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SEP 02 2015
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80375

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 www.idwr.idaho.gov.

Name of Applicant(s) Estate of John V. Goode

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

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SEP 02 2015

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Estate of John V. Goode Phone 208-630-3123 cell
Mailing address PO Box 63, Donnelly, ID 83615 Email 208-325-8692 home

- ☒ 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 Brian L. McMahan, attorney Phone 208-384-1800
Mailing address PO Box 959, Boise, ID 83701 Email bmcMahon@EVANS
Keane.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.

Mantha Gang Personal Representative 9/1/15
Signature of Applicant or Authorized Representative of the Estate 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

* OWNERSHIP ALSO
BEING CHANGED THE
TRANSFER- SEE
4/5/16 MEMO
IN FILE
-NUT

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.

Propose to move all water rights from the South 80-acre parcel &
apply them only to the North 80-acre parcel. Doing this will not
exceed 0.02 cfs per acre.

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 ☒ ☐	65-3164	1.14 cfs	irrigation	5-1 to 9-15	Lake Fork / N. Fork Payette R.
☒ ☐	65-3165	0.46 cfs	irrigation	5-1 to 9-15	Lake Fork / N. Fork Payette River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.60 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.6 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	
16N	03E	03	40	39															79
Total Acres (for irrigation use)																			79

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:

Water is diverted from Lake Fork Creek, down the Makala Ditch to POU. Existing system will be used. Additional measuring device/locking controlling works can be installed if needed.

- b. Who owns the property at the point(s) of diversion? Michelle Basye

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Diversion System has been in place for over 100 years, & property owner acknowledges right to access.

- 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: NA

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? NO

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 always was insufficient water to irrigate all 158 acres. This transfer will put all water on the North 80 acres (NENE and NWNE) and no water on the South 80 acres (SWNE & SENE).

- 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:

There are no other water rights for this land.

- 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.: 65-3164

Current Owner: AILA D GOODE
JOHN V GOODE

Priority Date: 5/1/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

LAKE FORK

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 9/15

Diversion Rate

1.14 CFS

Annual Volume

Total Diversion

1.14 CFS

Location of Point(s) of Diversion

LAKE FORK

NW1/4NW1/4NE1/4

Sec. 10, Twp 17N, Rge 03E B.M.

VALLEY County

Place of Use

IRRIGATION Within VALLEY County

T16N R03E S3	Lot 1	NENE	40.00	T16N R03E S3	Lot 2	NWNE	39.00
T16N R03E S3		SWNE	39.00	T16N R03E S3		SENE	40.00
Total Acres: 158							

80375

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10. RIGHT NO. 65-03165 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. W29 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MAHALA DITCH CO.
4. 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.
5. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03165 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT THE FIELD HEADGATE.
6. USE OF THIS RIGHT WITH RIGHT NO. 65-03165 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 6/29/2004

80375

Page 1 of 2

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

Current Water Right No.: 65-3165

Current Owner: JOHN V GOODE
AILEA D GOODE

Priority Date: 5/1/1919

Origin: Water Right

Status: Active

Basis: Decreed

Source

LAKE FORK

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 9/15

Diversion Rate

0.46 CFS

Annual Volume

Total Diversion

0.46 CFS

Location of Point(s) of Diversion

LAKE FORK

NW1/4NW1/4NE1/4

Sec. 10, Twp 17N, Rge 03E B.M.

VALLEY County

Place of Use

IRRIGATION Within VALLEY County

T16N R03E S3	Lot 1	NENE	40.00	T16N R03E S3	Lot 2	NWNE	39.00
T16N R03E S3		SWNE	39.00	T16N R03E S3		SENE	40.00
Total Acres: 158							

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Conditions of Approval:

1. W29 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MAHALA DITCH CO.
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3. USE OF THIS RIGHT WITH RIGHT NO. 65-03164 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03164 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT THE FIELD HEADGATE.
5. 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.
6. WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10. RIGHT NO. 65-03164 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 6/30/2004

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

- 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- 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]

Transfer contains 10 pages and 5 attachments.

Received by CS Date 9/2/15 Preliminary check by SWD Date 10/20/15

Fee paid \$580⁰⁰ Date 9/2/15 Received by ad Receipt # W043458

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)

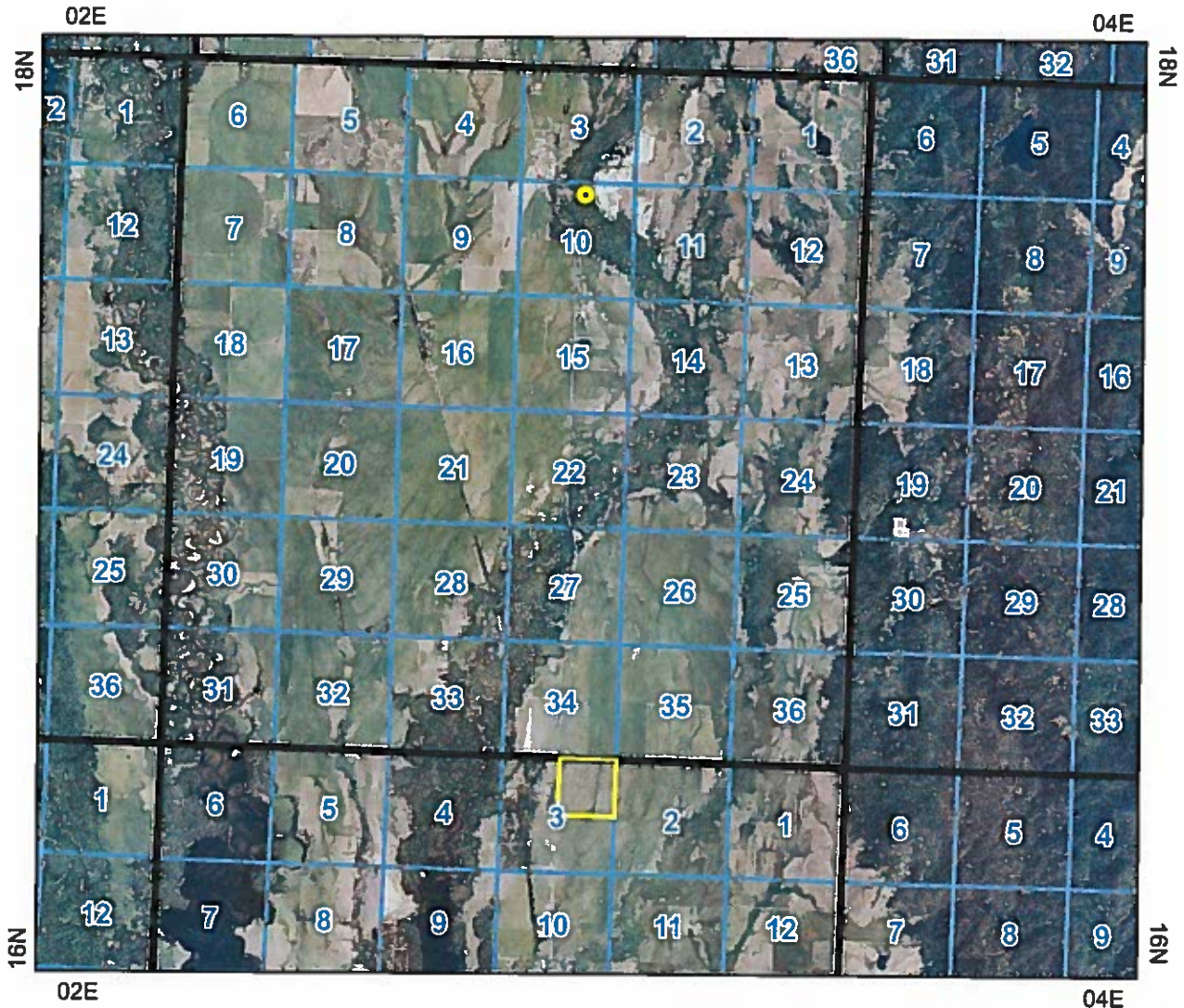
Attachment 7a

State of Idaho
Department of Water Resources

Water Right
65-3165

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 1 2 4 Miles

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

80375



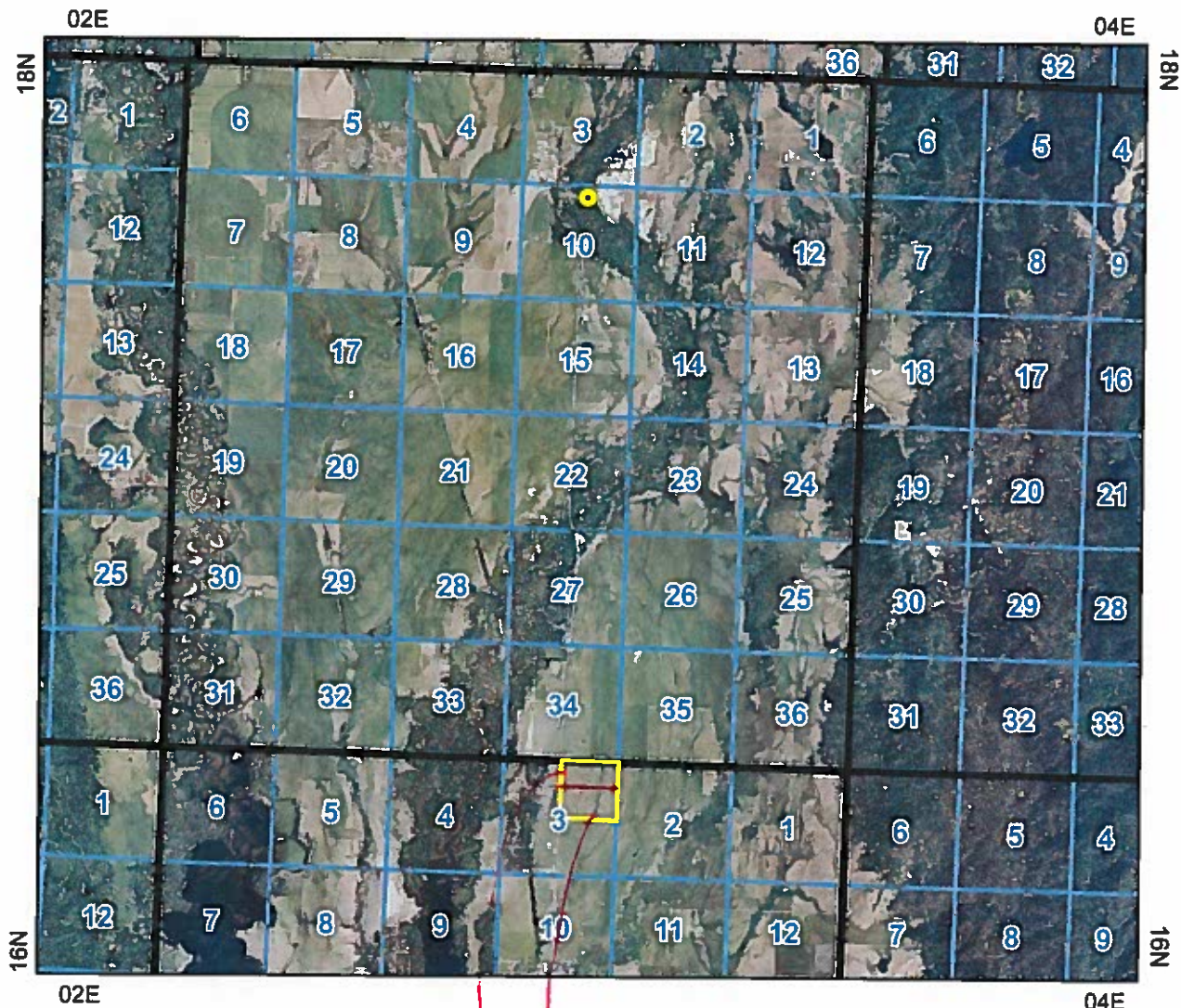
Attachment 76

State of Idaho
Department of Water Resources

Water Right
65-3165

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 1 2 4 Miles

South half (80 acres) being retired
from irrigation
North half (80 acres) continuing
irrigation



80375

Attachment #1

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LELAND G. HEINRICH, CLERK
By /s/ F. GARRISON Deputy

AUG 18 2005

Case No. _____ Inst. No. _____
Filed 11:50 A.M. P.M.

BRIAN L. McMAHAN, ISB # 3724
MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
706 NORTH FIRST STREET
P. O. BOX 1066
McCALL, IDAHO 83638
TELEPHONE: (208) 634-7641
FACSIMILE: (208) 634-4516
EMAIL: blm@mpmplaw.com

Attorney for Personal Representative

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF)
)
JOHN VERNON GOODE,)
)
Deceased.)
)
)
)

CASE NO. CV-2005-361C
LETTERS TESTAMENTARY
(I.C. 15-3-702)

1. MARSHA GANTZ was duly appointed and qualified as General Personal Representative of the estate of the above-named decedent by the Court with all authority pertaining thereto.
2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court, this 18 day of August, 2005.

/s/ Henry R. Boomer

MAGISTRATE

LETTERS TESTAMENTARY

80375

8/18/05 Leland G. Heinrich

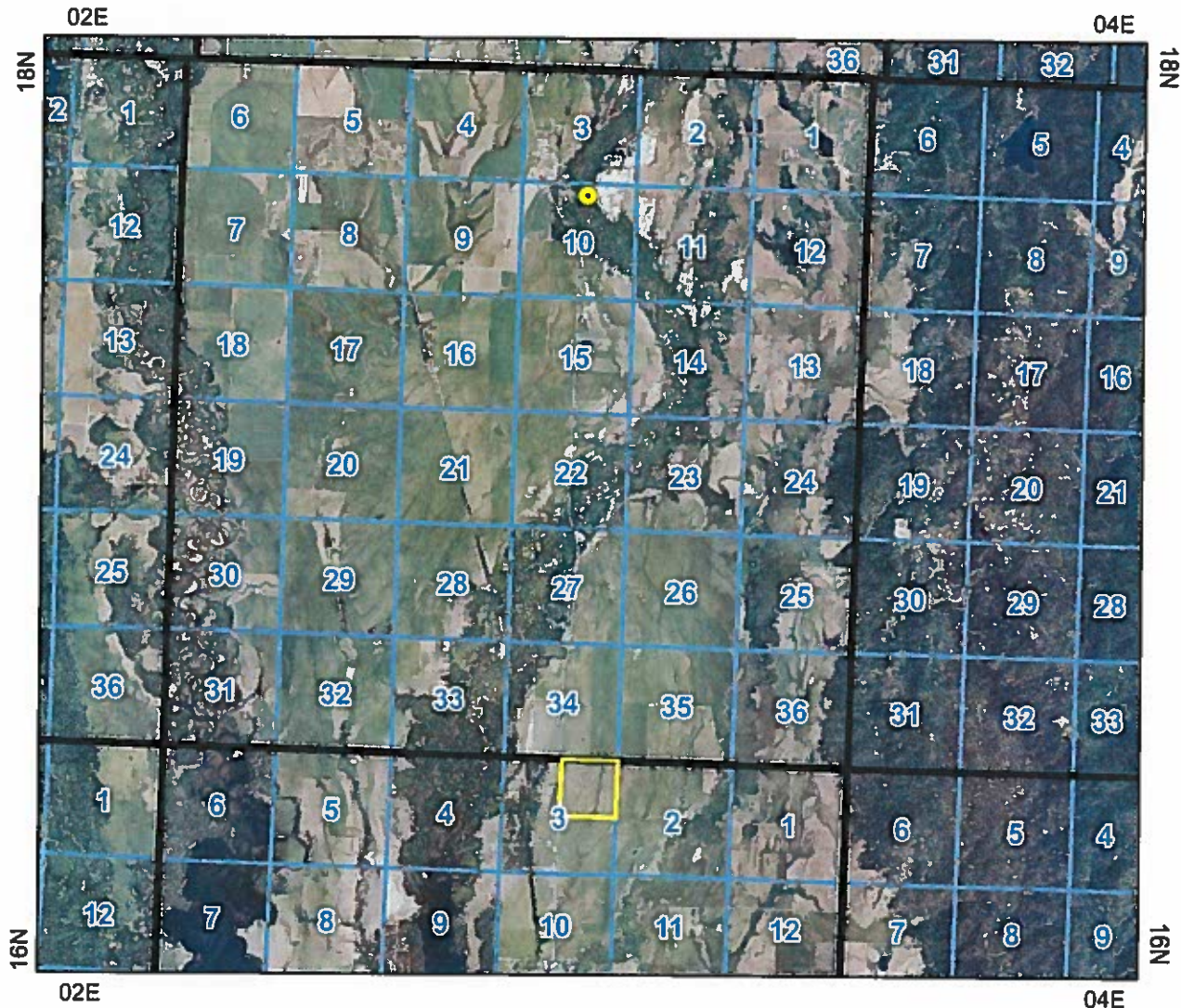
F. Garrison Deputy

State of Idaho
Department of Water Resources

Water Right
65-3164

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 1 2 4 Miles

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

80375



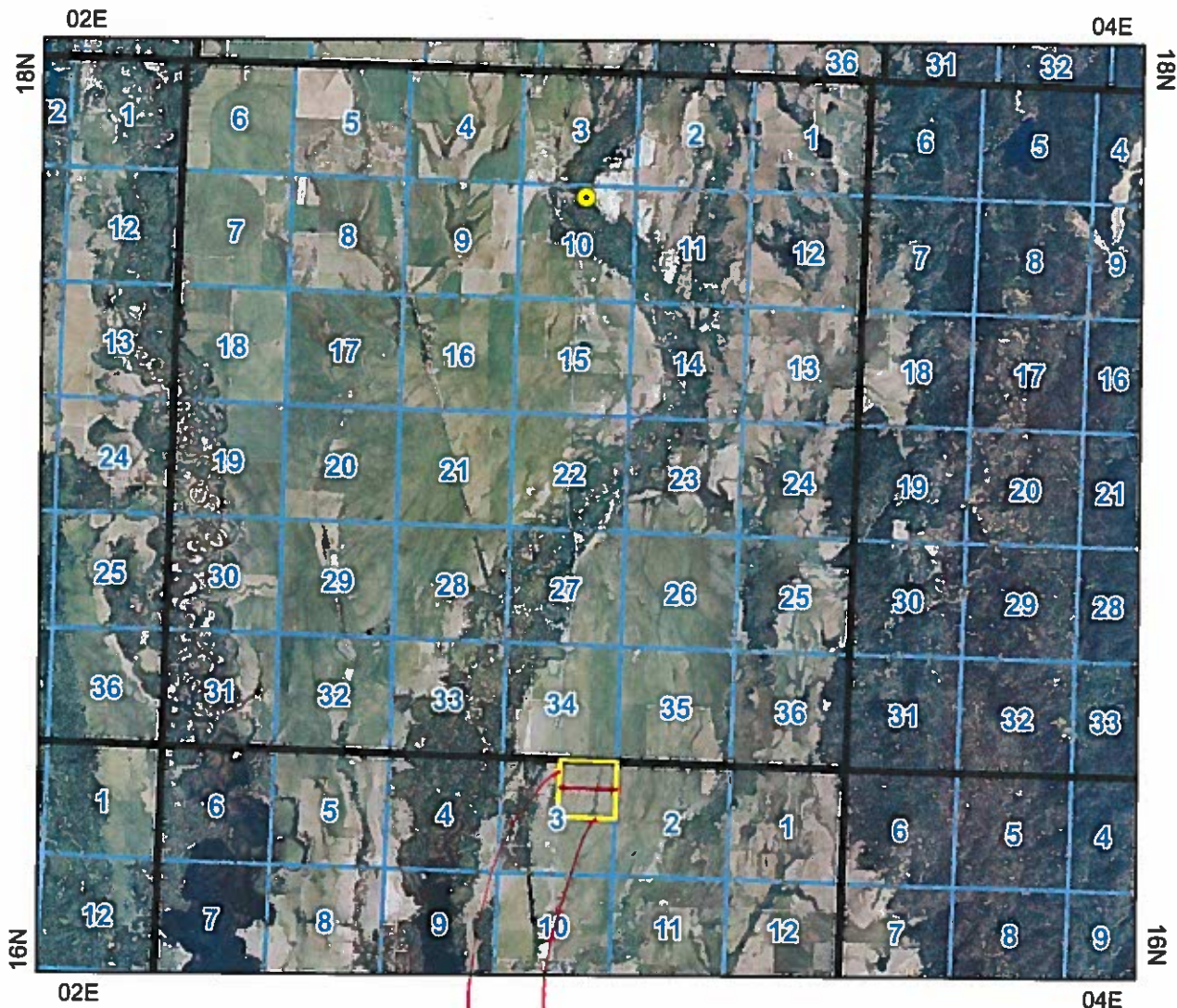
State of Idaho
Department of Water Resources

Water Right

65-3164

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 1 2 4 Miles

South half (80 acres) being retired from irrigation

North half (80 acres) continuing irrigation

80375

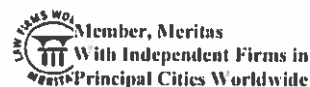




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Brian L. McMahan, Of Counsel
BMcmahan@evanskeane.com

02 September 2015

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WATER RESOURCES
WESTERN REGION

Via Hand Delivery

Idaho Dept of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Water Rights 65-3164 and 65-3165/Transfer Application

Dear IDWR:

This firm represents Marsha Gantz, as the court-appointed Personal Representative of the estate of John V. Goode. This letter follows my meeting on the morning of September 1st with Nick Van Dyke. Attached is an Application For Transfer of a Water Right. At our meeting on September 1st, Mr. Van Dyke reviewed this Application for completeness. Subsequent thereto, I have obtained my client's signature on the Application, and am now filing it along with the \$580.00 filing fee.

As I explained to Mr. Van Dyke, **please take every opportunity to expedite the processing of this Application due to a quickly-approaching date to close the sale of the subject property.** Please do not hesitate to contact me if you have questions or if I can be of further assistance.

Sincerely,

EVANS KEANE LLP

Brian L. McMahan

Brian L. McMahan
Of Counsel

Enclosure

3238-2\Corr\IDWR 02

cc: client w/o enclosure