

RECEIVED
JUN 05 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 an entire 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 or to report an ownership change for a portion 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

1. **APPLICANT(S)** Gulch Trust Phone _____

2. **MAILING ADDRESS** c/o T. Mason COM Investment, LLC, 2300 Carillon Pt. City Kirkland

State WA Zip 98033 Email tmason@eriv.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) required for water right ownership changes; see fee schedule.
- ☐ 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)** 37-20865 & 37-20866

- ☒ 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 0.18 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*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4N	17E	1			SE	SW	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; above ground pipeline to existing pond; pump from pond 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 leased to the Water Supply Bank,
☐ ☒ 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

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at <http://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

Teresa Mason, Trustee of Gulch Trust

Print name and title if applicable

Date

5/30/13

Signature of applicant or authorized agent

Print name and title if applicable

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/WaterRightTransfers, 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

6-14-2013

Received by

Receipt #

5033321

Preliminary review completed by

Date

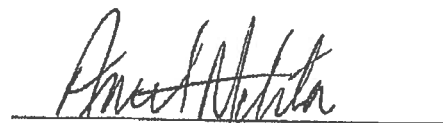
Appointment of Successor Co-Trustee

Pursuant to the power reserved in Article THIRD of the Gulch Trust, the undersigned as Grantor of such Trust, does hereby acknowledge receipt of the Resignations of Howard Trott and Benjamin Wolff as Co-Trustees of such Trust and do hereby appoint, effective September 30, 2008, Amit Mehta and Teresa Mason as successor Co-Trustees of the Gulch Trust.

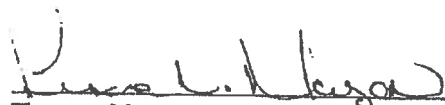

Craig O. McCaw, Grantor

Acceptance as Co-Trustee

Amit Mehta does hereby agree to serve as successor Co-Trustee of the Gulch Trust, effective September 30, 2008.


Amit Mehta

Teresa Mason does hereby agree to serve as successor Co-Trustee of the Gulch Trust, effective September 30, 2008.


Teresa Mason

Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

GULCH TRUST
APPLICATION FOR TRANSFER
POINT OF DIVERSION
WATER RIGHTS 37-20865 &
37-20866



TRANSFER 78655



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 28, 2013

GULCH TRUST
C/O T MASON COM INVESTMENT LLC
TERESA MASON, TRUSTEE
2300 CARILLON PT
KIRKLAND, WA 98033

RE: Transfer No. 78655
Water Right No(s). 37-20865, 37-20866

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 **7/3/2013** and **7/10/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**July 22, 2013**).

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
JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

Maline, Denise

From: Maline, Denise
Sent: Friday, June 28, 2013 8:29 AM
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 July 3rd & 10th 2013. Please 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, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

June 28, 2013

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

RE: Transfer No. 78655
Water Right No(s): 37-20865, 37-20866

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 July 22, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78655**

GULCH TRUST, TERESA MASON, TRUSTEE, C/O T. MASON COM INVESTMENT, LLC, 2300 CARILLON PT., KIRKLAND, WA 98033; has filed Application No. 78655 for changes to the following water rights within BLAINE County(s): Right No(s). 37-20865, 37-20866; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD) for two Adams Gulch Creek water rights (37-20865 and 37-20866) with a combined diversion rate of 0.18 CFS. The current authorized POD is located approximately 1.6 mi. N & 1.2 mi. W of Ketchum, Idaho. The proposed POD will be located approximately 1.6 mi. N & 0.7 mi. W of Ketchum, and will also be diverted from Adams Gulch Creek. Rights 37-20865 & 37-20866 are currently authorized to irrigate 6.7 acres on ground located approximately 1.6 to 1.7 mi. N & 0.7 to 0.8 mi. W of Ketchum and also to provide 1 AF for irrigation storage and aesthetic storage at that same location. As a result of this transfer, POD will be moved downstream, closer to the authorized place of use.

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, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 22, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 3rd & 10th, 2013

Maline, Denise

From: Maline, Denise
Sent: Friday, June 28, 2013 9:08 AM
To: 'Kevin Lakey'
Subject: Comment letter for Transfer #78655 - Gulch Trust
Attachments: Comment Letter to Kevin Lakey.pdf; Transfer app 78655.pdf

Kevin --

Attached please find a cover letter, recommendation form, and a copy of a transfer currently being processed by the department. Please review the information and provide any comments you may have within the next 21 days. If you have any questions regarding this information, please feel free to contact our office.

Sincerely,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 28, 2013

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

Via E-mail

RE: Transfer No. 78655
Water Right No(s). 37-20865, 37-20866

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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

IDWR'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)

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

June 3, 2013

RECEIVED

JUN 05 2013

IDAHO DEPT. OF WATER RESOURCES
RECEIVED

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RE: *Gulch Trust - Application for Transfer of Water Rights*

Dear Allen:

Enclosed you will find an original and a copy of an Application for Transfer of Water Right which has been prepared for our client, Gulch Trust. Also enclosed is our firm's check in the amount of \$200 for the required filing fees (for 0.18 cfs). Please receipt date stamp the copy and return it to me in the enclosed postage-prepaid envelope.

Please contact me (or Jim) if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jennifer Talmadge
Asst. to James P. Speck

Enclosures

CC w/ Enclosures: Client