

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79196

This is to certify that: THE BENJAMIN DAVID WOOD MANAGEMENT TRUST
C/O BENJAMIN DAVID WOOD
PO BOX 9050
KETCHUM, ID 83340

THE THERESA SUE CASTELLANO MANAGEMENT TRUST
THERESA SUE CASTELLANO TRUSTEE
PO BOX 9050
KETCHUM, ID 83340

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-12121	WR/DECREED	10/1/1978	0.020 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

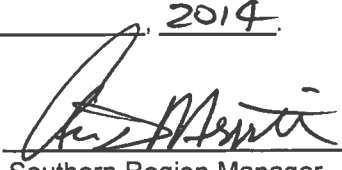
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-12121	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-12121	37-12121	0.020 cfs	N/A	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

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of May, 2014.


Southern Region Manager

WATER RIGHT NO. 37-12121

As Modified by Transfer No. 79196

In accordance with the approval of Transfer No. 79196, Water Right No. 37-12121 is now described as follows:

Right Holder: THE THERESA SUE CASTELLANO MANAGEMENT TRUST
THERESA SUE CASTELLANO TRUSTEE
PO BOX 9050
KETCHUM, ID 83340
AND
THE BENJAMIN DAVID WOOD MANAGEMENT TRUST
C/O BENJAMIN DAVID WOOD
PO BOX 9050
KETCHUM, ID 83340

Priority Date: 10/1/1978

Source: GROUND WATER

BENEFICIAL USE
DOMESTIC

From 1/01 **To** 12/31

Diversion Rate
0.020 cfs
0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 31 Twp 04N Rge 18E BLAINE County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	31													X				

CONDITIONS OF APPROVAL

1. Point of diversion and place of use is located within Lot 2 of the Gimlet #9 Subdivision.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79196

WATER RIGHT NO. 37-12121
As Modified by Transfer No. 79196

CONDITIONS OF APPROVAL

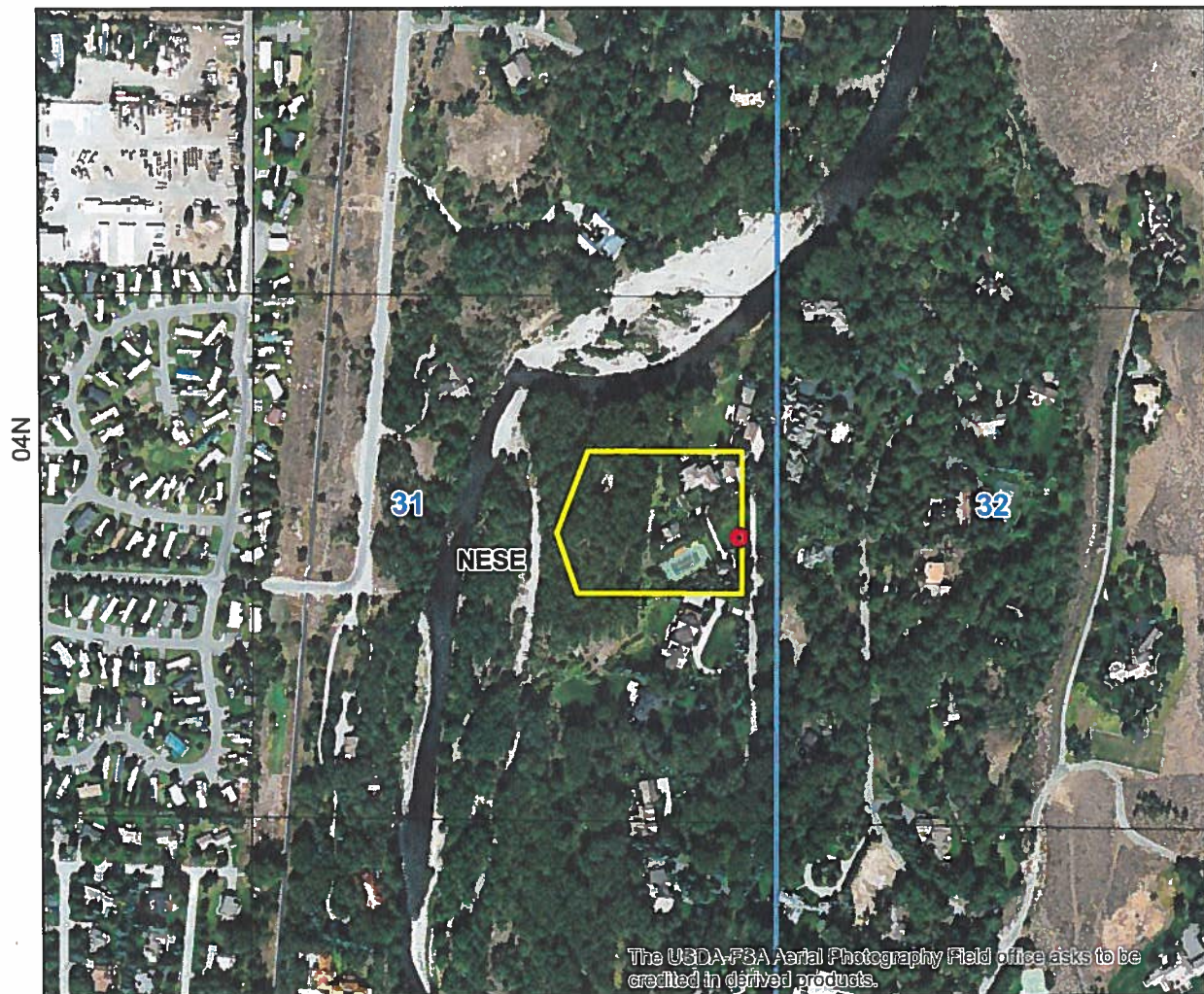
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79196
37-12121

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



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

0 0.05 0.1 0.2 Miles





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

May 15, 2014

THE THERESA SUE CASTELLANO MANAGEMENT TRUST
THERESA SUE CASTELLANO TRUSTEE
THE BENJAMIN DAVID WOOD MANAGEMENT TRUST
C/O BENJAMIN DAVID WOOD
PO BOX 9050
KETCHUM ID 83340

Re: Transfer No: 79196
Water Right No(s): 37-12121

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79196
Water Right No(s): 37-12121**

**THE THERESA SUE CASTELLANO MANAGEMENT TRUST
THERESA SUE CASTELLANO TRUSTEE
THE BENJAMIN DAVID WOOD MANAGEMENT TRUST
C/O BENJAMIN DAVID WOOD
PO BOX 9050
KETCHUM ID 83340**

**SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

May 15, 2014

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

Via e-mail

Re: **APPROVED** Transfer No. 79196 (Theresa Castellano & Benjamin Wood, et al)

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

AFFIDAVIT of PUBLICATION

APR 24 2014

COPY OF NOTICE

State of Idaho
County of BlaineDEPT. OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 16 day of

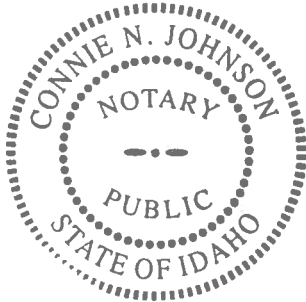
April, 20 14, and the date of the last publication was

on the 23 day of April, 20 14

Subscribed and sworn to before me this 23 day of

April, 20 14.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 83

Number of Insertions 2

83 Lines tabular at 76.36 9.0 cents/pica

83 Lines straight at 66.82 8.0 cents/pica

83 Subsequent lines at 66.82 7.0 cents/pica

TOTAL COST \$143.18

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 79196

✓ THE THERESA SUE CASTELLANO MANAGEMENT TRUST, THERESA SUE CASTELLANO TRUSTEE; AND THE BENJAMIN DAVID WOOD MANAGEMENT TRUST, BENJAMIN DAVID WOOD TRUSTEE PO BOX 9050, KETCHUM, ID 83340; has filed Application No. 79196 for changes to the following water rights within BLAINE County(s): Right No(s). 37-12121. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes correcting the point of diversion and place of use for domestic water right 37-12121 that was originally claimed in the wrong tract. The existing well will divert up to 0.02 cfs for domestic use to an existing home located within Lot 2 of the Gimlet # 9 Subdivision approximately 3.0 mi. south and 0.75 mi. west of the city of Ketchum.

over →

✓ OK DM
5/7/2014

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 79228**

✓

WILLIAM L MOLYNEUX, 027 DUFFEE RD, CAREY, ID 83320; has filed Application No. 79228 for changes to the following water rights within BLAINE County(s): Right No(s). 37-6, 37-7, 37-8. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes modifying the authorized points of diversion for three Silver Creek water rights totaling 6.1 cfs for the irrigation of 280 acres on a farm located approximately 5.0 – 6.0 miles south and 2.0 - 2.5 miles west of the Highway 20 and Highway 93 intersection in Carey. The proposed point of diversion modifications consist of eliminating two authorized points of diversion from Silver Creek that are no longer used on the farm and the addition of a new point of diversion from Silver Creek approximately 0.25 mile downstream of the currently used diversion on the farm. This new point of diversion will be located approximately 5.5 miles south and 2.5 miles west of the Highway 20 and Highway 93 intersection in Carey.

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 the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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 May 5, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH:
IDAHO MOUNTAIN EXPRESS
April 16 & 23, 2014**

✓ OK DM 5/7/2014

Via E-mail
RECEIVED

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

APR 11 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 79196

Water Right No(s): 37-12121

Transfer Applicant's Name: THERESA SUE CASTELLANO TRUST
BENJAMIN DAVID WOOD TRUST
PO BOX 9050
KETCHUM, ID 83340

Watermaster's Recommendation:

- a) ✓ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 11th day of April, 2014

Water District No. 37

Kevin Lakey

Watermaster's Signature

Kevin Lakey

Printed Name

MEMORANDUM

Date: April 3, 2014
To: Transfer 79196 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes correcting the point of diversion and place of use for domestic water right 37-12121 that was originally claimed in the wrong tract. The existing well will divert up to 0.02 cfs for domestic use to an existing home located within Lot 2 of the Gimlet # 9 Subdivision approximately 3.0 mi. south and 0.75 mi. west of the city of Ketchum.

The property and point of diversion involved with the application are located within Water District 37 so water master comments will be solicited.

- **Authority to File:**
The applicant is listed as the current owner of water right 37-12121 according to IDWR records.
- **Water Right Validity:**
Water right 37-12121 was decreed on 1/5/2001.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No hydrological impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

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.

SCANNED

APR 10 2014