

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84609**

This is to certify that: **GOLD FORK IRRIGATING CO LTD**
PO BOX 13
DONNELLY, ID 83615-0013

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>
65-10628	WR/DECREED	4/15/1923	24.880 cfs	N/A	N/A	3860.0	GOLD FORK RIVER
65-10943	WR/DECREED	4/15/1907	26.000 cfs	N/A	N/A	N/A	GOLD FORK RIVER
65-2256	WR/DECREED	8/4/1919	32.900 cfs	N/A	N/A	N/A	GOLD FORK RIVER
65-2380	WR/DECREED	2/14/1934	54.700 cfs	N/A	3238.0	3860.0	GOLD FORK RIVER

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>
65-10628	NO	NO	YES	NO	NO	NO
65-10943	NO	NO	YES	NO	NO	NO
65-2256	NO	NO	YES	NO	NO	NO
65-2380	NO	NO	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>
65-10628	65-10628	24.880 cfs	N/A	3238.0	N/A	N/A	N/A	N/A	N/A	N/A
65-10943	65-10943	26.000 cfs	N/A	2933.0	N/A	N/A	N/A	N/A	N/A	N/A
65-2256	65-2256	32.900 cfs	N/A	2933.0	N/A	N/A	N/A	N/A	N/A	N/A
65-2380	65-2380	54.700 cfs	N/A	3238.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		138.480 cfs	N/A	6171.0	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 17th day of March, 2021.

for, Pattie Kelly
Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 84609

IN FILE # 65-2256

WATER RIGHT NO. 65-2256**As Modified by Transfer No. 84609**

In accordance with the approval of Transfer No. 84609, Water Right No. 65-2256 is now described as follows:

Right Holder: GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY, ID 83615-0013

Priority Date: 8/4/1919

Source: GOLD FORK RIVER

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	01/01	to 12/31		11.0 af
DIVERSION TO STORAGE	04/15	to 10/15	0.120 cfs	
IRRIGATION	04/15	to 10/15	32.660 cfs	
MITIGATION	04/15	to 10/15	0.120 cfs	11.0 af
			32.900 cfs	

LOCATION OF POINT(S) OF DIVERSION

GOLD FORK RIVER SWNE Sec 32 Twp 16N Rge 04E VALLEY County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	25									X	X	X	X					

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	25									X	X	X	X					

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 65-2256 and 65-23369 when combined for Diversion to Storage shall not exceed a total diversion rate of 0.12 cfs.

Transfer No. 84609

WATER RIGHT NO. 65-2256
As Modified by Transfer No. 84609

CONDITIONS OF APPROVAL

4. Rights 65-2256 and 65-10943 when combined shall not exceed the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
5. Rights 65-2256, 65-2380, 65-10628 and 65-10943 when combined shall not exceed a total irrigation of 6,171 acres.
6. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 65-23377. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.12 cfs of this right, which shall remain undiverted in the Gold Fork River. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 65-23377 that is being mitigated shall be reduced by the same proportion as the reduction to this right.
7. 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).
8. Use of water under this right may 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 No. 65.
9. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
10. Transfer 76177 authorizes the diversion and delivery of 0.12 cfs and 11.0 af of water to storage for replacement of evaporation losses from two lined ponds authorized by Right 65-23369.
11. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 10/27/2010.
12. Place of use is within the area served by Gold Fork Irrigating Company Limited.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-2256
As Modified by Transfer No. 84609

CONDITIONS OF APPROVAL

16. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 65-2380
As Modified by Transfer No. 84609

In accordance with the approval of Transfer No. 84609, Water Right No. 65-2380 is now described as follows:

Right Holder: GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY, ID 83615-0013

Priority Date: 2/14/1934

Source: GOLD FORK RIVER

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE
IRRIGATION

From
4/15

To
to 10/15

Diversion Rate
54.700 cfs
54.700 cfs

LOCATION OF POINT(S) OF DIVERSION

GOLD FORK RIVER

SWNE

Sec 32 Twp 16N Rge 04E VALLEY County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3,238 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 65-2380 and 65-10628 when combined shall not exceed the irrigation of 3,238 acres within the authorized place of use in a single irrigation season.
4. Rights 65-2256, 65-2380, 65-10628 and 65-10943 when combined shall not exceed a total irrigation of 6,171 acres.
5. 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).
6. Use of water under this right may 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 No. 65.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

WATER RIGHT NO. 65-2380
As Modified by Transfer No. 84609

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
9. Place of use is within the area served by Gold Fork Irrigating Company Limited.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 65-10628

As Modified by Transfer No. 84609

In accordance with the approval of Transfer No. 84609, Water Right No. 65-10628 is now described as follows:

Right Holder: GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY, ID 83615-0013

Priority Date: 4/15/1923

Source: GOLD FORK RIVER

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE
IRRIGATION

From 4/15 **To** 10/15

Diversion Rate
24.880 cfs
24.880 cfs

LOCATION OF POINT(S) OF DIVERSION

GOLD FORK RIVER

SWNE

Sec 32 Twp 16N Rge 04E VALLEY County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3,238 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 65-2380 and 65-10628 when combined shall not exceed the irrigation of 3,238 acres within the authorized place of use in a single irrigation season.
4. Rights 65-2256, 65-2380, 65-10628 and 65-10943 when combined shall not exceed a total irrigation of 6,171 acres.
5. 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).
6. Use of water under this right may 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 No. 65.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Transfer No. 84609

WATER RIGHT NO. 65-10628

As Modified by Transfer No. 84609

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
9. Place of use is within the area served by Gold Fork Irrigating Company Limited.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 65-10943

As Modified by Transfer No. 84609

In accordance with the approval of Transfer No. 84609, Water Right No. 65-10943 is now described as follows:

Right Holder: GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY, ID 83615-0013

Priority Date: 4/15/1907

Source: GOLD FORK RIVER

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 to **To** 10/15

Diversion Rate
26.000 cfs
26.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GOLD FORK RIVER SWNE Sec 32 Twp 16N Rge 04E VALLEY County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 65-2256 and 65-23369 when combined for Diversion to Storage shall not exceed a total diversion rate of 0.12 cfs.
4. Rights 65-2256 and 65-10943 when combined shall not exceed the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
5. Rights 65-2256, 65-2380, 65-10628 and 65-10943 when combined shall not exceed a total irrigation of 6,171 acres.
6. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 65-23377. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.12 cfs of this right, which shall remain undiverted in the Gold Fork River. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 65-23377 that is being mitigated shall be reduced by the same proportion as the reduction to this right.
7. 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).

Transfer No. 84609

WATER RIGHT NO. 65-10943

As Modified by Transfer No. 84609

CONDITIONS OF APPROVAL

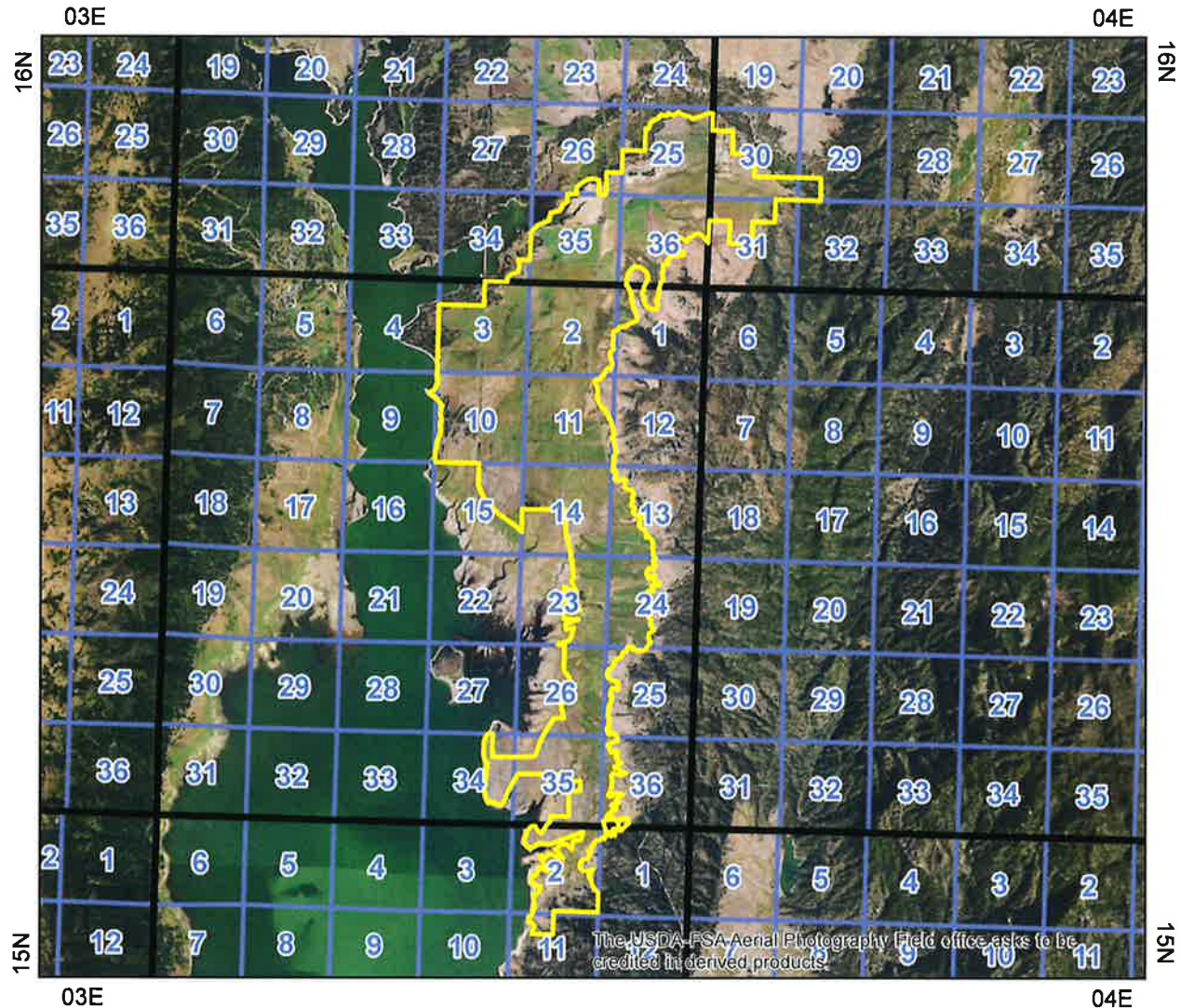
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
9. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
10. Transfer 76177 authorizes the diversion and delivery of 0.12 cfs and 11.0 af of water to storage for replacement of evaporation losses from two lined ponds authorized by Right 65-23369.
11. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 10/27/2010.
12. Place of use is within the area served by Gold Fork Irrigating Company Limited.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Gold Fork Irrigating Co Ltd

Attachment to Water Right Transfer 84609

65-2256, 65-2380, 65-10628 and 65-10943

This map depicts the IRRIGATION 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.



-  Gold Fork Irrigating Co POU
-  Townships
-  PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 17, 2021

GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY ID 83615-0013

RE: Transfer No: 84609
Water Right No(s): 65-2256, 65-2380, 65-10628, 65-10943

Transfer Approval Notice

Dear Water Right Holder(s) 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) 334-2190.

Sincerely,


DENISE LAUERMAN

 Nick Miller
Western Regional Manager

Enclosure

CC:

SAWTOOTH LAW OFFICES PLLC
DANIEL V STEENSON
S BRYCE FARRIS
ANDREW J WALDERA
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707

CERTIFICATE OF SERVICE

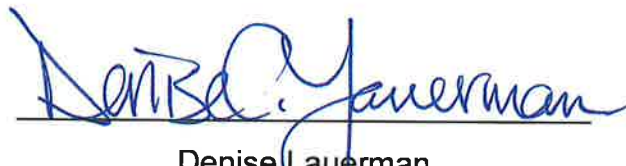
I hereby certify that on March 17, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84609

Water Right No(s): 65-2256, 65-2380, 65-10628, 65-10943

GOLD FORK IRRIGATING CO LTD
PO BOX 13
DONNELLY ID 83615-0013

SAWTOOTH LAW OFFICES PLLC
DANIEL V STEENSON
S BRYCE FARRIS
ANDREW J WALDERA
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707



Denise Lauerman
Administrative Assistant 1

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

Transfer No. 84609

RECEIVED

DEC 30 2020

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 idwr.idaho.gov.

Name of Applicant(s) GOLD FORK IRRIGATING COMPANY, LTD.

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 #1-10.

- ☐ ☒ #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 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) GOLD FORK IRRIGATING COMPANY, LTD. Phone 208-343-7741 (Rod Higgins)
Mailing address P.O. Box 13, Donnelly, ID 83615-0013 Email rodh@higginsrutledge.com

- ☐ 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**.

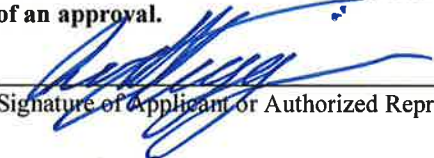
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Bryce Farris, Sawtooth Law Offices, PLLC Phone (208) 629-7447
Mailing address 1101 W. River St., Ste. 110, Boise, ID 83702 Email bryce@sawtoothlaw.com

- ☒ 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

Rod Higgins - Treasurer
Print Name and Title if applicable

12/30/2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.
Gold Fork Irrigating Co., Ltd., recently acquired Center Irrigation District and all of its duties, water rights, and assets, in an effort to consolidate and make the delivery of water in this area more efficient. The purpose of the transfer is to allow the combined water rights to be used within the entirety of Gold Fork's new service boundaries.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	65-2256	32.9 cfs	Aesthetic, Irrigation, etc.	01/01 to 12/31	GoldForkRivr/N Fk Payette
☒ ☐	65-2380	54.7 cfs	Irrigation	4/15 to 10/15	GoldForkRivr/N Fk Payette
☒ ☐	65-10628	24.88 cfs	Irrigation	4/15 to 10/15	GoldForkRivr/N Fk Payette
☒ ☐	65-10943	26 cfs	Irrigation	4/15 to 10/15	GoldForkRivr/N Fk Payette
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 138.48 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 138.48 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03E	1																	
14N	03E	2																	
Total Acres (for irrigation use)																			

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:
The diversion system includes an existing and established system of canals, ditches, and head gates designed to deliver water to landowners. This system has been in use for many years by Center Irrigation District and the existing flow meter(s) and lock(s) will continue to be used, consistent with historical practices.
- b. Who owns the property at the point(s) of diversion? See below.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant will continue to access the diversion system as historically done by Center Irrigation District via access roads pursuant to its easement(s) across private land for the purpose of maintaining its irrigation system.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 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: N/A
- 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
There will be no effect on the land from this transfer, and the land will continue to be irrigated consistent with historic practices. The purpose of this transfer is for ease of administration by Gold Fork Irrigating Co., now that it has acquired Center Irrigation District and has a new/different service boundary.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
All water rights listed above will be used within Gold Fork's new service boundary, consistent with historic practices. The diversion system is already connected and shared. However, instead of it being administered by both Center Irrigation District and Gold Fork Irrigating Co., it will now be administered solely by Gold Fork.
- g. 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:

[illegible]

84609

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

Current Water Right No.: 65-10943

Current Owner: GOLD FORK IRRIGATING CO LTD

Priority Date: 4/15/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOLD FORK RIVER

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/15

Total Diversion

Diversion Rate

26 CFS

26 CFS

Annual Volume

Location of Point(s) of Diversion

GOLD FORK RIVER

VALLEY County

SW1/4NE1/4

Sec. 32, Twp 16N, Rge 04E B.M.

Place of Use

IRRIGATION Within VALLEY County

T15N R03E S1	Lot 3	NENW	T15N R03E S1	Lot 4	NWNW
T15N R03E S1		SWNW	T15N R03E S2	Lot 1	NENE
T15N R03E S2	Lot 2	NWNE	T15N R03E S2		SWNE
T15N R03E S2		SENE	T15N R03E S2	Lot 3	NENW
T15N R03E S2	Lot 4	NWNW	T15N R03E S2		SWNW
T15N R03E S2		SENW	T15N R03E S2		NESW
T15N R03E S2		NWSW	T15N R03E S2		SWSW
T15N R03E S2		SESW	T15N R03E S3	Lot 1	NENE
T15N R03E S3	Lot 2	NWNE	T15N R03E S3		SWNE
T15N R03E S3		SENE	T15N R03E S3		SWNW
T15N R03E S3		SENW	T15N R03E S3		NESW
T15N R03E S3		NWSW	T15N R03E S3		SWSW
T15N R03E S3		SESW	T15N R03E S3		NESE
T15N R03E S3		NWSE	T15N R03E S3		SWSE
T15N R03E S3		SESE	T15N R03E S10		NENE
T15N R03E S10		NWNE	T15N R03E S11		NWNW
T16N R03E S25		NENE	T16N R03E S25		NWNE
T16N R03E S25		SWNE	T16N R03E S25		SENE
T16N R03E S25		NENW	T16N R03E S25		SENW
T16N R03E S25		NESW	T16N R03E S25		NWSW
T16N R03E S25		SWSW	T16N R03E S25		SESW
T16N R03E S25		NESE	T16N R03E S25		NWSE
T16N R03E S25		SWSE	T16N R03E S25		SESE
T16N R03E S26		SWSE	T16N R03E S26		SESE
T16N R03E S34		SESE	T16N R03E S35		NENE
T16N R03E S35		NWNE	T16N R03E S35		SWNE
T16N R03E S35		SENE	T16N R03E S35		NENW
T16N R03E S35		NWNW	T16N R03E S35		SWNW
T16N R03E S35		SENW	T16N R03E S35		NESW
T16N R03E S35		NWSW	T16N R03E S35		SWSW
T16N R03E S35		SESW	T16N R03E S35		NESE
T16N R03E S35		NWSE	T16N R03E S35		SWSE
T16N R03E S35		SESE	T16N R03E S36		NENE
T16N R03E S36		NWNE	T16N R03E S36		SWNE
T16N R03E S36		SENE	T16N R03E S36		NENW
T16N R03E S36		NWNW	T16N R03E S36		SWNW
T16N R03E S36		SENW	T16N R03E S36		NESW
T16N R03E S36		NWSW	T16N R03E S36		SWSW
T16N R03E S36		SESW	T16N R03E S36		NWSE
T16N R04E S29		SWSW	T16N R04E S30	Lot 2	SWNW
T16N R04E S30		NESW	T16N R04E S30	Lot 3	NWSW
T16N R04E S30	Lot 4	SWSW	T16N R04E S30		SESW
T16N R04E S30		SWSE	T16N R04E S30		SESE
T16N R04E S31		NWNE	T16N R04E S31		NENW
T16N R04E S31	Lot 1	NWNW	T16N R04E S31		SENW

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2010.
2. R05 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 No. 65.
3. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. F06 The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. 129 Place of use is within the area served by Gold Fork Irrigating Company Limited.
8. R43 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).
9. X35 Rights 65-2256 and 65-10943 when combined shall not exceed the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
10. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
11. T19 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 10/31/2000

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

Current Water Right No.: 65-10628

Current Owner: GOLD FORK IRRIGATING CO LTD

Priority Date: 4/15/1923

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOLD FORK RIVER

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 10/15

Total Diversion

Diversion Rate

24.88 CFS

24.88 CFS

Annual Volume

Location of Point(s) of Diversion

GOLD FORK RIVER

VALLEY County

SW1/4NE1/4

Sec. 32, Twp 16N, Rge 04E B.M.

Place of Use

IRRIGATION Within VALLEY County

T14N R03E S1	Lot 4	NWNW
T14N R03E S2	Lot 2	NWNE
T14N R03E S2		SENE
T14N R03E S2	Lot 4	NWNW
T14N R03E S2		SENE
T14N R03E S2		NWSW
T14N R03E S2		NESE
T14N R03E S2		SWSE
T14N R03E S11		NENW
T15N R03E S2		NESE
T15N R03E S2		SWSE
T15N R03E S9		NENE
T15N R03E S10		NENE
T15N R03E S10		SWNE
T15N R03E S10		NENW
T15N R03E S10		SWNW
T15N R03E S10		NESW
T15N R03E S10		SWSW
T15N R03E S10		NESE
T15N R03E S10		SWSE
T15N R03E S11		NENE
T15N R03E S11		SWNE
T15N R03E S11		NENW

T14N R03E S2	Lot 1	NENE
T14N R03E S2		SWNE
T14N R03E S2	Lot 3	NENW
T14N R03E S2		SWNW
T14N R03E S2		NESW
T14N R03E S2		SESW
T14N R03E S2		NWSE
T14N R03E S2		SESE
T14N R03E S11		NWNW
T15N R03E S2		NWSE
T15N R03E S2		SESE
T15N R03E S9		SENE
T15N R03E S10		NWNE
T15N R03E S10		SENE
T15N R03E S10		NWNW
T15N R03E S10		SENE
T15N R03E S10		NWSW
T15N R03E S10		SESW
T15N R03E S10		NWSE
T15N R03E S10		SESE
T15N R03E S11		NWNE
T15N R03E S11		SENE
T15N R03E S11		NWNW

T15N R03E S11	SWNW
T15N R03E S11	NESE
T15N R03E S11	SWSE
T15N R03E S12	NWSW
T15N R03E S13	NWNW
T15N R03E S13	SENW
T15N R03E S13	NWSW
T15N R03E S13	SESW
T15N R03E S14	NWNE
T15N R03E S14	SENE
T15N R03E S14	NWNW
T15N R03E S14	SENW
T15N R03E S14	NWSW
T15N R03E S14	NWSE
T15N R03E S14	SESE
T15N R03E S15	NWNE
T15N R03E S15	SENE
T15N R03E S15	NWSE
T15N R03E S23	NWNE
T15N R03E S23	SENE
T15N R03E S23	NESE
T15N R03E S23	SWSE
T15N R03E S24	NWNE
T15N R03E S24	NENW
T15N R03E S24	SWNW
T15N R03E S24	NESW
T15N R03E S24	SWSW
T15N R03E S24	SWSE
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T15N R03E S25	NWSW
T15N R03E S26	NENE
T15N R03E S26	SWNE
T15N R03E S26	SESW
T15N R03E S26	NWSE
T15N R03E S26	SESE
T15N R03E S34	SWNE
T15N R03E S34	NESE
T15N R03E S34	SWSE
T15N R03E S35	NENE
T15N R03E S35	SWNE
T15N R03E S35	NENW
T15N R03E S35	SWNW
T15N R03E S35	SESW
T15N R03E S35	NWSE
T15N R03E S35	SESE
T15N R03E S36	SWNW
T15N R03E S36	NWSW
T15N R03E S36	SESW

T15N R03E S11	SENW
T15N R03E S11	NWSE
T15N R03E S11	SESE
T15N R03E S12	SWSW
T15N R03E S13	SWNW
T15N R03E S13	NESW
T15N R03E S13	SWSW
T15N R03E S14	NENE
T15N R03E S14	SWNE
T15N R03E S14	NENW
T15N R03E S14	SWNW
T15N R03E S14	NESW
T15N R03E S14	NESE
T15N R03E S14	SWSE
T15N R03E S15	NENE
T15N R03E S15	SWNE
T15N R03E S15	NESE
T15N R03E S23	NENE
T15N R03E S23	SWNE
T15N R03E S23	SESW
T15N R03E S23	NWSE
T15N R03E S23	SESE
T15N R03E S24	SWNE
T15N R03E S24	NWNW
T15N R03E S24	SENW
T15N R03E S24	NWSW
T15N R03E S24	SESW
T15N R03E S25	NENW
T15N R03E S25	SWNW
T15N R03E S25	SWSW
T15N R03E S26	NWNE
T15N R03E S26	SENE
T15N R03E S26	NESE
T15N R03E S26	SWSE
T15N R03E S34	NWNE
T15N R03E S34	SENE
T15N R03E S34	NWSE
T15N R03E S34	SESE
T15N R03E S35	NWNE
T15N R03E S35	SENE
T15N R03E S35	NWNW
T15N R03E S35	SENW
T15N R03E S35	NESE
T15N R03E S35	SWSE
T15N R03E S36	NWNW
T15N R03E S36	SENW
T15N R03E S36	SWSW

Total Acres: 3860

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT NO.65-02380 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT FIELD HEADGATE.
2. 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3238 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 10/31/2000

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

Current Water Right No.: 65-2380

Current Owner: GOLD FORK IRRIGATING CO LTD

Priority Date: 2/14/1934

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOLD FORK RIVER

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 10/15

Total Diversion

Diversion Rate

54.7 CFS

54.7 CFS

Annual Volume

Location of Point(s) of Diversion

GOLD FORK RIVER

VALLEY County

SW1/4NE1/4

Sec. 32, Twp 16N, Rge 04E B.M.

Place of Use

IRRIGATION Within VALLEY County

T14N R03E S1	Lot 4	NWNW	T14N R03E S2	Lot 1	NENE
T14N R03E S2	Lot 2	NWNE	T14N R03E S2		SWNE
T14N R03E S2		SENE	T14N R03E S2	Lot 3	NENW
T14N R03E S2	Lot 4	NWNW	T14N R03E S2		SWNW
T14N R03E S2		SENW	T14N R03E S2		NESW
T14N R03E S2		NWSW	T14N R03E S2		SESW
T14N R03E S2		NESE	T14N R03E S2		NWSE
T14N R03E S2		SWSE	T14N R03E S2		SESE
T14N R03E S11		NENW	T14N R03E S11		NWNW
T15N R03E S2		NESE	T15N R03E S2		NWSE
T15N R03E S2		SWSE	T15N R03E S2		SESE
T15N R03E S9		NENE	T15N R03E S9		SENE
T15N R03E S10		NENE	T15N R03E S10		NWNE
T15N R03E S10		SWNE	T15N R03E S10		SENE
T15N R03E S10		NENW	T15N R03E S10		NWNW
T15N R03E S10		SWNW	T15N R03E S10		SENW
T15N R03E S10		NESW	T15N R03E S10		NWSW
T15N R03E S10		SWSW	T15N R03E S10		SESW
T15N R03E S10		NESE	T15N R03E S10		NWSE
T15N R03E S10		SWSE	T15N R03E S10		SESE
T15N R03E S11		NENE	T15N R03E S11		NWNE
T15N R03E S11		SWNE	T15N R03E S11		SENE
T15N R03E S11		NENW	T15N R03E S11		NWNW

T15N R03E S11	SWNW
T15N R03E S11	NESE
T15N R03E S11	SWSE
T15N R03E S12	NWSW
T15N R03E S13	NWNW
T15N R03E S13	SENW
T15N R03E S13	NWSW
T15N R03E S13	SESW
T15N R03E S14	NWNE
T15N R03E S14	SENE
T15N R03E S14	NWNW
T15N R03E S14	SENW
T15N R03E S14	NWSW
T15N R03E S14	NWSE
T15N R03E S14	SESE
T15N R03E S15	NWNE
T15N R03E S15	SENE
T15N R03E S15	NWSE
T15N R03E S23	NWNE
T15N R03E S23	SENE
T15N R03E S23	NESE
T15N R03E S23	SWSE
T15N R03E S24	NWNE
T15N R03E S24	NENW
T15N R03E S24	SWNW
T15N R03E S24	NESW
T15N R03E S24	SWSW
T15N R03E S24	SWSE
T15N R03E S25	NWNW
T15N R03E S25	NWSW
T15N R03E S26	NENE
T15N R03E S26	SWNE
T15N R03E S26	SESW
T15N R03E S26	NWSE
T15N R03E S26	SESE
T15N R03E S34	SWNE
T15N R03E S34	NESE
T15N R03E S34	SWSE
T15N R03E S35	NENE
T15N R03E S35	SWNE
T15N R03E S35	NENW
T15N R03E S35	SWNW
T15N R03E S35	SESW
T15N R03E S35	NWSE
T15N R03E S35	SESE
T15N R03E S36	SWNW
T15N R03E S36	NWSW
T15N R03E S36	SESW

T15N R03E S11	SENW
T15N R03E S11	NWSE
T15N R03E S11	SESE
T15N R03E S12	SWSW
T15N R03E S13	SWNW
T15N R03E S13	NESW
T15N R03E S13	SWSW
T15N R03E S14	NENE
T15N R03E S14	SWNE
T15N R03E S14	NENW
T15N R03E S14	SWNW
T15N R03E S14	NESW
T15N R03E S14	NESE
T15N R03E S14	SWSE
T15N R03E S15	NENE
T15N R03E S15	SWNE
T15N R03E S15	NESE
T15N R03E S23	NENE
T15N R03E S23	SWNE
T15N R03E S23	SESW
T15N R03E S23	NWSE
T15N R03E S23	SESE
T15N R03E S24	SWNE
T15N R03E S24	NWNW
T15N R03E S24	SENW
T15N R03E S24	NWSW
T15N R03E S24	SESW
T15N R03E S25	NENW
T15N R03E S25	SWNW
T15N R03E S25	SWSW
T15N R03E S26	NWNE
T15N R03E S26	SENE
T15N R03E S26	NESE
T15N R03E S26	SWSE
T15N R03E S34	NWNE
T15N R03E S34	SENE
T15N R03E S34	NWSE
T15N R03E S34	SESE
T15N R03E S35	NWNE
T15N R03E S35	SENE
T15N R03E S35	NWNW
T15N R03E S35	SENW
T15N R03E S35	NESE
T15N R03E S35	SWSE
T15N R03E S36	NWNW
T15N R03E S36	SENW
T15N R03E S36	SWSW

Total Acres: 3860

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-10628 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT FIELD HEADGATE.
2. 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3238 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 10/31/2000

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

Current Water Right No.: 65-2256

Current Owner: GOLD FORK IRRIGATING CO LTD

Priority Date: 8/4/1919

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOLD FORK RIVER

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

From To

MITIGATION	04/15 to 10/15
AESTHETIC STORAGE	01/01 to 12/31
IRRIGATION	04/15 to 10/15
DIVERSION TO STORAGE	04/15 to 10/15

Total Diversion

Diversion Rate

0.12 CFS

32.66 CFS

0.12 CFS

32.9 CFS

Annual Volume

11 AF

11 AF

Location of Point(s) of Diversion

GOLD FORK RIVER
VALLEY County

SW1/4NE1/4 Sec. 32, Twp 16N, Rge 04E B.M.

Place of Use

IRRIGATION Within VALLEY County

T15N R03E S1	Lot 3	NENW	T15N R03E S1	Lot 4	NWNW
T15N R03E S1		SWNW	T15N R03E S2	Lot 1	NENE
T15N R03E S2	Lot 2	NWNE	T15N R03E S2		SWNE
T15N R03E S2		SENE	T15N R03E S2	Lot 3	NENW
T15N R03E S2	Lot 4	NWNW	T15N R03E S2		SWNW
T15N R03E S2		SENW	T15N R03E S2		NESW
T15N R03E S2		NWSW	T15N R03E S2		SWSW
T15N R03E S2		SESW	T15N R03E S3	Lot 1	NENE
T15N R03E S3	Lot 2	NWNE	T15N R03E S3		SWNE
T15N R03E S3		SENE	T15N R03E S3		SWNW
T15N R03E S3		SENW	T15N R03E S3		NESW
T15N R03E S3		NWSW	T15N R03E S3		SWSW
T15N R03E S3		SESW	T15N R03E S3		NESE
T15N R03E S3		NWSE	T15N R03E S3		SWSE
T15N R03E S3		SESE	T15N R03E S10		NENE
T15N R03E S10		NWNE	T15N R03E S11		NWNW
T16N R03E S25		NENE	T16N R03E S25		NWNE
T16N R03E S25		SWNE	T16N R03E S25		SENE
T16N R03E S25		NENW	T16N R03E S25		SENW
T16N R03E S25		NESW	T16N R03E S25		NWSW
T16N R03E S25		SWSW	T16N R03E S25		SESW
T16N R03E S25		NESE	T16N R03E S25		NWSE
T16N R03E S25		SWSE	T16N R03E S25		SESE
T16N R03E S26		SWSE	T16N R03E S26		SESE
T16N R03E S34		SESE	T16N R03E S35		NENE
T16N R03E S35		NWNE	T16N R03E S35		SWNE
T16N R03E S35		SENE	T16N R03E S35		NENW
T16N R03E S35		NWNW	T16N R03E S35		SWNW
T16N R03E S35		SENW	T16N R03E S35		NESW
T16N R03E S35		NWSW	T16N R03E S35		SWSW
T16N R03E S35		SESW	T16N R03E S35		NESE
T16N R03E S35		NWSE	T16N R03E S35		SWSE
T16N R03E S35		SESE	T16N R03E S36		NENE
T16N R03E S36		NWNE	T16N R03E S36		SWNE
T16N R03E S36		SENE	T16N R03E S36		NENW
T16N R03E S36		NWNW	T16N R03E S36		SWNW
T16N R03E S36		SENW	T16N R03E S36		NESW
T16N R03E S36		NWSW	T16N R03E S36		SWSW
T16N R03E S36		SESW	T16N R03E S36		NWSE
T16N R04E S29		SWSW	T16N R04E S30	Lot 2	SWNW
T16N R04E S30		NESW	T16N R04E S30	Lot 3	NWSW
T16N R04E S30	Lot 4	SWSW	T16N R04E S30		SESW
T16N R04E S30		SWSE	T16N R04E S30		SESE
T16N R04E S31		NWNE	T16N R04E S31		NENW
T16N R04E S31	Lot 1	NWNW	T16N R04E S31		SENW

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AESTHETIC STORAGE Within VALLEY County

T16N R03E S25	NESW	T16N R03E S25	NWSW
T16N R03E S25	SWSW	T16N R03E S25	SESW

MITIGATION Within VALLEY County

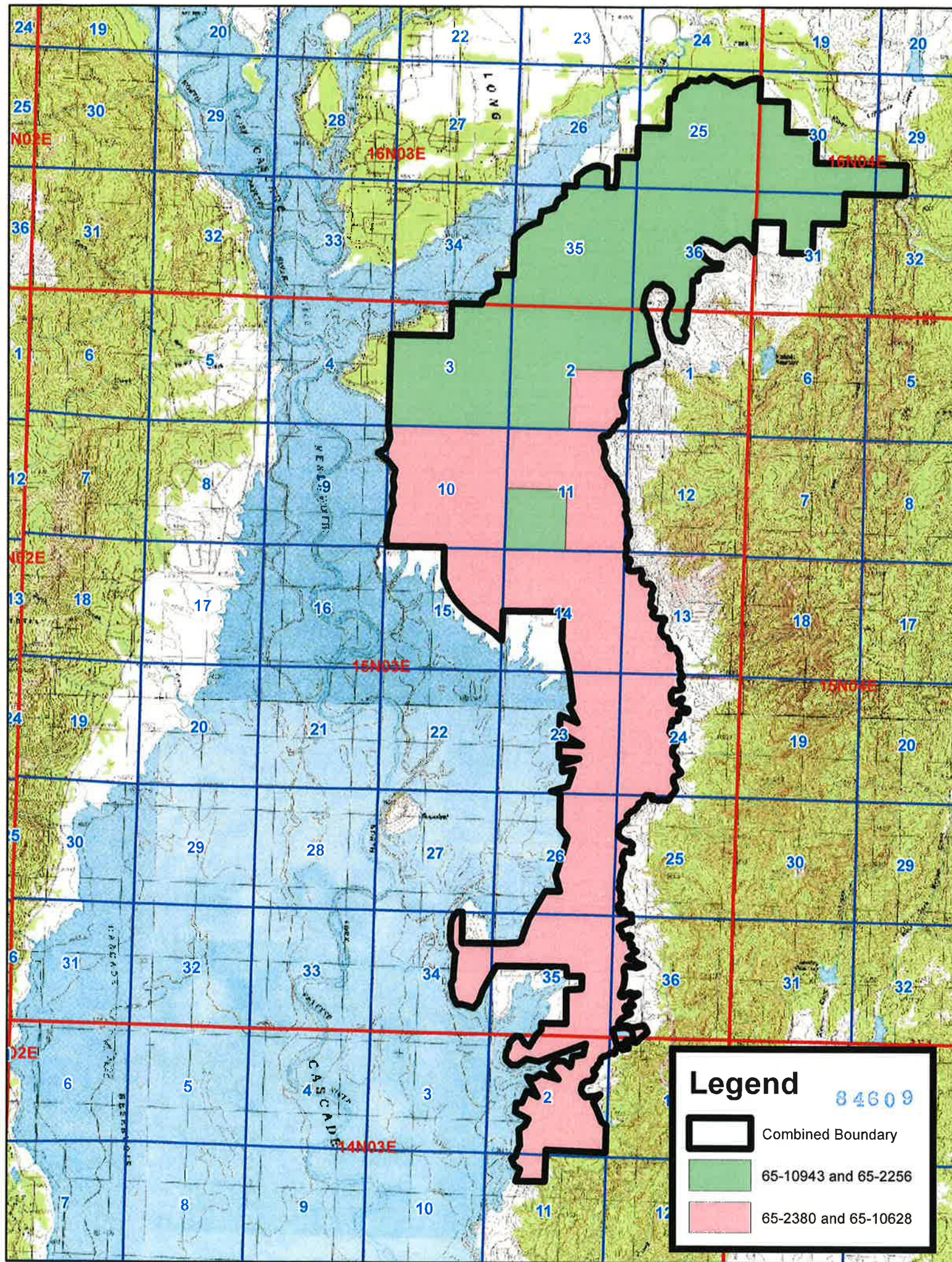
T16N R03E S25	NESW	T16N R03E S25	NWSW
T16N R03E S25	SWSW	T16N R03E S25	SESW

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. The combined rate of diversion to storage under Rights 65-2256 and 65-23369 shall not exceed 0.12 cfs
2. 129 Place of use is within the area served by Gold Fork Irrigating Company Limited.
3. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. R43 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).
5. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Right 65-23377. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.12 cfs of this right, which shall remain undiverted in the Gold Fork River. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 65-23377 that is being mitigated shall be reduced by the same proportion as the reduction to this right.
6. R05 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 No. 65.
7. Transfer 76177 authorizes the diversion of water in the amount of 0.12 cfs and 11.0 af to be used for replacement of losses caused by evaporation from two lined ponds with a total surface area of 8.4 acres authorized for aesthetic storage under right 65-23369.
8. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. X35 Rights 65-2256 and 65-10943 when combined shall not exceed the irrigation of 2,933 acres within the authorized place of use in a single irrigation season.
10. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2010.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 004 This right does not grant any right-of-way or easement across the land of another.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
15. F06 The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.

Decreed Date: 10/31/2000



Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

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DEC 30 2020

WATER RESOURCES
WESTERN REGION

David P. Claiborne *

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

Andrew J. Waldera **

James R. Bennetts (retired)

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

Wednesday, December 30, 2020

Via Hand Delivery

IDWR Western Region Office
Attn: Nick Miller
2735 Airport Way
Boise, ID 83705-5082

Re: Transfer Application in the Name of Gold Fork Irrigation, Ltd.

Dear Nick:

As we discussed earlier this year, this law firm represents Gold Fork Irrigating Company, Ltd. ("Gold Fork"), who recently acquired the water rights of Center Irrigation District as part of the consolidation and dissolution of Center Irrigation District. The *Notice of Change of Ownership* has now been processed and Gold Fork is now submitting an application to transfer to update Gold Fork's place of use to include the lands previously served by Center Irrigation District. The Order dissolving Center Irrigation District which has been approved by the Court has been previously provided and the deeds for the water rights were previously submitted as part of the *Notice of Change of Ownership*.

As indicated in the enclosed *Application for Transfer*, the service areas for Gold Fork and Center Irrigation District are not changing and the only change is that the service area for Gold Fork is now the combined service area of both Gold Fork and Center Irrigation District. This is illustrated on the map which is attached and which was provided by you as part of our prior discussions and correspondence concerning this matter.

Accordingly, enclosed please find the following:

1. *Application for Transfer* in the name of Gold Fork to change the place of use; and
2. Check in the amount of \$6,000.00 payable to the Idaho Department of Water Resources which represents the filing fee for Application for Transfer.

www.sawtoothlaw.com

If you have any questions please feel free to call me. Thank you for your cooperation and assistance.

Yours very truly,


S. Bryce Farris

Enclosures

Cc: client

MEMORANDUM

TO: Transfer No. 84609
FROM: Patrick Kelly
DATE: 3/15/2021
RE: Evaluation of Application

Summary of Information Submitted

Golf Fork Irrigating Company (GFIC) filed transfer no. 84609 to change the place of use for its group of four water rights (65-2256, 65-2380, 65-10628 and 65-10943). Water rights 65-2380 and 65-10628 were decreed in the name of Center Irrigation District in 2004. In 2020 Center Irrigation District dissolved and the water rights were granted to GFIC. An ownership change was submitted in April of 2020 placing the two water right in GFIC name. GFIC now proposes to update the POU of all 4 rights to reflect a combined service boundary.

Bryce Farris of Sawtooth Law is the representative for the transfer. Mr. Farris can be reached at 208-629-7447.

Authority to File

GFIC is the current owners of all water rights identified by the application. Rod Higgins signed the application for transfer. Mr. Higgins is a registered agent with the company according to ID SOS and has authority to sign on behalf of the company.

Water Right Validity

The rights are presumed to be valid since GFIC has continued to deliver water to its users annually. Irrigation entities enjoy a level of protection from forfeiture by law.

Injury to Other Water Rights

None anticipated. This transfer is proposing changes that will not affect the delivery of water to its shareholders. Changes to the system are not proposed and delivery of water will continue to be administered.

Enlargement of Use

The rates and acres authorized by the group of rights are not changing. Acre and combined use limits are being added to conditions to reflect limits of each right pre-transfer. The application suggests that by combining the duties of both districts into one it will make delivery of water more efficient to the area.

The four water rights were decreed with a total of 6,183 acres of irrigation. 12 of those acres have been reduced from the total due to Transfer 76177. 138.48 cfs on 6,171 acres reflect an accurate account to the group of rights.

Local Public Interest

No information has been made available to suggest a conflict with local public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Water right no. 65-2256 has some existing conditions from a transfer completed in 2010. The right was transferred under a nature of use change for an aesthetic storage permit 65-23369. This surface water permit authorized the capacity of the lined ponds to be re-filled with GFIC water. The permit has since lapsed but it is clear from aerial imagery that water is likely still being delivered to the ponds.

65-2256 was also used for mitigation to a groundwater aesthetic storage use permit 65-23377. This permit is still active and a field exam is pending.

If GFIC is delivering water to the ponds developed under 65-23369, then changes to the GFIC rights should not be made and the property owners should re-file for the capacity of the ponds. The mitigation use is still relevant since it appears some of the storage use under 65-23377 has occurred and the permit has not yet been licensed.

Changes related to either use was not proposed by the transfer application and conditions were maintained on the current draft approval.