

RECEIVED
APR 02 2014
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 79228

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) WILLIAM L MOLYNEUX

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

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

APR 02 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant WILLIAM L MOLYNEUX Phone (208) 720-8891
Mailing Address 027 DURFEE RD, CAREY ID 83320 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.


Signature of Applicant or Authorized Representative _____ Print Name and Title if applicable _____ Date 4/2/14


Signature of Applicant or Authorized Representative _____ Print Name and Title if applicable _____ Date 4/2/14

A. PURPOSE OF TRANSFER

I.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-6	No	No	Yes	No	Yes	No	No
37-7	No	No	Yes	No	Yes	No	No
37-8	No	No	Yes	No	Yes	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 eliminate two authorized points of diversion that are no longer used and to add a new pump diversion location due to a new power line location.

- 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 I.

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
37-6	3.000 cfs	N/A	N/A	280.0		N/A	N/A	N/A	N/A
37-7	2.500 cfs	N/A	N/A	280.0		N/A	N/A	N/A	N/A
37-8	0.600 cfs	N/A	N/A	280.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	6.100 cfs	N/A	N/A	280.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 6.1 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 I.
- ☐ 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 I.
- ☐ See Attachment.

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

Proposed Water Right No. 37-6

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 5/1/1881

Origin: Water Right

Basis: Decreed

Status Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	3.000 CFS	
Total Diversion			3.000 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SWSWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

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

Proposed Water Right No. 37-7

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 4/1/1885

Origin: Water Right

Basis: Decreed

Status Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	2.500 CFS	
Total Diversion			2.500 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SWSWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

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

Proposed Water Right No. 37-8

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 4/1/1887

Origin: Water Right

Basis: Decreed

Status Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.600 CFS	
Total Diversion			0.600 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SWSWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

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

Existing pump diversion and a new pump diversion to irrigation system. Measuring devices and lockable works will be installed per water masters instructions.

- 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. 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 change to the place of use

- 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:
Just rights involved in this transfer

- 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. 37-6

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 5/1/1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	3.000 CFS	
Total Diversion			3.000 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

Conditions/Remarks:

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Rights 37-6, 37-7, and 37-8 when combined shall not exceed the total irrigation of 280 acres.
4. This right is a combination of old Right Nos. 37-6A & 37-6B.
5. Right includes accomplished change in point of diversion pursuant to section 42-1425, IDAHO CODE.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

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

Current Water Right No. 37-7

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 4/1/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	2.500 CFS	
Total Diversion			2.500 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

Conditions/Remarks:

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Rights 37-6, 37-7, and 37-8 when combined shall not exceed the total irrigation of 280 acres.
4. This right is a combination of old Right Nos. 37-7A & 37-7B.
5. Right includes accomplished change in point of diversion pursuant to section 42-1425, IDAHO CODE.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

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

Current Water Right No. 37-8

Current Water Right Owner
WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

Priority Date: 4/1/1887

Origin: Water Right

Basis: Decreed

Status: Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.600 CFS	
Total Diversion			0.600 CFS	

Source and Point(s) of Diversion:

SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County
SILVER CREEK	SENWNW	Sec. 29 Twp 02S Rge 21E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	29					34.0	36.8	35.2	40.0	38.0	39.0	40.0	17.0					280.0

POU Total Acres: 280.0

Conditions/Remarks:

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Rights 37-6, 37-7, and 37-8 when combined shall not exceed the total irrigation of 280 acres.
4. This right is a combination of old Right Nos. 37-8A & 37-8B.
5. Right includes accomplished change in point of diversion pursuant to section 42-1425, IDAHO CODE.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

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]

Received By A. SKINNER Date 4/2/2014 Prelim. Check By _____ Date _____
 Fee Paid \$ 980.00 Date 4/2/2014 Received By A. SKINNER Receipt # 5033929
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____



TRANSFER 79228

USDA FSA



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

April 10, 2014

WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

RE: Transfer No. 79228
Water Right No(s). 37-6, 37-7, 37-8

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 4/16/2014 and 4/23/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(May 5, 2014)**.

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

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 09, 2014 4:58 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 April 16th & 23rd, 2014. 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
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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 9, 2014

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

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

RE: Transfer No. 79228
Water Right No(s): 37-6, 37-7, 37-8

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 May 5, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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.

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

WILLIAM L MOLYNEUX, 027 DURFEE 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
Published on April 16th & 23rd, 2014

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 09, 2014 5:05 PM
To: Kevin Lakey
Subject: Comment Letters
Attachments: Comment Letter to WM37.pdf; Transfer 79228.pdf; Transfer 79196.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Transfer 79196 and Transfer 79228. Please review the attached 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 83301-3380

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 9, 2014

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

Via E-mail

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

RE: Transfer No. 79228
Water Right No(s): 37-6, 37-7, 37-8

Dear Mr. Lakey:

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)



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

April 9, 2014

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 79228
Water Right No(s). 37-6, 37-7, 37-8

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency 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.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

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
Southern Region

Enclosure(s)

MEMORANDUM

Date: April 4, 2014
To: Transfer 79228 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes modifying the authorized points of diversion for three Silver Creek water rights (37-6, 37-7, and 37-8) 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. The applicant indicated that the installation of a new power line now makes pumping from this new location possible. The rights involved with the transfer are all diverted within Water District 37 so water master comments will be solicited.

- **Authority to File:**
The applicant, William Molyneux, is listed as the current owner of the rights involved with this transfer.
- **Water Right Validity:**
The rights involved with the transfer were decreed in the SRBA in September 2006. Examination of recent aerial photography indicates that the property involved with the transfer appears to be irrigated.
- **Injury to Other Water Rights:**
None anticipated. The proposed change in point of diversion involves a change to a new location approximately ¼ mile downstream from the existing diversion on the rights. No other points of diversion are located between the existing and proposed diversion.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water. Sprinklers are used as part of the irrigation system.
- **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.