

RECEIVED

APR 24 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79998

DEPT OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) JAMES CASTLE; PATRICIA CASTLE

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant JAMES CASTLE Phone (208)487-2295

Mailing Address 580 BURMAH RD, SHOSHONE ID 83352 Email _____

Name of Applicant PATRICIA CASTLE Phone (208)487-2295

Mailing Address 580 BURMAH RD , SHOSHONE ID 83352 Email _____

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

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

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

James Castle James Castle 4-22-15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Patricia Castle Patricia Castle 4-22-15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-10596	No	Yes	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application filed to change the point of diversion to reflect the actual location where water is diverted
from the Big Wood River at the Richfield Canal. Application will also identify another stock water location
where a new trough will be installed.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-10596	0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-10596

Current Water Right Owner

JAMES CASTLE
580 BURMAH RD
SHOSHONE, ID 83352

PATRICIA CASTLE
580 BURMAH RD
SHOSHONE, ID 83352

Priority Date: 4/20/1977

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	5/01	10/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWSENE Sec. 30 Twp 02S Rge 18E BLAINE County

Describe the proposed diversion system

Richfield Canal

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	19E	28									X								
03S	19E	29															X		
																			0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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
Richfield Canal and West Main and East Main with pipelines to place of use

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

BLM

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
water will be diverted via the Richfield Canal via the Big Wood Canal Company system

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No impact

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- f. 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 leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 37-10596

Current Water Right Owner

DAN T PENCE
179 COSGROVE LN
DILLON, MT 59725-8871

LOIS M PENCE
179 COSGROVE LN
DILLON, MT 59725-8871

Priority Date: 4/20/1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	5/01	10/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER NWNWNE Sec. 28 Twp 03S Rge 19E LINCOLN County

Describe the proposed diversion system

5 H.P. PORTABLE GASOLINE PUMP DELIVERING TO 500 GAL. TROUGH

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	19E	28									X								0.0

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 03S19E283600 STOCKWATER, 30 RANGE CATTLE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

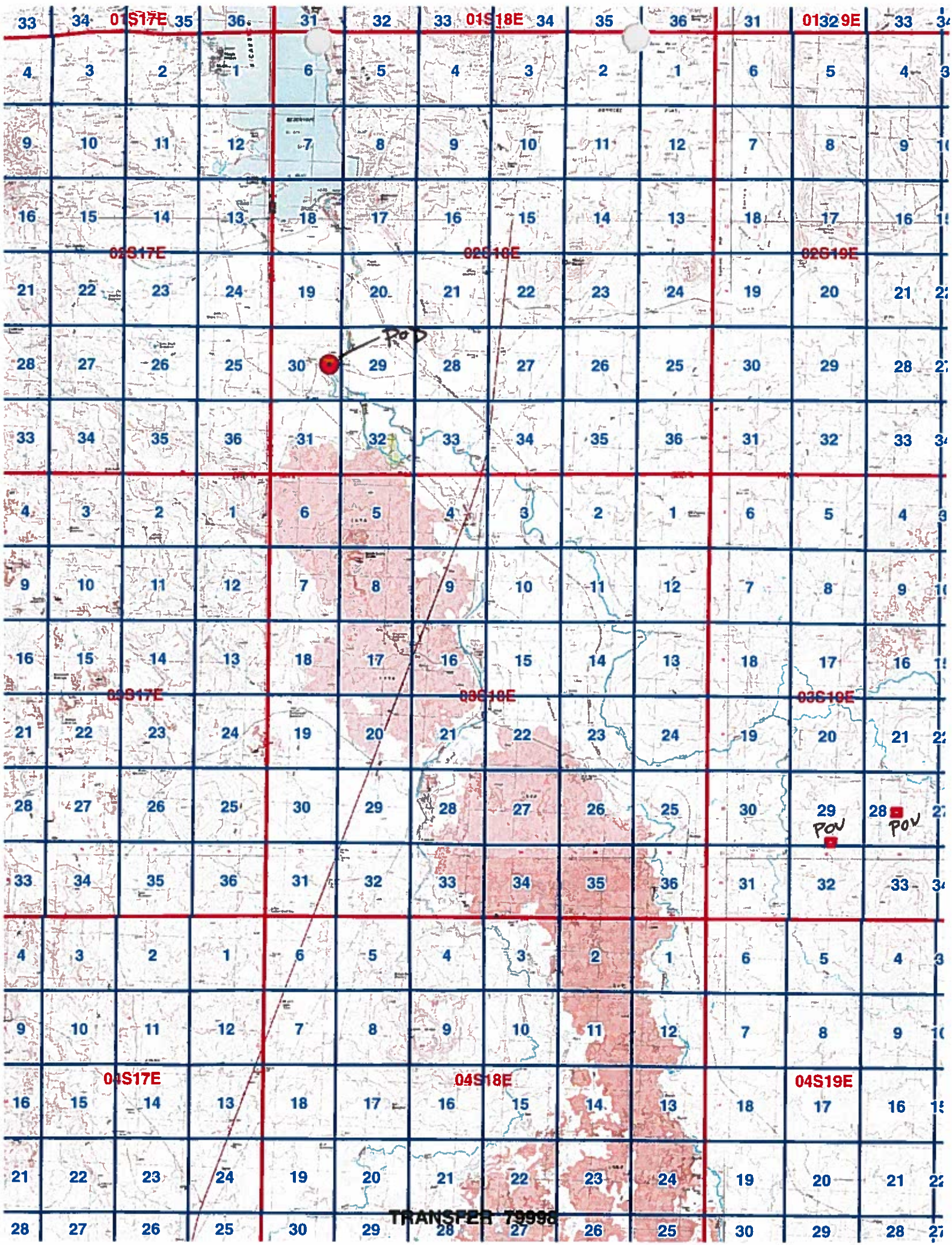
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 7 pages and attachments.
Received By DM/TF Date 4.24.2015 Prelim. Check By Date
Fee Paid \$225- Date 4.24.2015 Received By DM Receipt # 5034715
Add'l Fee Paid Date Received By Receipt #



Big Wood Canal Company
American Falls Reservoir District No. 2
409 North Apple Street
Shoshone, Idaho 83352
Tel. (208) 886-2331 Fax (208) 886-2010

RECEIVED

MAR 30 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

March 19, 2015

Wood River Soil & Water Conservation District
Shoshone, Idaho

Re: Jim Castle Stock water delivery

To Whom it may concern:

Big Wood Canal Company has agreed to allow Mr. Castle to alternate delivery of his stock water from one point of diversion to the other as needed for the 2015 water season.

Sincerely,



Lynn Harmon,
General Manager

TRANSFER 79998

PREPARED BY:

Dan Pence
179 Cosgrove Lane
Dillon, ID 59725

RECORDING REQUESTED BY**AND WHEN RECORDED MAIL TO:**

Jim Castle
580 Burma Road
Shoshone, ID 83352

MAIL TAX STATEMENTS TO:

Jim Castle
580 Burma Road
Shoshone, ID 83352

LINCOLN COUNTY

Recorded for:

JIM CASTLE

4:01:00 pm 01-29-2014

0000-194484

No. Pages: 2 Fee: \$13.00

SUZANNE MCCONNELL

County Clerk

Deputy: CSIEVERS

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GENERAL WARRANTY DEED**KNOW ALL MEN BY THESE PRESENTS THAT:**

THIS GENERAL WARRANTY DEED, made and entered into on the 22 day of January, 2014, between Lois M. Pence, whose address is 179 Cosgrove Lane, Dillon, Montana 59725, and Dan M. Pence, whose address is 179 Cosgrove Lane, Dillon, Montana 59725, a married couple ("Grantors"), and Jim Castle, whose address is 580 Burma Road, Shoshone, Idaho 83352, and Patricia Castle, whose address is 580 Burma Road, Shoshone, Idaho 83352, a married couple ("Grantees").

For and in consideration of the sum of Twelve Thousand Dollars (\$12,000) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby Grant, Bargain, Sell, and Convey with general warranty covenants to Grantees, as Tenants in Common, the property located at Rural, Richfield, 59725 in Lincoln County, Idaho, described as:

S1/2NW1/4 and E1/2SW1/4, Section 28, Twp.3 S. R. 19 E.B.M.

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

Subject to existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record the Grantors hereby covenant with the Grantees that the Grantors are lawfully seized in fee simple of the above granted premises and has good right to sell and convey the same, and that the Grantors, Grantors' heirs, executors and administrators shall warrant and defend the title unto the Grantees, Grantees' heirs and assigns against all lawful claims whatsoever.

Tax/Parcel ID Number: RPO3819E283600A

IN WITNESS WHEREOF the Grantors have executed this deed on the 22 day of January, 2014.

1/22/14
Date

Lois Pence
Lois Pence, Grantor

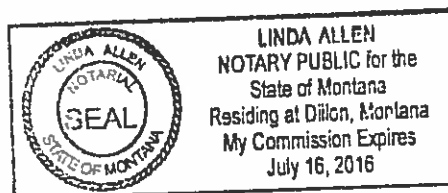
1/22/14
Date

Dan Pence
Dan Pence, Grantor

State of Montana
County of Beaverhead

On this the 22nd day of January, 2014 before me Linda Allen, a notary public, personally appeared Lois & Dan Pence, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Linda Allen
Notary Public



My Commission Expires on July 16, 2016

IN WITNESS WHEREOF the Grantees have executed this deed on the ____ day of _____, 20____.

1/16/14
Date

Jim Castle
Jim Castle, Grantee

1-16-14
Date

Patricia Castle
Patricia Castle, Grantee

State of Idaho
County of Jerome

On this the 16 day of January, 2014 before me Marta A. Garcia, a notary public, personally appeared Jim & Patricia Castle personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Marta A. Garcia
Notary Public

My Commission Expires on 9/13/19



QUITCLAIM DEED

FOR VALUE RECEIVED ^{CALVIN} ~~CAVIN~~ CHATFIELD AND EDNA J CHATFIELD, HUSBAND AND WIFE

Hereinafter called the Grantor, hereby grants, convey, release, remise and forever quitclaim unto

JAMES CHARLES CASTLE AND PATRICIA ANN CASTLE, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP

Whose address is 580 BURMA ROAD, SHOSHONE ID, 83352

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

PARCEL #1

Township 3 South, Range 19 East of the Boise Meridian

Section 28: W1/2SW1/4

PARCEL #2

Township 3 South, Range 19 East of the Boise Meridian

Section 29: SE1/4

Together with their appurtenances.

Dated

Calvin Chatfield

CALVIN CHATFIELD

Edna J. Chatfield

EDNA J CHATFIELD

STATE OF IDAHO, COUNTY OF LINCOLN
On this 27 day of Sept 2013 before me, a
notary public in and for said State, personally appeared
Calvin Chatfield
me to be the person whose name is subscribed to the within
instrument and acknowledged to me that
executed same.

Residing at

MAIL DEED TO:

Name

Address

City and State Zip Code

STATE OF IDAHO, COUNTY OF LINCOLN

LINCOLN COUNTY

Recorded for:

JAMES CHARLES CASTLE

4:02:49 pm 09-27-2013

0000-193997

10. Pages: 1 Fee: \$10.00

SUZANNE MCCONNELL

County Clerk

Deputy: CAROLE

MEMORANDUM

Date: July 2, 2015
To: Transfer 79998 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the point of diversion, add a place of use location, and update the ownership of decreed water right 37-10596. Right 37-10596 was decreed in the SRBA in January of 2001 and allows for the diversion of 0.02 cfs of water from the Big Wood River for stockwater use at a location approximately 6.4 miles northwest of Richfield. However, the point of diversion was decreed as a location where water is diverted from the East Main Canal, approximately 10 – 15 miles down the Big Wood Canal Company system from the actual diversion point from the Big Wood River at the head of the Richfield Canal. Note that IDWR's water right database includes a comment in record 37-10596 indicating that the point of diversion should be at the head of the Richfield Canal. The transfer proposes to correct the point of diversion location from the decreed location to the actual location at the head of the Richfield Canal. The application also proposes adding an additional place of use (stock trough) location. Note that this additional location will require delivery of water via the West Main Canal, rather than the East Main Canal that serves the current place of use. Due to the need to utilize the Big Wood Canal Company's conveyance system to deliver this right, it is recommended that condition 004 (no right of way or easement) be incorporated as part of the approval. It is further recommended that additional language be added to this condition specifically mentioning that delivery of the right is subject to Big Wood Canal Company requirements. The transfer also proposes an update in ownership from Dan & Lois Pence to Jim and Patricia Castle (see 2014 warranty deed in file). The right involved with the transfer is diverted from the Big Wood River, within Water District 37. However, the recent order modifying Water District 37 specifically excluded 42-111 domestic and stockwater rights from the district. Note that right 37-10596 allows for a maximum diversion of 0.02 cfs and includes a condition indicating that it is limited to 13,000 gpd. Therefore, water master comments were not solicited. Because the transfer only corrects the point of diversion to its actual location, and adds a stock water location in an adjacent section, it is anticipated that there will be no effect on the original (Big Wood River) or hydraulically connected water sources or impacts to other water rights. Therefore, it is recommended that the application be processed and approved without any public notice advertising.

- **Authority to File:**

The application is filed in the name of Jim and Patricia Castle. The current recorded owners of the right involved with the transfer are Dan & Lois Pence. A copy of a warranty deed has been included with the application indicating that the Castles obtained the current place of use from Dan & Lois Pence. A copy of a quitclaim deed has also been included that indicates that Jim and Patricia Castle also own the proposed additional place of use.

- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in January of 2001. Recent aerial photography appears to indicate a stock trough at the currently authorized place of use.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

TO: Transfer # 79998 File

FROM: Corey Skinner

DATE: July 2, 2015

SUBJECT: Filing Fee

The filing fee, \$225.00, for this transfer is based on the total amount of water being transferred, 0.02 cfs plus a \$25.00 fee for updating the ownership of the right. The transfer fee schedule for a transfer involving 0.00 – 0.20 cfs indicates that the filing fee is \$200.00.