

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80815**

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

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>
65-10943	WR/DECREED	4/15/1907	26.000 cfs	N/A	N/A	2933.0	GOLD FORK RIVER
65-22476	WR/DECREED	4/15/1907	0.020 cfs	N/A	N/A	N/A	GOLD FORK RIVER
65-2256	WR/DECREED	8/4/1919	32.900 cfs	N/A	N/A	2933.0	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>
65-10943	NO	NO	YES	NO	NO	NO
65-22476	NO	NO	YES	NO	NO	NO
65-2256	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>
65-10943	65-10943	26.000 cfs	N/A	N/A	2933	N/A	N/A	N/A	N/A	N/A
65-22476	65-22476	0.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-2256	65-2256	32.900 cfs	N/A	N/A	2933	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		58.920 cfs	N/A	2933.0	2933.0		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 19 day of AUGUST, 2016.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 65-2256

Transfer No. 80815

WATER RIGHT NO. 65-2256**As Modified by Transfer No. 80815**

In accordance with the approval of Transfer No. 80815, Water Right No. 65-2256 is now described as follows:

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

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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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. 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.
2. Place of use is within the area served by Gold Fork Irrigating Company Limited.
3. 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.

Transfer No. 80815

WATER RIGHT NO. 65-2256

As Modified by Transfer No. 80815

CONDITIONS OF APPROVAL

4. The combined rate of diversion to storage under Rights 65-2256 and 65-23369 shall not exceed 0.12 cfs
5. 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.
6. 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.
7. 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.
8. 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.
9. 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).
10. 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. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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. 65-22476**As Modified by Transfer No. 80815**

In accordance with the approval of Transfer No. 80815, Water Right No. 65-22476 is now described as follows:

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

Priority Date: 4/15/1907

Source: GOLD FORK RIVER

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE

STOCKWATER

From

01/01

To

to 12/31

Diversion Rate

0.020 cfs

0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GOLD FORK RIVER

SWNE

Sec 32 Twp 16N Rge 04E VALLEY County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03E	1					X	X	X										
							L3	L4											
15N	03E	2	X	X	X	X	X	X	X	X	X	X	X	X					
			L1	L2			L3	L4											
15N	03E	3	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
			L1	L2															
15N	03E	11									X	X	X	X					
16N	03E	25	X	X	X	X	X			X	X	X	X	X	X	X	X	X	
16N	03E	26															X	X	
16N	03E	34																X	
16N	03E	35	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	
16N	03E	36	X	X	X	X	X	X	X	X	X	X	X	X		X			
16N	04E	29											X						
16N	04E	30							X		X	X	X	X			X	X	
									L2			L3	L4						
16N	04E	31		X			X	X		X									
								L1											

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. 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.

WATER RIGHT NO. 65-22476

As Modified by Transfer No. 80815

CONDITIONS OF APPROVAL

3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
5. The quantity of water decreed for this water right is not a determination of historical beneficial use.
6. The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 80815

In accordance with the approval of Transfer No. 80815, Water Right No. 65-10943 is now described as follows:

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

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

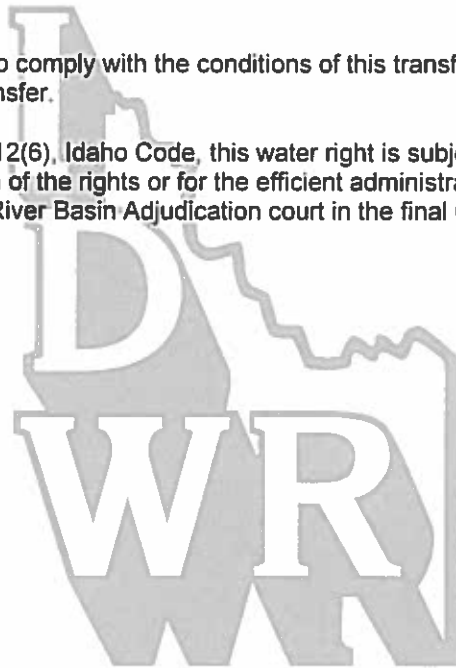
1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Gold Fork Irrigating Company Limited.
3. 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.
4. 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.
5. 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.
6. 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).
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 early or late irrigation use and a priority date earlier than 10/27/2010.

Transfer No. 80815

WATER RIGHT NO. 65-10943
As Modified by Transfer No. 80815

CONDITIONS OF APPROVAL

8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

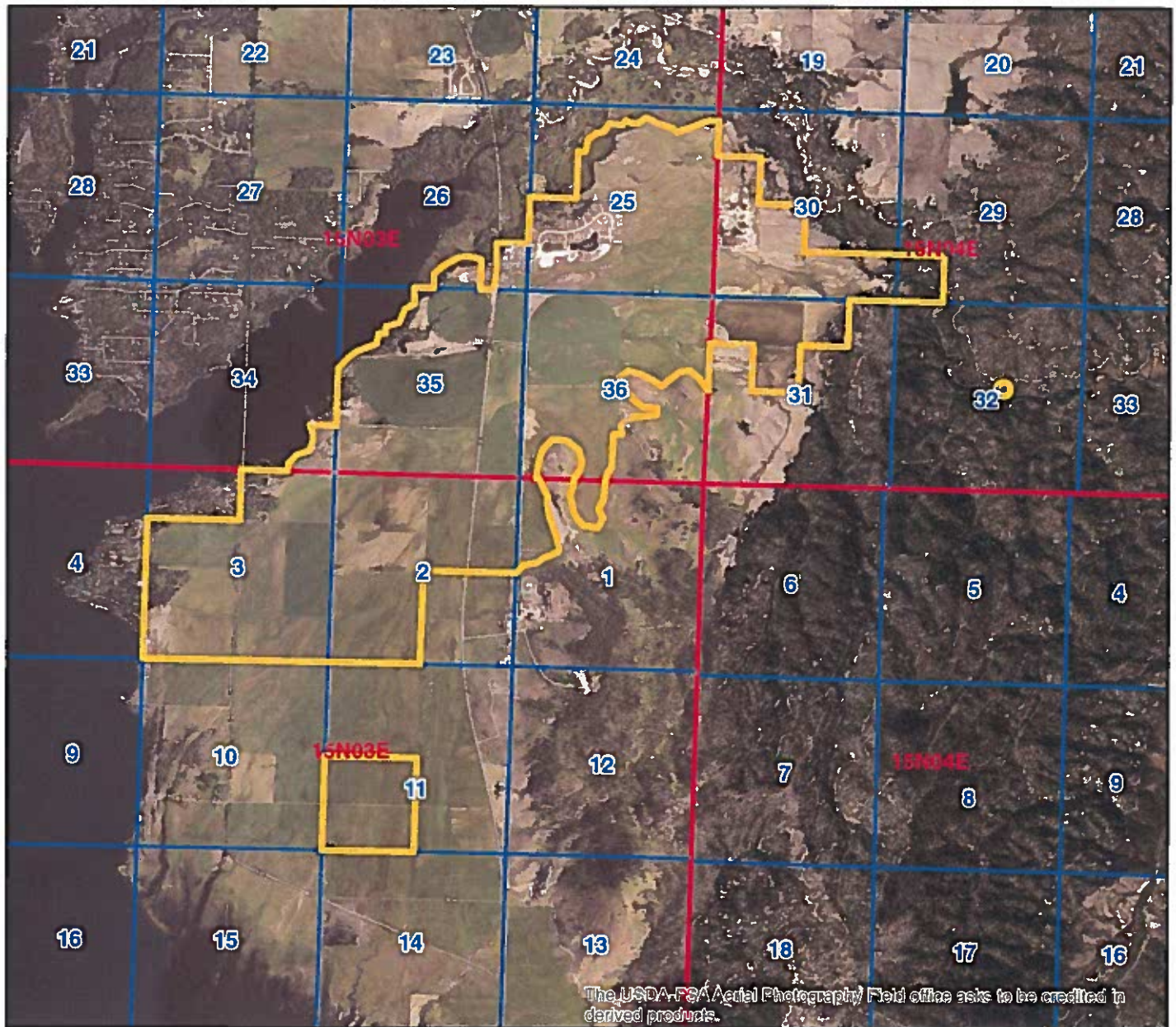


State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80815

65-2256, 65-10943, 65-22476

This map depicts the STOCKWATER and 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.



Legend

- Transfer POD
- Transfer POU Boundary
- Township/Range
- Sections

0 0.45 0.9 1.8 Miles

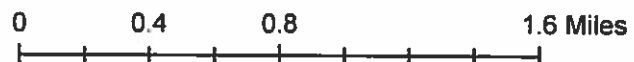
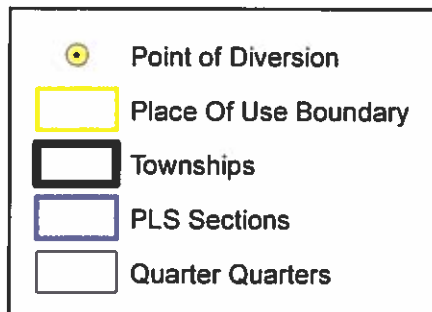


State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80815

65-2256

This map depicts the MITIGATION 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.

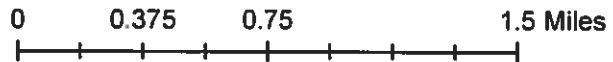
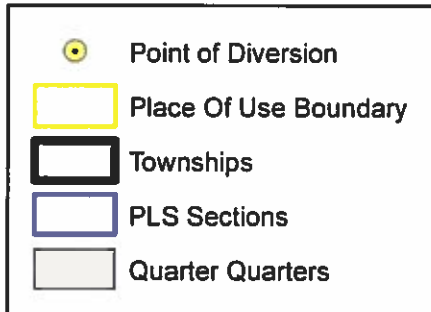
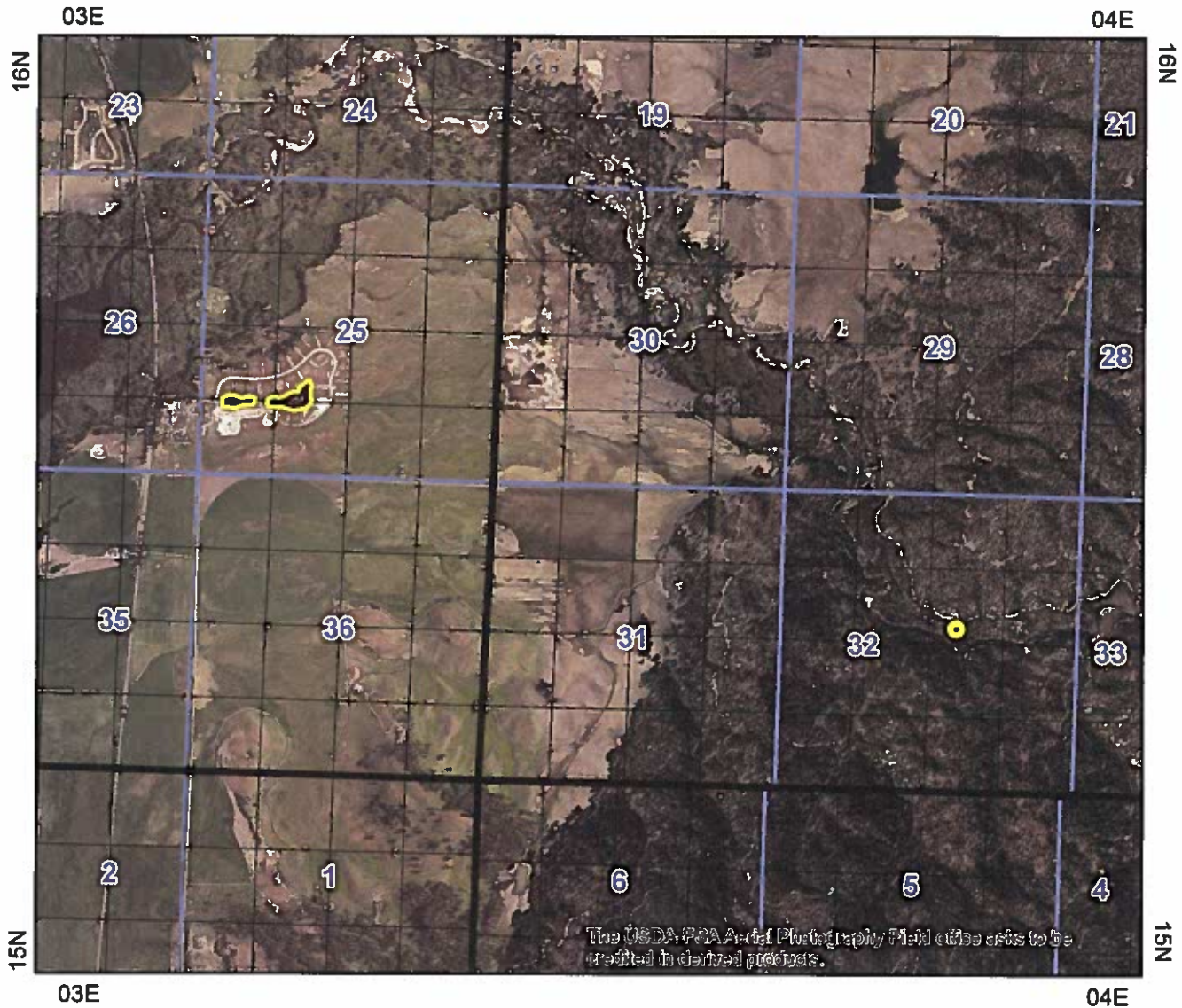


State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80815

65-2256

This map depicts the AESTHETIC STORAGE 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.



RECEIVED

APR 07 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80815MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) GOLD FORK IRRIGATING CO. LTP.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 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. If some or all of any right is leased to the Water Supply Bank, you must also show 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 CO LTP. Phone 208-343-7741
 Mailing address BOX 13 DONNELLY IR 83615 Email —
IF QUESTIONS CALL KEN ROBERTS @ 630-3761

- ☐ 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.

Ken A. Roberts KEN ROBERTS CHAIRMAN 4/7/16
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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.

TO ADD A 1/4 SECTION OF LAND THAT WAS
INADVERTANTLY LEFT OUT OF A PREVIOUS TRANSFER.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	<u>65-2256</u>	<u>32.0</u> ⁶⁶ cfs	<u>IRRIGATION</u>	<u>4-15</u> to <u>10-15</u>	<u>GOLD FORK RIVER.</u>
☒ ☐	<u>65-10943</u>	<u>26.0</u> cfs	<u>IRRIGATION</u>	<u>4-15</u> to <u>10-15</u>	<u>GOLD FORK RIVER.</u>
☒ ☐	<u>65-22476</u>	<u>.02</u> cfs	<u>STOCKWATER</u>	<u>1-1</u> to <u>12-31</u>	<u>GOLD FORK RIVER.</u>
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 58.92 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.74 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	
			SEE				ATTACHED				STOCK WATER.								
			IRRIGATION								SERVICE				AREA				

Total Acres (for irrigation use) 2.933 AC

* 400s x 58.92 cfs = 2.74 cfs PRO-RATED FEE FOR CHANGE TO IRRIGATION SERVICE AREA AND STOCKWATER POW.
8600s

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 80815

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03E	1					X	X	X										
15N	03E	2	X	X	X	X	X	X	X	X	X	X	X	X					
15N	03E	3	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
15N	03E	11									X	X	X	X					
16N	03E	25	X	X	X	X	X			X	X	X	X	X	X	X	X	X	
16N	03E	26															X	X	
16N	03E	34																X	
16N	03E	35	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	
16N	03E	36	X	X	X	X	X	X	X	X	X	X	X	X		X			
16N	04E	29											X						
16N	04E	30							X		X	X	X	X			X	X	
16N	04E	31		X			X	X		X									

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:

ALL DEVICES ARE IN PLACE NOW.

- b. Who owns the property at the point(s) of diversion? N/A NO CHANGE TO POD.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A

- 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. N/A.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

CORRECT SERVICE AREA 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:

N/A

- 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:

**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

<u>Beneficial Use</u>	<u>From To</u>
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
<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.12 CFS	11 AF
32.66 CFS	11 AF
0.12 CFS	
32.9 CFS	

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

MITIGATION Within VALLEY County

T16N R03E S25	NESW
T16N R03E S25	SWSW

T16N R03E S25	NWSW
T16N R03E S25	SESW

AESTHETIC STORAGE Within VALLEY County

T16N R03E S25	NESW
T16N R03E S25	SWSW

T16N R03E S25	NWSW
T16N R03E S25	SESW

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

Total Acres: 2933

Place of Use: DIVERSION TO STORAGE same as MITIGATION

Conditions of Approval:

1. This approval (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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
4. 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 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. 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.
8. The combined rate of diversion to storage under Rights 65-2256 and 65-23369 shall not exceed 0.12 cfs.
9. 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.
10. 129 Place of use is within the area served by Gold Fork Irrigating Company Limited.
11. 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).
12. F06 The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
13. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and 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 before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. 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.
15. 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.

Decreed Date: 10/31/2000

Page 9 of 16

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
IRRIGATION	04/15	10/15
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
26 CFS	
26 CFS	

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

80815

Conditions of Approval:

1. 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.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. F06 The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
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. 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.
6. 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.
7. 129 Place of use is within the area served by Gold Fork Irrigating Company Limited.
8. 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.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and 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 before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. 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 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.

Decreed Date: 10/31/2000

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

Current Water Right No.: 65-22476

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
STOCKWATER	01/01	12/31
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.02 CFS	
0.02 CFS	

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

80815

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. 01P Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. F06 The following rights are diverted through point of diversion described above: 65-2256, 65-2380, 65-10628, 65-10943, 65-22476.
5. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
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. N15 The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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 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.

Decreed Date: 7/26/2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES *N/A*

N/A.

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

-  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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance) *N/A.*

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS *N/A*

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8h**.

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]

FOR DEPARTMENT USE ONLY

Transfer contains 16 pages and 1 attachments.

Received by AS Date 4/7/16 Preliminary check by DH Date 4-19-16

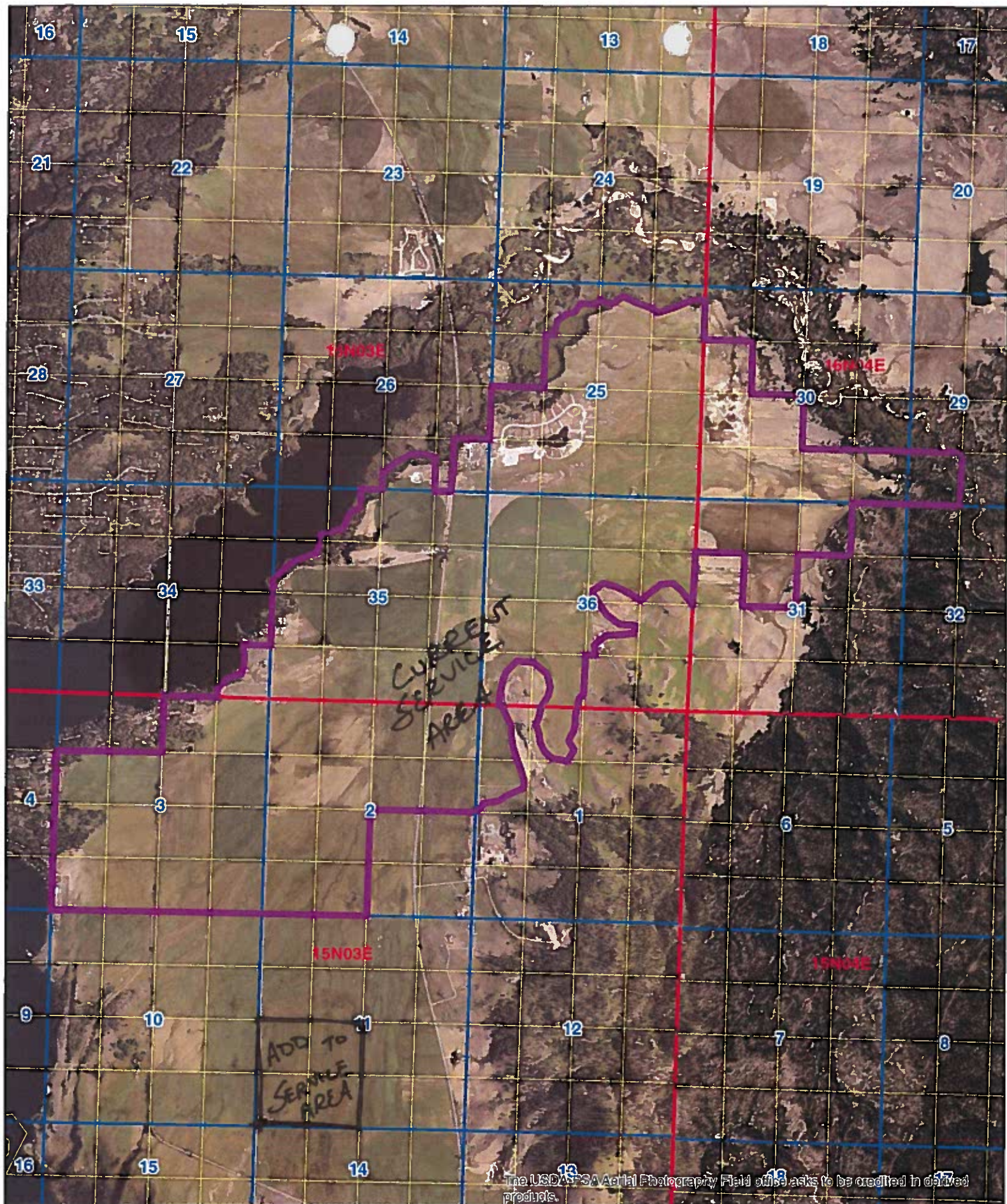
Fee paid \$650⁰⁰ Date 4/7/16 Received by Q Receipt # WD44035

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Page 116

80815



STOCKWATER POU SAME AS IRRIGATION POU. NO CHANGE TO POD
ATTACHMENT # 7a + 7b

80815



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

August 19, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

GOLD FORK IRRIGATING CO LTD
BOX 13
DONNELLY ID 83615

Re: Transfer No: 80815
Water Right No(s): 65-2256, 65-10943, 65-22476

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

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

If you have any questions, please contact me at (208)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80815

Water Right No(s): 65-2256, 65-10943, 65-22476

**GOLD FORK IRRIGATING CO LTD
BOX 13
DONNELLY ID 83615**

**RON SHURTLEFF
WATERMASTER OF DISTRICT 65
102 N MAIN
PAYETTE ID 83661**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 80815
FROM: D. Merriman
DATE: 6/17/16
RE: Evaluation of Application

The transfer proposes to change the place of use (service area) to encompass four additional quarter quarters to water right 65-2256, 65-10943, and 65-22476.

The site of the POU is the 2,933 acres of the service area of the ditch company in Valley County, and includes the acres immediately south of Gold Fork River.

Contact person for the applicant is Ken Roberts, Chairman of Gold Fork Irrigating Company LTD, 208-630-3761.

Summary of Information Submitted

Authority to File: The Application for Transfer of Water Right was submitted by Gold Fork Irrigating Co Ltd and signed by Ken Roberts, the chairman of the organization. Fork Irrigating Co Ltd is the owner of the three rights to be transferred.

Water Right Validity: Water rights 65-2256 and 65-10943 were decreed on 10/31/2000 and water right 65-22476 was decreed on 7/26/02. These irrigation district rights enjoy the protection against forfeiture pursuant to Idaho Code 42-223.

Injury to Other Water Rights: The transfer proposes to expand the boundaries of the large POU to encompass additional acres. The PODs will stay the same. Changes to the water supply will not occur and injury to other water rights is not apparent.

Enlargement of Use: Transfer proposes to expand the irrigation boundary but maintain a total of 58.92 cfs and 2,933 acres of irrigation and stockwater for water rights 65-2256, 65-10943, and 65-22476. No enlargement is anticipated as a result of the proposed changes.

Local Public interest: Review staff has no information to suggest this application is inconsistent with the 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

A smaller fee was paid, per pro-rated transfer fee standards. There is some discrepancy between the application justification for the prorated fee and the actual fee to be charged.

Application justification: (4 new QQ/86 original QQ) x 58.92 cfs = 2.74 cfs to be changed.

Actual number of original QQs: (4 new QQ/87 original QQ) x 58.92 cfs = 2.70 cfs to be changed.

Although these proportions differ, they both fall within the same range in the Transfer fee schedule and merit a charge of \$660, which was paid by the applicant.

Although not advertised, watermaster comments were solicited from the Payette River Water District 65 watermaster. No timely response was received, so it is assumed that there is no objection to the proposal.

The NESW, NWSW, SWSW, and SESW quarters of T15N R03E Sec 11 are to be added to both the irrigation and stockwater rights. This includes the entirety of the forty acre tracts, for a total of 160 acres added to the overall shape.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Merriman, Danielle

From: Merriman, Danielle
Sent: Monday, May 16, 2016 5:03 PM
To: 'WATERDIST65@SRVINET.COM'; 'wd65@srvinet.com'
Subject: Application for Transfer No 80815
Attachments: Watermaster Recommendation Form.docx; Transfer 80815.pdf

May 16, 2016

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

RE: Applications for Transfer Nos. 80815

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water transfer application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by June 16, 2016.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov