

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 16 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) RICHARD W AND KATHLEEN C GOULEY Phone 208 788 4573
 2. MAILING ADDRESS 100 LEES GULCH ROAD City BELLEVUE
 State IDAHO Zip 83313 Email TILEGUY62@HOTMAIL.COM

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 37-2468B

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.05 CFS cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
YES	3		NE	NW	2	1N	18E	BLAINE	LEES GULCH CREEK	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

12" VERTICAL PERFORATED CULVERT NEAR STREAM

- b. Who owns the property at the point(s) of diversion? WENDY CHASE

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐ ☒

undergone a period of five or more consecutive years of non-use,

☐ ☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐ ☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐

If yes and there are multiple owners, attach a Lessor Designation form.

☐

If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.

(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

RICHARD W GOULDER
Print name and title if applicable

8/12/21
Date

Signature of applicant or authorized agent

KATHLEEN CHASE COUDY
Print name and title if applicable

8/12/21
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by SG

Date 8/16/21

Fee paid \$200.00 Date 8/16/21

Received by SG

Receipt # 5038769

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-2468B

8/17/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD W GOULEY PO BOX 1051 HAILEY, ID 83333 (208) 788-4573
Current Owner	KATHLEEN CHASE GOULEY PO BOX 1051 HAILEY, ID 83333 (208) 788-4573
Original Owner	LOLA SHERMAN BOX 48 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208) 788-5697
Original Owner	LYLE L JAMES BELLEVUE, ID 83313
Original Owner	GERALD D SHERMAN BOX 48 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208) 788-5697
Original Owner	OREN L STOKES BELLEVUE, ID 83313

Priority Date: 2/15/1945

Basis: Decreed

Status: Active

Source
LEES GULCH

Tributary
BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.050 CFS	
	<u>Total Diversion</u>		0.050 CFS	

Source and Point(s) of Diversion

LEES GULCH L4(SENWNW) Sec. 2, Twp 01N, Rge 18E, BLAINE County

Place Of Use

IRRIGATION within BLAINE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2		2.7															2.7
				L2															

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-2468B

8/17/2021

POU Total Acres: 2.7

Conditions of Approval:

1. 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.

Comments:

1. jstanton 1/23/2007 Source
Source changed to Lees Gulch to agree with USGS map.

Dates and Other Information

Decreed Date: 9/24/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



Proposed POD

Order No. 16545

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Brian Barsotti, Esq
P. O. Box 2133
Ketchum, Idaho 83340

(Space above this line for Recorder's e)

EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this 8th day of June, 1990, by and among RICHARD W. GOULEY and KATHLEEN CHASE GOULEY, husband and wife, whose address is P.O. Box 1051, Hailey, Idaho 83333, (hereinafter referred to as "Gouley"), and ROBERT ROMANAZZI, a single man, and PATRICIA ROMANAZZI, a single woman, whose address is P.O. Box 184, Manasquan, New Jersey, 08736, (hereinafter referred to as "Romanazzi").

RECITALS:

A. Gouley presently owns Government Lots 2 and 3, Section 2, Township 1 North; Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof.

B. Gouley and Romanazzi have entered into that certain Real Estate Purchase and Sale Agreement and Receipt For Earnest Money, dated 4/19/90, (hereinafter referred to as the "Agreement"), whereby Romanazzi has agreed to purchase and Gouley has agreed to sell Government Lot 3, more particularly described in Exhibit "B" attached hereto and made a part hereof.

C. As an integral part of the Agreement, Gouley has agreed to grant Romanazzi an easement for ingress and egress over part of Government Lot 2 and the parties agree that Gouley shall reserve from the grant of Government Lot 3 to Romanazzi a utility easement appurtenant to Government Lot 2 to carry water from the water source on Government 3 to Government Lot 2 all upon the terms and conditions contained herein.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The foregoing Recitals are an integral part of this Agreement and are hereby incorporated as though set forth fully herein.

2. Gouley hereby grants to Romanazzi a perpetual, non-exclusive thirty (30) foot easement for ingress to and egress from Government Lot 3, and uses associated with the present or future use or development of Government Lot 3 (hereinafter "the

STATE OF IDAHO
COUNTY OF BLAINE
JOLYNN DRAGE, EX-OFFICIO RECORDER IN AND FOR
SAID COUNTY AND STATE DO HEREBY CERTIFY THAT THE
FOREGOING IS A FULL TRUE AND CORRECT COPY OF THAT
CERTAIN INSTRUMENT OF RECORD IN MY OFFICE AS
RECORDS OF BLAINE COUNTY, STATE OF IDAHO,
WITH MY NAME AND OFFICIAL SEAL THIS DAY
BY JOLYNN DRAGE
DEPUTY EX-OFFICIO RECORDER

6-11-90 11:35 PM
JUL 11 1990
Blaine Title Co. Inc.
RECEIVED
RECORDING REQUEST

320533

Access Easement"), as is more particularly described on Exhibit "C" attached hereto and made a part hereof.

3. Gouley, as Grantor, hereby reserves from the grant, or the future grant of Government Lot 3, an exclusive utility easement appurtenant to Government Lot 2, as is more particularly described in Exhibit "D" attached hereto and made a part hereof. The purpose of the utility easement reserved herein is to secure, remove, maintain, and transport all water and water rights appurtenant to Government Lot 2 for uses associated with the present or future use or development of Government Lot 2, including, without limitation, all domestic or stock uses and all business or enterprises conducted Government Lot 2. (hereinafter "the Water Easement").

4. The expense and responsibility of improving, maintaining, repairing and snow removal on the Access Easement shall be assumed fifty percent (50%) by Gouley and fifty percent (50%) by Romanazzi. Gouley shall bear the entire expense and responsibility for improving, maintaining, and repairing the Water Easement and all improvements thereto.

5. All of the terms and conditions of this Agreement with respect to the Access Easement shall be covenants running with the land which shall inure to the benefit of Government Lot 3 as defined herein and shall be binding upon the parties hereto and all of their successors in interest. All of the terms and conditions of this Agreement with respect to the Water Easement shall be covenants running with the land which shall inure to the benefit of Government Lot 2 as defined herein and shall be binding upon the parties hereto and all of their successors in interest.

6. The parties hereto acknowledge that Blaine County and/or other governmental authorities may require Romanazzi to place a sixty (60) foot right-a-way on the Access Easement to subdivide Government Lot 3 into two (2) to five (5) lots. In the event such a requirement is placed upon the subdivision of Government Lot 3 by a governmental agency, Gouley agrees to expand the Access Easement from thirty (30) to sixty (60) feet provided that Romanazzi pays all costs and expenses associated with such expansion.

7. This Agreement and any instrument executed in connection herewith shall be construed and governed by and in accordance with the laws of the State of Idaho.

8. In the event either party hereto retains an attorney for the purpose of enforcing any right or duty arising out of this Agreement, the non-prevailing party in such dispute shall pay to the prevailing party the latter's reasonable attorney's fees, whether or not litigation is actually instituted.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Easement Agreement on the date first above written.

"Gouley"

Richard W. Gouley
Richard W. Gouley
Nathleen Chase Gouley
Nathleen Chase Gouley

"Romanazzi"

Robert Romanazzi
Robert Romanazzi
Patricia Romanazzi
Patricia Romanazzi

STATE OF New Jersey)
County of Hudson) ss.:

On this 6th day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Romanazzi and Patricia Romanazzi, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and he/she/they duly acknowledged to me that he/she/they executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

Judith H. [Signature]
Notary Public for New Jersey
Residing at [Address]

JUDITH H. [Signature]
A Notary Public in and for the State of New Jersey
My Commission Expires June 27, 1994

STATE OF Idaho)
County of Blaine) ss.:

On this 8th day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Edward W. Gouley and Kathleen Gouley, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and he/she/they duly acknowledged to me that he/she/they executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.



Edward W. Gouley
Notary Public for Blaine, Idaho
Residing at Blaine, Idaho

realest\easement.agt

EXHIBIT "A"

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 2 U.S. Government Lots 2 and 3. particularly described as follows:

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS OF LAND:

Lots 1, 2, 3, and 4 of FORREST WILLIAMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 200459, records of Blaine County, Idaho.

AND:

Lots 1 and 2 of CAL - PACIFIC RANCH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 261046, records of Blaine County, Idaho.

AND:

BEGINNING at the East quarter corner of Section 2; thence
North 89° 42' West 1320.00 feet; thence
North 0° 13' East 1345.74 feet; thence
North 89° 42' West 150.00 feet to the TRUE POINT OF BEGINNING; thence
North 23° 53' West 109.34 feet; thence
North 22° 10' West 249.58 feet; thence
North 89° 42' West 1025.00 feet; thence
South 0° 13' West 330.00 feet; thence
South 89° 42' East 1150.00 feet to the TRUE POINT OF BEGINNING.

AND

BEGINNING at the East quarter corner of Section 2; thence
North 89° 42' West 1320.00 feet to the TRUE POINT OF BEGINNING; thence
continuing North 89° 42' West 1320.00 feet; thence
North 0° 13' East 1675.74 feet; thence
South 89° 42' East 30.00 feet; thence
South 0° 13' West 330.00 feet; thence
South 89° 42' East 1300.00 feet; thence
South 0° 13' West 1345.74 feet to the TRUE POINT OF BEGINNING.

AND

COMMENCING at a 2 inch iron pipe marking the East quarter corner; thence
North 89° 42' West 1320.00 feet; thence
North 0° 13' East 1345.74 feet; thence
North 89° 42' West 150.00 feet; thence
North 23° 53' West 109.34 feet; thence
North 22° 10' West 249.58 feet to the TRUE POINT OF BEGINNING; thence
North 89° 42' West 765.00 feet; thence
North 47° 20' East 754.74 feet; thence
South 22° 10' East 556.35 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "B"

Township 1 North, Range 18 East, B.M., Blaine County, Idaho
Section 2: Government Lot 3

EXHIBIT "C"

LEGAL DESCRIPTION FOR 30 FOOT EASEMENT

This 30 foot access easement is located in Government Lot 2, Section 2, Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho and is more particularly described as follows:

**Commencing at the NW corner of said Lot 2;
Thence S 0°13'21"W along the West line of said Lot 2, 645.50 feet to the TRUE POINT OF BEGINNING of said easement;
Thence S 79°42'12" E, 410.42 feet;
Thence along a curve to the left 157.34 feet with a radius of 168.79 feet and central angle of 53°24'34" with a long chord of 151.70 feet bearing N 73°35'31" E;
Thence S 46°53'14" E 384.32 feet;
Thence S 18°27'40" E 33.01 feet;
Thence S 46°53'14" W 370.56 feet;
Thence along a curve to the right 185.30 feet with a radius of 198.79 feet and central angle of 53°24'34" with a long chord of 178.67 feet bearing S 73°35'31" W;
Thence N 79°42'12" W, 405.09 feet to a point on the West line of said Lot 2
Thence N 0°13'12" E, 30.47 feet to the TRUE POINT OF BEGINNING.**

EXHIBIT "D"

LEGAL DESCRIPTION OF WATER EASEMENT

This parcel is situated in Government Lot 3, Section 2, Township 1 North; Range 18 East, Boise Meridian, Blaine County, Idaho and is more particularly described as follows;

BEGINNING at the SE corner of Lot 3; Thence N 0° 13' 21" E, 308.62 Feet said point being the point of beginning; Thence N 89° 15' 35" W, 10 Feet; Thence N 0° 13' 21" W, 50 Feet; Thence S 89° 15' 35" E, 10 Feet Thence S 0° 13' 21" W, 50 Feet to point of beginning.

Said parcel contains 500 sq. Feet to be used for water easement from Lees Gulch Creek by means of underground pipe to Lot 2.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2021

RICHARD W GOULEY
KATHLEEN C GOULEY
100 LEES GULCH RD
BELLEVUE, ID 83313-5091

RE: Transfer No. 85222
Water Right No(s). 37-2468B

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 9/1/2021 and 9/8/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 20, 2021**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Wednesday, August 25, 2021 5:07 PM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter for Transfers 85219 & 85222
Attachments: Comment letter to WD37 for 85219 & 85222.docx; Transfer 85219.pdf; Transfer 85222.pdf

Hi Kevin,

Attached are 2 applications for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

August 25, 2021

WATER DISTRICT 37
KEVIN D LAKEY
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No. 85219 (Mid Valley Water Company LLC)
RE: Transfer No. 85222 (Richard & Kathleen Gouley)

Dear Kevin:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Wednesday, August 25, 2021 5:12 PM
To: Dawson,Bradley
Subject: Comment Letter for Water Right Transfer 85222
Attachments: Comment letter to F&G for 85222.docx; Transfer 85222.pdf

Hi Bradley,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 14, 2021

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No(s). 85222 (Richard & Kathleen Gouley)
Water Right No(s).: 37-2468B

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication **(on or before September 20, 2021)**.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Wednesday, August 25, 2021 12:08 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express Ad.docx

Attached please find **(1)** legal notice being submitted for publication on September 1st & 8th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

August 25, 2021

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 85219
Water Right No(s). 37-8119

RE: Transfer No. 85222
Water Right No(s). 37-2468B

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 20, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85219**

MID VALLEY WATER COMPANY LLC, PO BOX 4380, KETCHUM, ID 83340-4380 has filed Application No. 85219 for changes to the following water rights within BLAINE County(s): Right No(s). 37-8119. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to a municipal ground water right (0.97 cfs) to serve as a backup well for the delivery system. Place of use, proposed well and three existing wells are all located approximately 2.0 to 2.4 miles north and 0.0 to 0.2 miles west of the intersection of East Fork RD & HWY 75 in Hailey.

TRANSFER NO. 85222

RICHARD W GOULEY and KATHLEEN C GOULEY, 100 LEES GULCH RD, BELLEVUE, ID 83313-5091 has filed Application No. 85222 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2468B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for irrigation water right 37-2468B (0.05 cfs) which is currently authorized to divert water from Lee's Gulch at a point approximately 1.3 miles west and 0.2 mile south of the intersection of Gannett Road and Main Street in Bellevue. The proposed POD will be located approximately 0.3 mile downstream on Lee's Gulch.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 20, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 1st & 8th, 2021

TRANSFER SYNOPSIS

Date: August 17, 2021
To: Transfer #85221, Richard and Kathleen Gouley Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the point of diversion (POD) for irrigation water right 37-2468B (0.05 cfs) which is currently authorized to divert water from Lee's Gulch at a point approximately 1.3 miles west and 0.2 mile south of the intersection of Gannett Road and Main Street in Bellevue. The proposed POD will be located approximately 0.3 mile downstream on Lee's Gulch.

Because the application proposes changing a POD on a stream, it will be advertised. Since the transfer is within Water District 37, comments will be solicited from the WD-37 Watermaster.

Although the right appears to be decreed at the same point of diversion as rights 37-2468C and 37-22595, the applicant has stated that the diversion has occurred at the proposed POD since 1990, thus reducing the possibility of injury to the other rights.

The proposed POD is located on a neighbor's property, so the applicant included a copy of a 1990 easement agreement with the landowner of the neighboring property which allowed for the diversion and pipeline.

FEE MEMORANDUM

Date: August 17, 2021
To: Richard and Kathleen Gouley Transfer #85222 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on August 16, 2021, and its purpose is to change the point of diversion for an irrigation water right diverted out of Lees Gulch. Because the entire flow rate of 0.05 cfs will be diverted from the new POD, a \$200.00 fee will be applicable. The fee was paid by check #2137 from Richard Gouley at the time of filing. The IDWR receipt number is S038769.