

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED
NOV 26 2014
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

1. **APPLICANT(S)** Edward A. & Karen Gilhuly, Trustees of the Edward & Karen Gilhuly Trust Phone (650) 851-5441
2. **MAILING ADDRESS** 376 Mountain Home Court City Woodside
State CA Zip 94062 Email karengilhuly@gmail.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)** 37-2165B

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.15 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SW	SW	SW	1	4N	17E	Blaine	Adams 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:

Pump in creek to sprinkler irrigation system

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

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.)

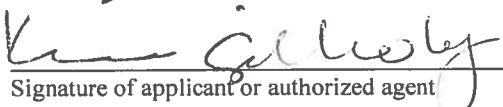
7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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

Edward A. Gilhuly, Trustee
Print name and title if applicable

11/12/11
Date


Signature of applicant or authorized agent

Karen Gilhuly, Trustee
Print name and title if applicable

11/12/14
Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 _____ Date _____

Fee paid \$200.00 Date 11/26/14 Received by Adm Receipt # 5034420

Preliminary review by HLS Date 12-2-14 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)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/24/2014

WATER RIGHT NO. 37-2165B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDWARD & KAREN GILHULY TRUST 376 MOUNTAIN HOME CT WOODSIDE, CA 94062 (650)851-5441
Attorney	SPECK & AANESTAD C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	JEANNE P FLOWERS PO BOX 656 KETCHUM, ID 83340 (208)726-5051
Original Owner	LESLIE BARCLAY
Original Owner	RUTGERS BARCLAY RABBITT JUNCTION RT 9 BOX 66 SANTA FE, NM 87505 (505)986-1400

Priority Date: 11/26/1909

Basis: Decreed

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>Volume</u>
IRRIGATION	04/15	10/15	0.15 CFS	

Gilhuly Trust - Water Right 37-2165B - Application to Transfer Water Right - Point of Diversion
- Attachment 3

Total Diversion | 0.15 CFS |

Location of Point(s) of Diversion:

ADAMS GULCH CREEK | SESE | Sec. 02 | Township 04N | Range 17E | BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	17E	1		SWSW	6.7									

Total Acres: 6.7

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. |
| 2. | P21 | This right is a split from former right 37-2165. |
| 3. | R04 | Use of water under this water right will be regulated by the watermaster of State Water District No. 37. |
| 4. | P31 | The remainder of this right was forfeited for non-use from 1910 to 1987. |

Dates:

Licensed Date:

Decreed Date: 09/24/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

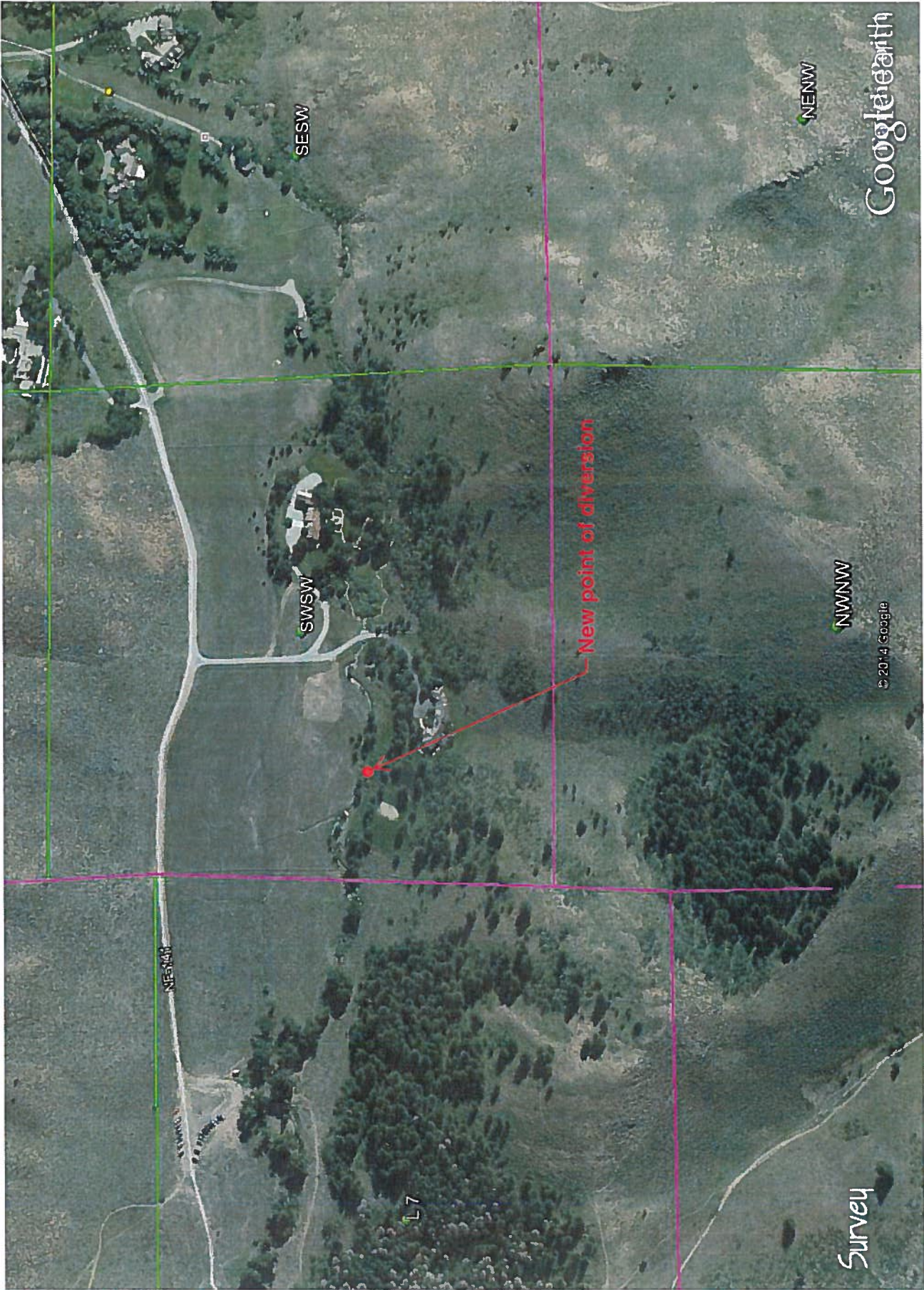
Owner Name Connector: AND

Water District Number: 37

Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Lot 1 Block 1 Adams Gulch Subdivision, within Section 1 T.4N., R17E., B.M., Blaine County, Idaho



TRANSFER 79710

Google earth
feet
meters

2000
600





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2015

EDWARD & KAREN GILHULY TRUST
376 MOUNTAIN HOME CT
WOODSIDE, CA 94062

RE: Transfer No. 79710
Water Right No(s). 37-2165B

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 1/21/2015 and 1/28/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**February 9, 2015**).

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
Administrative Assistant

cc:

SPECK & AANESTAD
C/O JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 15, 2015 11:03 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.doc.docx; Idaho Mtn Express Ad.doc

Attached please find (1) legal notice being submitted for publication on January 21st & 28th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2015

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

RE: Transfer No. 79710
Water Right No(s): 37-2165B

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 February 9, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79710**

EDWARD & KAREN GILHULY TRUST, 376 MOUNTAIN HOME CT, WOODSIDE, CA 94062; has filed Application No. 79710 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2165B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the authorized point of diversion (POD) for an Adams Gulch Creek water right, 37-2165B (0.150 cfs) to a new POD located approximately 0.16 miles downstream. The proposed POD is located approximately 1.6 miles north and 1.0 miles west of the intersection of Hwy 75 and Sun Valley Rd in Ketchum.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 together with a protest fee of \$25.00 for each application on or before February 9, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on January 21st & 28th, 2015

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 15, 2015 11:15 AM
To: 'Kevin Lakey'
Subject: Comment Letter for transfer 79710
Attachments: Transfer 79710.pdf; Comment Letter to WM37 for 79710.docx

Hi Kevin,

Attached is a cover letter, recommendation forms and copy of transfer 79710. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2015

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

Via E-mail

RE: Transfer No. 79710
Water Right No(s): 37-2165B

Dear Kevin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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's regional offices 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
Administrative Assistant

Enclosure(s)

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, January 13, 2015 11:13 AM
To: Mills, William
Cc: Jim Verdone; karen gilhuly
Subject: RE: Gilhully Trust Application for Transfer # 79710, WR#37-2165B

Bill,

As far as I know the ditch is no longer used by any of the water right owners. When will the application be advertised? Thanks.

Jim

-----Original Message-----

From: Mills, William
Sent: Monday, January 12, 2015 10:53 AM
To: Jim Speck

Jim,

In response to your letter, this application will have to be advertised because there is potential impact to other water users utilizing the same source. Which leads to my question, the current point of diversion appeared to divert the water into a ditch system and the POD is shared with 3 other water rights (37-2165A; 37-2165D & 37-22126), what is the condition of the ditch? Is it still used for delivery of any of the 4 rights or not? Any information you could provide would be helpful, Thanks, Bill

MEMORANDUM

Date: January 13, 2015
To: Transfer 79710 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the authorized point of diversion (POD) for an Adams Gulch Creek water right, 37-2165B (0.150 cfs) to a new POD located approximately 0.16 miles downstream. The proposed POD is located approximately 1.6 miles north and 1.0 miles west of the intersection of Hwy 75 and Sun Valley Rd in Ketchum.

Current POD diverted water from Adams Gulch Creek into a ditch that also was used to deliver three other water rights: 37-2165A; 37-2165D and 37-22126. The applicant's representative believes the ditch is no longer used to deliver any of the four water rights (see email in file dated 1/13/2015). Aerial imagery in ArcMap (2013) and in Google Earth support this statement as the ditch appears to be unserviceable in the imagery. The applicant intends to use a pump to deliver water directly from the creek where it passes through their property. The other three water right owners also have direct access to the creek and all four places of use are within the City of Ketchum's municipal service area.

Overlap analysis indicates there are no other water rights appurtenant to the POU. Again, the POU is within the City of Ketchum's municipal service area. Point of diversion and place of use are also located in Water District 37 and watermaster comments will be solicited.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right involved in the transfer.
- **Water Right Validity:**
Water right was decreed in the SRBA on 9/24/2010. Home site and lot are visible in 2013 aerial imagery and 2013 satellite imagery and appear to be partially irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. No change to place of use.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

- **Effect on Economy of the Local Area:**
No change to local economy anticipated.
- **Effect on Agricultural Base of the Local Area:**
No change to agricultural base 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.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

November 25, 2014

RECEIVED

NOV 26 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Mr. Allen Merritt
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, Idaho 83301

**Re: Edward A. And Karen L. Gilhuly, Trustees of the Edward & Karen Gilhuly
Trust - Application for Transfer of Water Right - Points of Diversion for Water
Right No. 37-2165B**

Dear Allen:

Enclosed you will find the original and a copy of the above-referenced Application together with my firm's check payable to the Department for the \$200 filing fee. Please receipt date-stamp the copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose. Will you be able to process this Application without advertising given the proximity of the existing and proposed points of diversion? Please contact me about this and any questions you may have.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Client w/encl.
Jim Verdone w/encl (by e-mail)