31

- Amount Claimed: all claimed at 1 inch per acre. Rate reduced based on reduced acres.

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 259–267

0.11 cps
(3.7 x 0.03)

Blaine County *
Adams Gulch and Sheep Creek *
1.2 second feet **
Irrigation and domestic use *
Priority 11-26-09 *

S T A T E _ O F _ I D A H O _

Water License No. 5698

WHEREAS, On the 26th day of November, A.D. 1909, THORNTON W. FLOWERS, of Hailey County of Blaine, State of Idaho, duly made application (No. 7954) to me for a permit to use 2.8 cubic feet per second of the waters of Adams Gulch and .4 of 1 cubic foot per second of the waters of Sheep Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 1st day of February, A.D. 1910, Permit No. 5698, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 1st day of August, A.D. 1910, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5698, dated December 1, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of the said waters, with date of priority of November 26, 1909, and

WHEREAS, On the 23rd day of July, A.D. 1910, THORNTON W. FLOWERS, the holder of said permit duly made proof of the application to beneficial use of 1.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THORNTON W. FLOWERS, of Hailey, County of Blaine, State of Idaho, the holder and owner of said Permit No. 5698, a perpetual right, dating from November 26, 1909, to the use of 1.2 cubic feet per second of the waters of Adams Gulch and Sheep Creek, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point from Adams Gulch in the southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 2, township 4 North of Range 17 East of the Boise Meridian, and from reservoir on Sheep Creek in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 34, township 5 North of Range 17 East Boise Meridian, and conducted to and upon 10 acres in northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 15 acres in northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 20 acres in southwest quarter of southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and 15 acres in southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 1, township 4 North of Range 17 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this first day of December,

A.D. nineteen hundred and ten.

(SEAL)

Recorded December 1, 1910

D.G. Martin

State Engineer

37-2165

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 12 2006

DEPARTMENT OF

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-20866

THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT

KIRKLAND WA 98033
Telephone Number: (425)828-8000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-7-06

SIGNATURE:

Laura Thompson

Gulch Trust

Please print your name:

Laura Thompson

Estate Manager

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 14 2006

11/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20866

NAME AND ADDRESS: THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT
KIRKLAND WA 98033

SOURCE: ADAMS GULCH CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.070 CFS
11.500 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Rights 37-20866 and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 11/26/1909

POINT OF DIVERSION:

T04N R17E S2 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.070 CFS 10.50 AFY
IRRIGATION STORAGE	01/01 12/31	1.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	1.00 AFY
AESTHETIC STORAGE	01/01 12/31	1.00 AFY
DIVERSION TO STORAGE	04/15 10/15	0.070 CFS

PLACE OF USE:

IRRIGATION in BLAINE County
T04N R17E S01 SESW 3.00
IRRIGATION STORAGE in BLAINE County
T04N R17E S01 SESW
IRRIGATION FROM STORAGE in BLAINE County
T04N R17E S01 SESW
AESTHETIC STORAGE in BLAINE County
T04N R17E S01 SESW
DIVERSION TO STORAGE in BLAINE County
T04N R17E S01 SESW

3 ACRES TOTAL

Right Nos. 37-8400 and 37-20866 are limited to the irrigation of a combined total of 3.0 acres in a single irrigation season.

11/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former water right 37-2165B.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

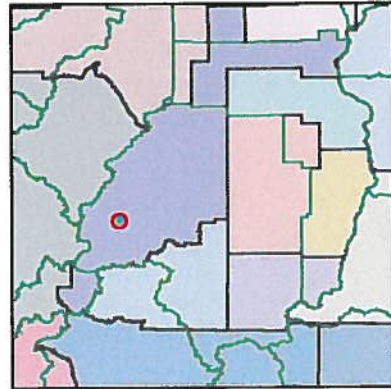
SRBA Recommendation:

37-20866

(Irrigation)

Legend

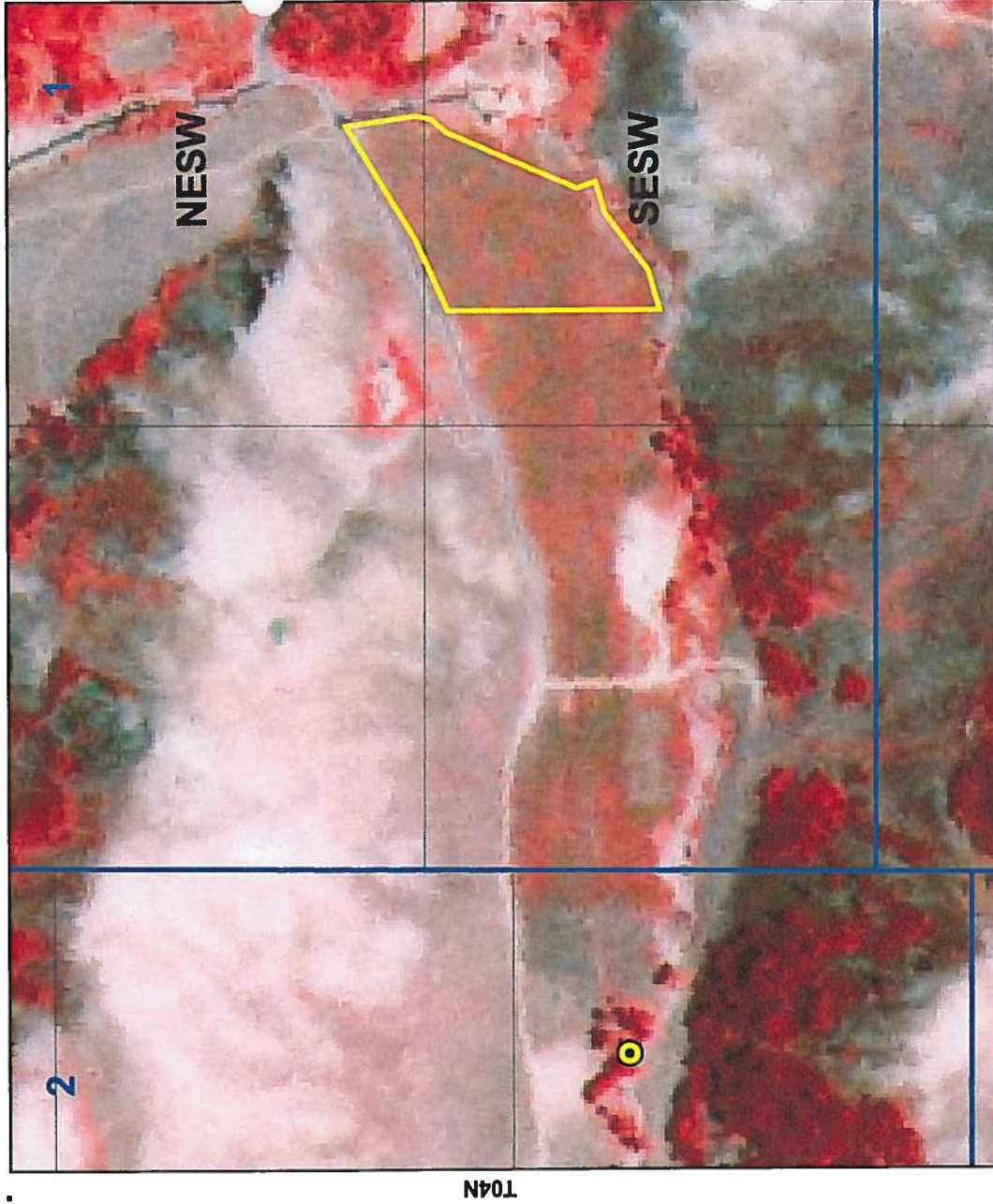
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by C. Clark
On Sunday, November 5, 2006
1987/88 Aerial Photography

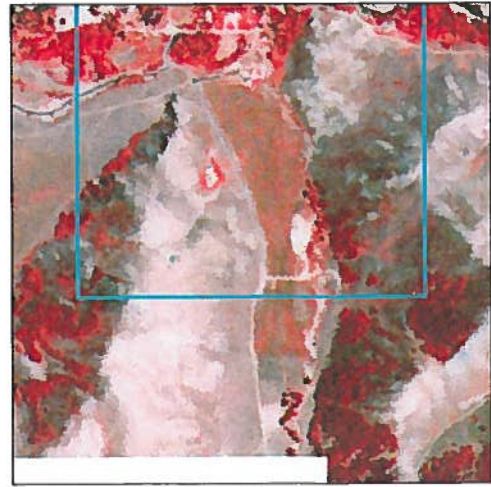
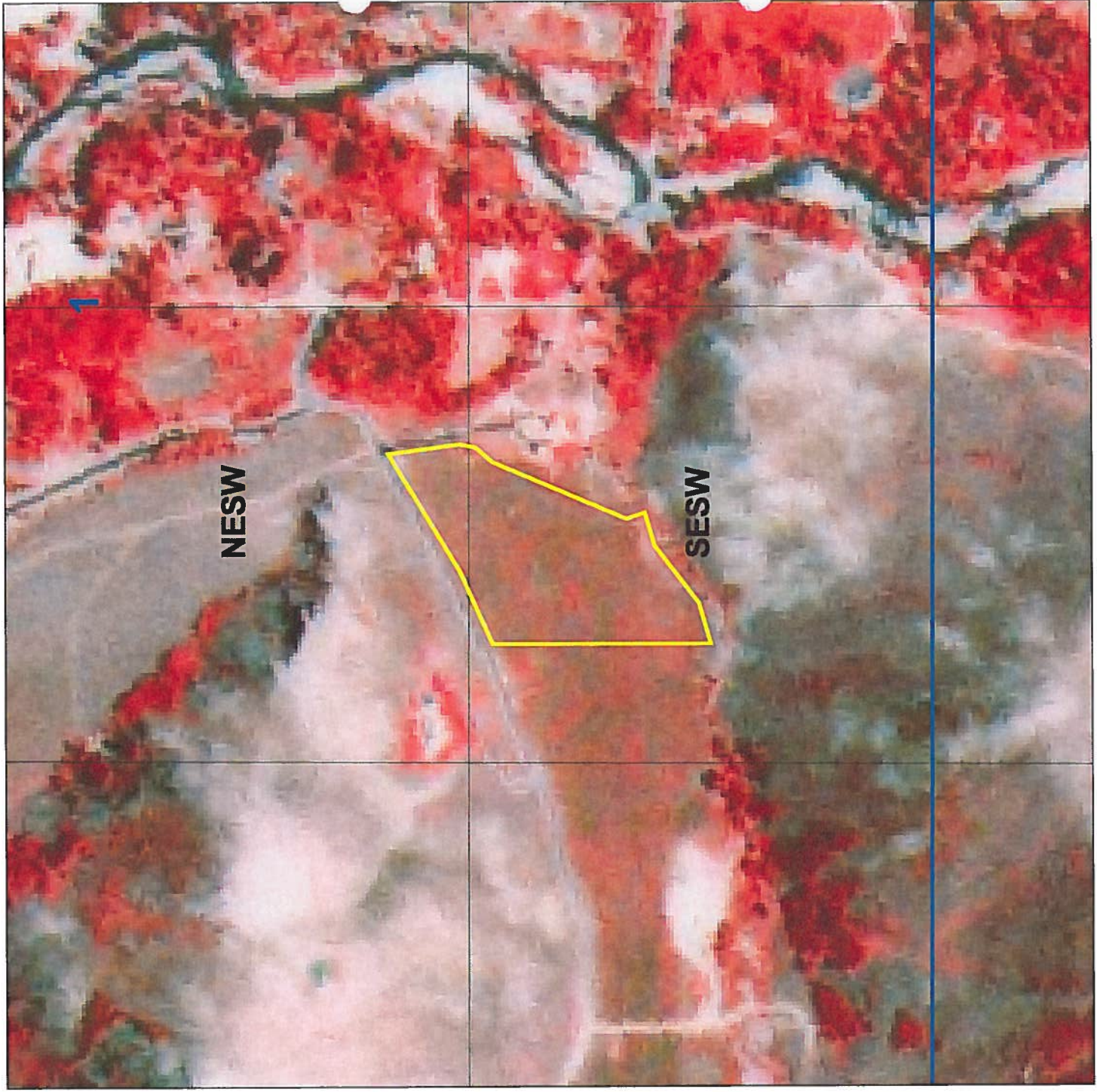
R17E



T04N

0 0.2 0.4 Miles

37-20866



MEMORANDUM

To: Claim files 37-2165, 37-2165A, 37-2165B, 37-2165D, 37-20865, and 37-20866

From: Cynthia Bridge Clark

Date: October 15, 2006

Re: SRBA Claim Review notes

Overview

Water right 37-2165 was licensed with a priority date of 12/1/1910. It was owned by the Flowers family, but was later split into the four parcels to create the Adams Gulch Subdivision. The Flowers Homestead Subdivision sits on the west end of the Adams Gulch Subdivision and consists of four lots. A portion of water right 37-2165 is now owned by each of the lot owners in the Adams Gulch Subdivision and a small portion by the owner of the most easterly lot in the Flowers Homestead Subdivision.

All of these portions were claimed in the SRBA. The claimed amounts have been changed in the preliminary recommendations based on evidence of historic use. Additionally, the water right numbers (e.g. split suffix) do not necessarily match the claim numbers. The corresponding numbers are identified below.

<u>Water Right No.</u>	<u>Corresponding Claim Nos.</u>
37-2165	37-2165 (remaining portion of original water right less other claimed amounts)
37-2165A	37-2165A
	37-2165B
	37-2165D
37-2165B (parent-split into water rights 37-2165C & 37-2165D through transfer 5112)	
37-2165C	37-20865 (renumbered)
37-2165D	37-20866 (renumbered)

Ownership/Contacts

37-2165: Current owner on the claim is Jeanne Flowers. Based on available tax lot information, the present landowner is Sleigh Bells, LLC. I spoke with Ms. Flowers on the telephone on November 3, 2006 regarding the location of the claim. She said that the water right should have been split between the four lots in the Adams Gulch Subdivision and the adjacent lot in the Flowers Homestead Subdivision. She stated that she sold that lot to Mr. Farrelly. According to the Annual Report Form filed with the Idaho Secretary of State, Robert Farrelly is an officer for Sleigh-Bells, LLC. Mr. Farrelly will be identified as a present owner to receive a copy of the recommendation.

37-2165A: The current claimant (updated through an ownership change) is also the property owner according to available tax lot information.

37-2165B: The current claimant, Timothy H. Harris (updated through an ownership change) does not match the property owner according to available tax lot information.

37-2165D: The current claimant (updated through an ownership change) is also the property owner according to available tax lot information.

37-20865: The current claimant, The Gulch Trust (updated through an ownership change), does not match the property owner, Susan McCaw, according to available tax lot information. However, documents in the water right file and claim files indicate John McCaw was a trustee of the Gulch Trust as a Trustee in the past.

37-20866: Same as above.

Basis of claims

- License 37-2165: 1.2 cfs, 60 acres
- All claims received in 1988 or 1989.

Priority Date

- License: 11/26/1909
- Evidence of Priority: License

POD

- WM Records: N/A
- Claimed POD:
 - Water right license 37-2165: SESE, Section 2, T4N, R17E (Adams Gulch)
SESW, Section 34, T5N, R17E (Res. Sheep Ck)
 - 37-2165: SESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165A: SESW, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165B: NESESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-2165D: SESW, Section 2, T4N, R17E (Adams Gulch)
 - 37-20865: SESE, Section 2, T4N, R17E (Adams Gulch)
 - 37-20866: SESE, Section 2, T4N, R17E (Adams Gulch)
- Location verification: Original POD from Adams Gulch described in SESE of Section 2. Diversion from the creek into a ditch is also described in field exam for application for extension of time to avoid forfeiture. If all claimants currently divert from ditch, POD should be the same. Diversion from Sheep Creek was not claimed by any of the users. POD for all claims digitized based on description in field exam and imagery (SESE, Section 2, T4N, R17E).

Source

- Notes: Source on license is Adams Gulch and from a reservoir on Sheep Creek, tributary to Adams Gulch.

POU

- POU Overlap:

37-2165: 37-11304 (domestic use for three homes including lawn & garden).

Add combined limit

37-2165A: 37-12563, no indication of irrigation from well.

37-2165B: 37-7682 is municipal right.

37-2165D: 37-7682 is municipal right.

37-20865: 37-20866, 37-8400. Add POU condition.

37-20866: 37-8400. Carry over transfer conditions.

- Forfeiture Original license authorized 1.2 cfs, 60 acres. Based on available imagery, maps and documentation from the owner filed with an application for Extension of Time to Avoid Forfeiture in 1992, and documents in the water right file from the subsequent field exam indicate only about 26.2 acres were farmed under the license. A POU of 27.0 acres was digitized based on available imagery.
- Development/Beneficial Use: approximately 27 acres developed
- Available information/imagery:
 - DOQQ 92, NAIP 1987, SUNV NAIP 2004
 - Not available: 57-77, NAIP 2006.
- Notes:
 - The place of use recommended per claim is based on the number of acres irrigated under the original water right. The acres were split based on the number of historically irrigated acres within each lot.
 - Claims 37-20865 & 37-20866: These were originally covered under water right no. 37-2165B. The water right was split into rights 37-2165C & D (these do not match corresponding claim numbers). They were renumbered to 37-20865 and 37-20866 respectively. An extension of time to avoid forfeiture was approved for water right no. 37-2165B to protect 10 acres from forfeiture. Later water right number 37-2165C (37-20865) was leased to the Water Supply Bank to continue to protect 7 acres from forfeiture. Transfer no. 5112 authorized additional uses (storage, etc.) for the water associated with three acres of irrigation under water right 37-2165D (37-20866). SRBA review indicates that only about 6.7 were historically irrigated on the place of use associated with water right 37-2165B (10 acres). Therefore, irrigation between the claims 37-20865, 37-20866 & domestic right 37-8400 is limited to a total of 6.7 acres. It is not currently possible to irrigate 6.7 acres with the presence of the house, driveway, pond etc. Therefore, POU for claims 37-20865 & 37-20866 overlaps. Combined limit conditions were not added between the two claims because 6.7 acres were irrigated in 1987. However, a transfer may be required in the future to use claim 37-20865 to its full extent.

Water Use

- Notes: recommended as claimed.

Period of Use

- Standard season: 4/15 to 10/31
- License or Decree: None
- Claims:
 - 37-2165: None
 - 37-2165A: 4/1 to 11/01
 - 37-2165B: 4/1 to 11/01
 - 37-2165D: 4/1 to 11/01
 - 37-20865: 4/15 to 10/15
 - 37-20866: 4/15 to 10/15 & 1/1 to 12/31
- Recommendation: 4/15 to 10/31

Quantity

- Amount Claimed: all claimed at 1 inch per acre. Rate reduced based on reduced acres.
- License 37-2165: 1.2 cfs, 60 acres (1 inch per acre)

Recommendation

Claim Nos.	Claimed Amounts		Recommended Amounts	
	Rate	POU	Rate	POU
37-2165	1.2 cfs	2.0 ac	0.02 cfs	1.0 ac
37-2165A	0.2 cfs	10.0 ac	0.13 cfs	6.4 ac
37-2165B	0.2 cfs	10.0 ac	0.13 cfs	6.7 ac
37-2165D	0.2 cfs	10.0 ac	0.12 cfs	6.1 ac
37-20865	0.2 cfs	10.0 ac	0.07 cfs	3.0 ac
37-20866	0.2 cfs	10.0 ac	0.13 cfs	6.7 ac

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5112
WATER RIGHT NO. 37-02165D

RECEIVED

JAN 16 1998

This is to certify that: GULCH TRUST
C/O DENNIS WEIBLING
2300 CARILLON
KIRKLAND WA 98033

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.07 CFS	10.5 AF
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM ST	04/15 to 10/15		1.0 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORA	04/15 to 10/15	0.07 CFS	
Totals		0.07 CFS	11.5 AF

SOURCE

ADAMS GULCH

TRIBUTARY OF

BIG WOOD RIVER

Priority: 11/26/1909

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 2, Township 04N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	17E	1	SESW	3		3
Total number of acres irrigated:						3

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 5112
WATER RIGHT NO. 37-02165D

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Rights 37-02165D and 37-08400 when combined shall not exceed a total diversion rate of 0.09 cfs and a total annual diversion volume of 10.5 af at the field headgate for irrigation of 3.0 acres.

Dated this 6th day of

January, 1998

J. Shw Saptor
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 37-02165B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5112

DATE: January 5, 1998

OK [Signature] 1-5-98

=====

Transfer 5112 changes the nature, season and period of use under a portion of Right 37-02165B, splitting the right into parts C and D. A portion of the irrigated acres has been taken out of production to develop a small pond for irrigation and aesthetic storage uses.

Recommended conditions include watermaster control, measuring device, irrigation overlap, combined rights and standard transfer conditions.

Change in Nature of Use Evaluation

37-02165B	0.20 cfs	10.0 acres	Div.Vol./C.U.Vol 35.0 afa/25.0 afa
Part C	0.13 "	6.7 "	23.5 " / 16.8 "
Part D	0.07 "	3.0 "	10.5 " / 7.5 "
		(0.3 ")	1.0 " / 0.7 "
		3.0 "	11.5 " / 8.2 "
	0.20 cfs	9.7 acres	35.0 afa/25.0 afa

SEP 12 1997

FROM: Allen Merritt *AM*

DATE: September 12, 1997

TO: Transfer File No. 5112
In the Name of: GULCH TRUST

SUBJECT: Review and Recommendation

This transfer is intended to cover a pond used for storage for irrigation and aesthetic purposes. The application was advertised without protest. The pond is located on land covered by a portion of a licensed right for irrigation. From the application it appears they are giving up 0.3 acres irrigation. Logically it appears that the land under the pond was probably irrigated at one time so there does not appear to be an expansion during the irrigation season.

Recommendation

Approve transfer with the following conditions:

- Under control of watermaster district 37.
- Limit diversion to storage to only irrigation season.
- Subject to SRBA.
- Construct & maintain headgate and measuring device at point of diversion.
- When combined with 37-08400 shall not irrigate more than 3.0 acres nor provide more than 10.5 afa for irrigation at the field headgate. (I don't understand why limit of 3.0 afa/acre was placed on 37-08400)

37-02165-D

RECEIVED

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

APR 02 1997

Transfer No. 5112

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant GULCH TRUST c/o Dennis Weibling Phone (206) 827-7800
Post Office address 2300 Carillon, Kirkland, Washington 98033

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes Transfer surface right from irrigation to storage for aesthetic purposes

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use * | Period of Use |
|--------------------|-------------------|--------------------|-----------------------------|-----------------------------|
| <u>37-02165D</u> | <u>11/26/09</u> | <u>0.00 cfs</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| <u>37-02165D</u> | <u>11/26/09</u> | <u>0.01 cfs</u> | <u>Diversion to storage</u> | <u>1/1</u> to <u>12/31</u> |
| <u>37-02165D</u> | <u>11/26/09</u> | <u>10 ac-ft</u> | <u>Aesthetic storage</u> | <u>1/1</u> to <u>12/31</u> |
| <u>* 37-02165D</u> | <u>11/26/1909</u> | <u>1.0 ac-ft</u> | <u>Irrig. Storage</u> | <u>1/1</u> to <u>12/31</u> |
2. Total amount of water being transferred 0.07 cubic feet per second and/or 10.0 * 10.5 acre-feet per annum.

3. Source of water Adams Gulch tributary to Big Wood River

4. Point(s) of Diversion: No Change * Per Telecon w/Peter Richardson 7-24-97 JD

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
*	NE	SE	SE	2	4N	17E	Blaine	N/A

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	1												3					3
														AS					
														IS					
														*					

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Open ditch from source to pond and redirection
from pond by pump for irrigation

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None

d. Remarks:
Simultaneous with this Application, the applicant is seeking to
place the unused portion of 37-02165B into the Water Bank. The pond (0.3
surface acres) has existed for many years as part of the licensed ground. This
transfer seeks to record the actual historic use of the right. 8/6-10-97 per telecon

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES w/Jim Johnson

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. 37-02165B issued by the Idaho Department of Water Resources.
 - c. Claim No. A37-02165C on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
(Attachment "A")
3. Source of water Adams Gulch tributary to Big Wood River
4. Date or priority 11/26/09
5. Water is used for the following purpose:
- amount .20 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SE	2	4N	17E	Blaine	N/A
	7-29-17							

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	17E	1												10					10

Total acres 10

9. Describe any other water rights used for the same purpose as described above 37-08400 6-10-77

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Application for extension of time to avoid forfeiture approved on 11/19/92. (Attachment "B")

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.07 for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	2	4N	17E	Blaine	N/A

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	1												3.3					3.3

Total acres 3.3**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.13 for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NE</u>	SE	SE	2	4N	17E	Blaine	N/A
	<u>80</u>							
	<u>7-24-97</u>							

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	1												6.7					6.7

Total acres 6.7

Pg 576

5112

Mile
100

IVER

NATIONAL

T 5 N
T 4 N

Springe

Point of
Diversion

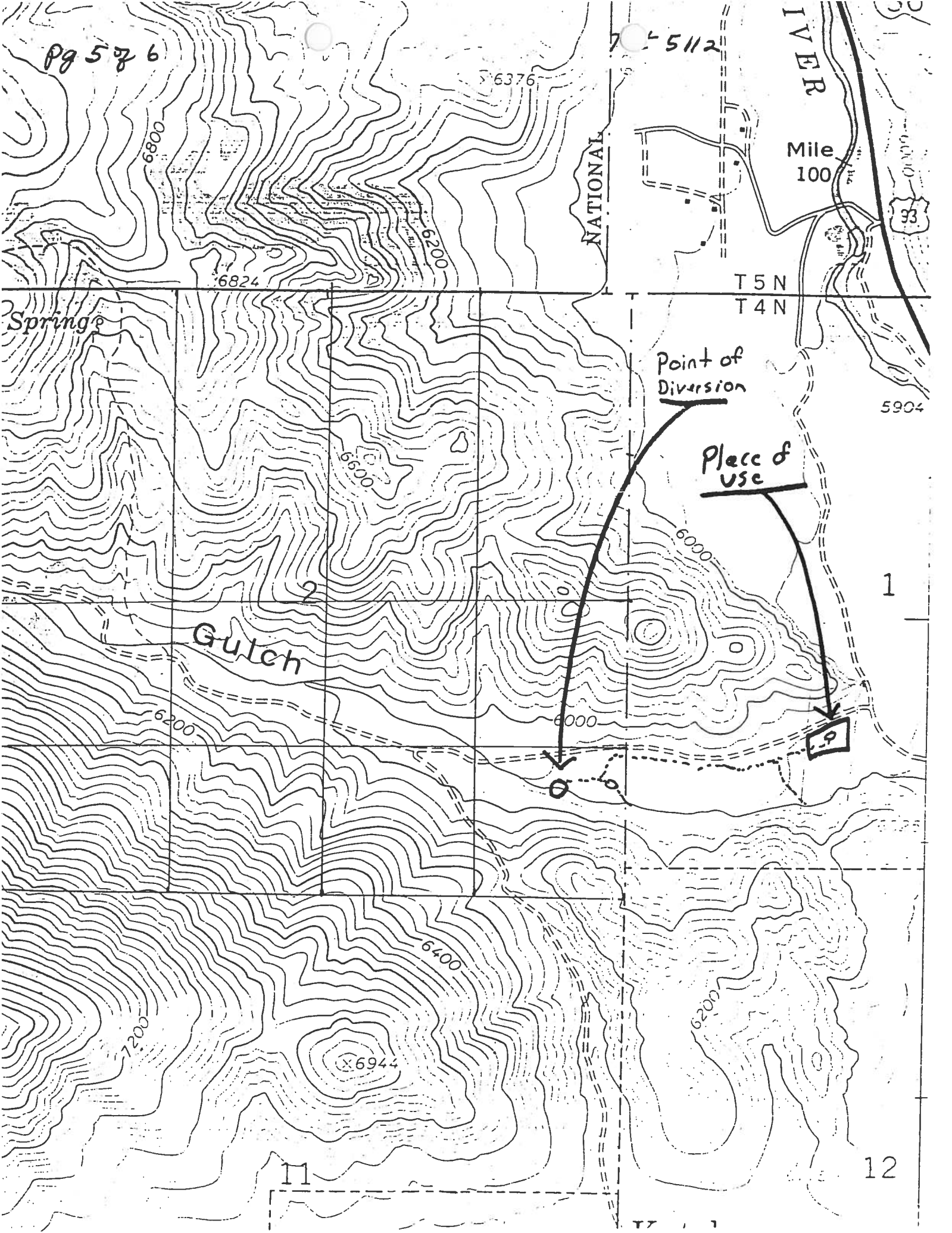
Place of
Use

Gulch

5904

1

12



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Diversion to storage/ aesthetic</u>	<u>0.01 cfs</u>	<u>24/365</u>	<u>1/1</u> to <u>12/31</u> to _____

2. Quantity and quality of return flows and location of discharge:

Water will be diverted to the pond until it is full. There will be
no return flow to the stream.

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

None

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.

Subscribed and sworn to before me this 10th day of March, 1997.

Trustee

(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires

June 15, 2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachmentsReceived by J. F. Stanton Date 4-2-97

Protest filed by _____

Prelim. check by [Signature] Fee \$100.50/9990Receipted by [Signature] Date 4-2-97Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 8/13 & 8/20/97

Hearing held by _____ Date _____

Watermaster recommendation requested on 7/30/97Recommended for ☐ approval ☐ denial

rec'd.

by _____

Copy of transfer sent to lien holder _____

RECEIVED

JUN 11 1997

Department of Water Resource
Southern Region

**ADAMS GULCH APPLICATION
FOR TRANSFER OF WATER RIGHT**

ATTACHMENT "A"

T#5112

Order No. 21511

WARRANTY DEED

FOR VALUE RECEIVED

John E. McCaw, Jr., Trustee of The Adams Gulch Trust dated October 22, 1992

GRANTOR(s). do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Dennis M. Weibling, Trustee of the Gulch Trust dated December 1, 1996

GRANTEE(s) whose address is: c/o 2320 Carillon Point, Kirkland, WA 98033

the following described real property in Blaine County, Idaho, to wit:

Lot 4 of ADAMS GULCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 272239, records of Blaine County, Idaho.

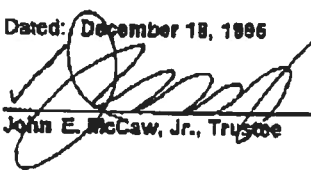
Conveying without warranty, the following water rights:

Water right numbers 37-08400, 37-02165 and A37-02165C and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication Rights to the Use of Water from the Snake River Basin Water System.

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said 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 encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

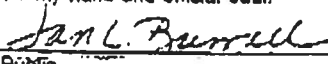
Dated: December 18, 1996


 John E. McCaw, Jr., Trustee
State of IdahoCounty of Blaine

) ss.

On this 2nd day of January in the year 1996 before me, the undersigned, personally appeared John E. McCaw, Jr., known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the Adams Gulch Trust dated October 22, 1992, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.


 Notary Public
Residing at Hailey 27B-9D

Commission Expires:

JAN BURRELL



96 JAN 3 PM 3 06
 Mary Ann Green, CLERK
 FEES \$ 300

BLAINE CO. REQUEST
 OF: SAMTIOOTH TITLE

385816

**ADAMS GULCH APPLICATION
FOR TRANSFER OF WATER RIGHT**

ATTACHMENT "B"

RECEIVED

NOV 14 1992

Water Right No.

RECEIVED

RECEIVED

OCT 29 1992

STATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

NOV 04 1992

Department of Water Resources Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources
Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Adams Gulch Trust
Post office address c/o W. Hugh O'Riordan, 702 W. Idaho St., Ste 700, Boise, ID 83702
2. The right was obtained or is evidenced by:
- a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
- b. License No. 37-02165 (Portion) issued by the Department of Water Resources.
- c. Claim No. A37-02165C (B) on file with the Department of Water Resources.
3. Source of water Adams Gulch tributary to Big Wood River
(Name of stream or source)
4. Date of priority of right November 26, 1909
5. Amount of water a. 0.20 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from 4/15 to 10/15
_____ from _____ to _____
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 SW 1/4 of Section 2
Township 4N, Range 17E, B.M., in Blaine County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

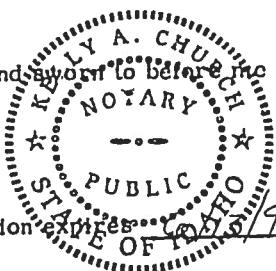
wp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	17E	1												10					10

9. Give last date when water was applied for beneficial use 198 (see Attached)
Length of extension of time requested 5 years years, or until November 1, 1997
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use The property (19 acres) has a 10 acre right for irrigation from Adams Gulch which we know was used fully through 1987 and possibly more recently than 1987. Three acres are presently irrigated, but there are no aerial photos after 1988 (when construction of a house on this part of the former Flowers ranch began) for us to know if 10 acres were irrigated in 1989, 1990, or 1991. We purchased the property well into the 1992 irrigation season and do not want to lose 7 acres of irrigation water we may be able to use and which were historically used on the property.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 29th day of October, 1993



Hugh O. Riverton (Signature of Applicant)
Attorney-in-Fact (Enter, Trustee of the Adams Gulch Trust)
29th day of October, 1993

Kelly A. Church
(Notary Public)
Residing at Boise Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before November 1, 1997.

Witness my hand this _____ day of December, 1993.

This extension applies to part B of the 0.20 cfs and extends the date for resumption of use of 0.14 cfs of the total 0.20 cfs.

J. New Saylor
Chief, Water Alloc. Bureau

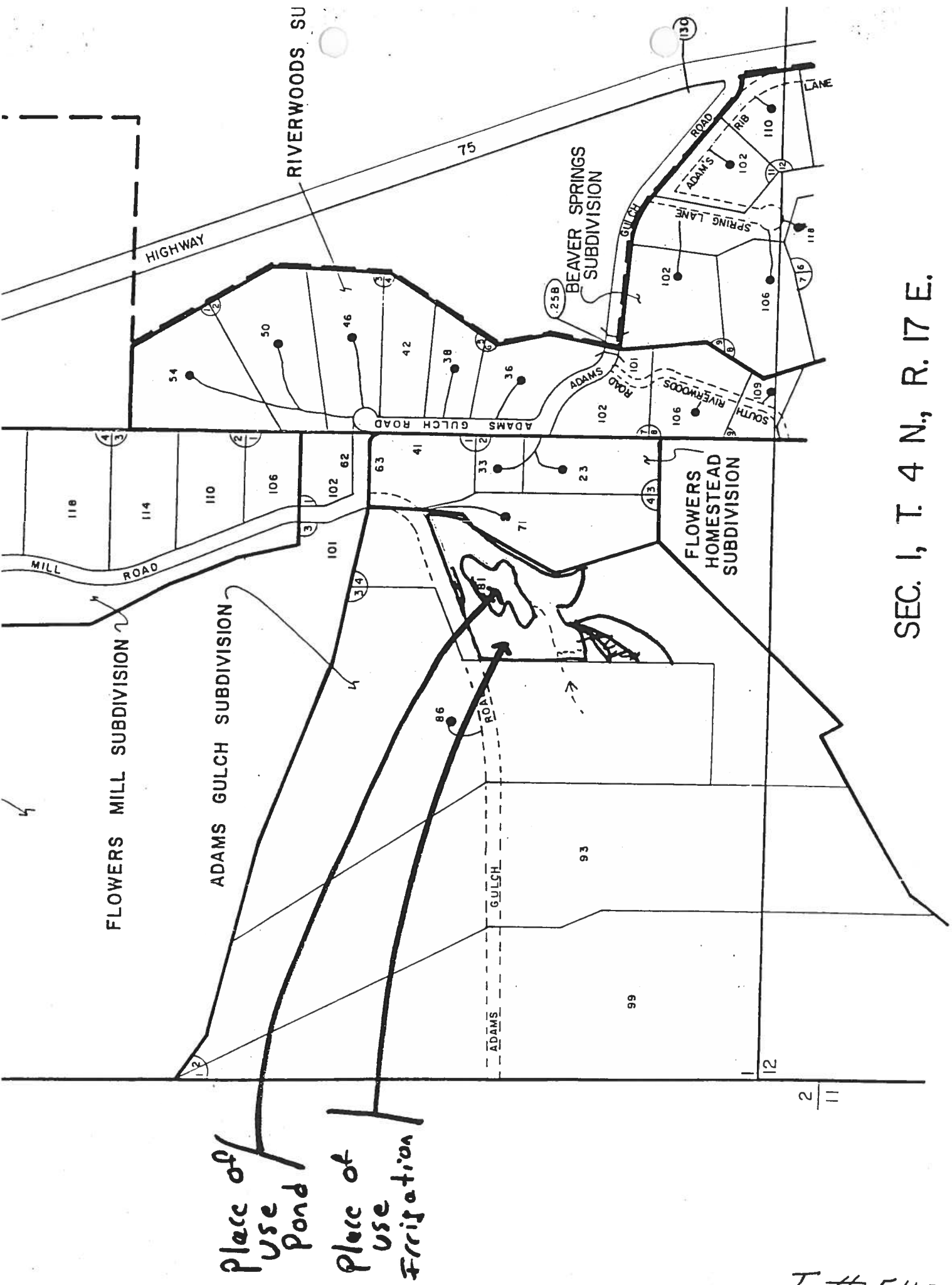
For Department Use Only

Received by J.F. Stanton Date 11-19-92 Time 10 am Preliminary check by JF
Fee \$ 30.00 Receipted by JF Date 11-19-92 \$01518 Publication prepared by MB
Published in Wood River Journal Dates 6/2 + 6/9/93
Publication approved by MB Date 6/16/93 Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for H Approval // Denial by JF

**ADAMS GULCH APPLICATION
FOR TRANSFER OF WATER RIGHT**

ATTACHMENT "C"



SEC. 1, T. 4 N., R. 17 E.

T # 5112

TO: File

DATE: July 16, 1997

FROM: Jim Stanton

SUBJECT: App. for Transfer, Gulch Trust

Last week I visited the existing p/d and p/u in connection with this proposed transfer. I visited the property a number of years ago in connection with the extension of time to avoid forfeiture that is presently in affect, but could not remember all the details of what was there. When I was there again last week, two maintenance guys from Webb Landscaping were there working on the water system. They told me that the well on the property is used to keep the pond full. Irrigating directly from the well overdrafts the groundwater supply, so they pump into the pond to provide a little storage. The buried sprinkler system is then supplied by pumps in the pond. Although a ditch from Adams Gulch Creek does reach the pond, it is almost never used according to the guy from Webb. The ditch from Adams Gulch was carrying water toward the property during my visit, but the water was being shunted back toward the Gulch before reaching the applicant's property.

Doug Webb, owner of Webb Landscaping, told me that the pond was built in about 1988 when the property was developed. So the contention of the transfer that the pond has always been there does not appear to be correct. The pond is lined to prevent seepage loss, and Mr. Webb said that very little water is lost from the pond. Although no water is diverted during the winter, the pond freezes over and stays full on its own. It is then used for ice hockey by the owner and his friends.

Architect Greg Sturtevant of Ketchum designed the pond, and he confirmed that it was built in 1988 or '89. He also said that it was enlarged sometime after that. The pond is maybe 30' x 80' x maybe 3' deep (estimated, not measured), so appears to actually hold less than 1 acre foot of water. As far as I know they don't plan to enlarge the pond, however, so this discrepancy is no big deal.

The point of diversion is about 1/10 of a mile inside Section 2, so is correct as described. The diversion works are a couple of rocks and a couple of sticks, so water probably goes into the diversion ditch until creek levels get very low. A couple more rocks further down the ditch turn the water back toward the creek, at least at the flows levels that existed during my visit.

I was told during my visit that John McCaw owns the place of use, but he is not the applicant. Attorney Peter Richardson confirmed that McCaw owns Gulch Trust, so I assume that Dennis Weibling is a Washington attorney that handles the trust. All this appears to be in order, although it is confusing.

T # 5112

I'm not sure whether to recommend approval or denial on this transfer. It does not appear that the pond should have a 1909 priority date, but the amount of water involved is so small that it hardly matters. Approving the transfer will probably not have any significant impact on other water users, but might not be allowable under the law. If the transfer is denied, the applicant should be required to obtain a water permit before diverting any more Adams Gulch water into the pond.