

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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

JUL 03 2008

**WATER RESOURCES
WESTERN REGION**

Name of Applicant GOLD FORK IRRIGATING CO LTDPhone (208) 325-8851Post Office address PO BOX 458, DONNELLY, ID 83615**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 the reason for the proposed changes Irrigation water will be used for evaporative losses from 7 ponds in the Gold Fork River Ranch Subdivision. An Application for Permit is being filed for aesthetic storage in conjunction with this application for transfer. The purpose of the change in place of use is to correct the irrigation company boundary.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>65-10943</u>	<u>04/15/1907</u>	<u>48 af</u>	<u>Aesthetic storage</u>	<u>1/1 to 12/31</u>
<u>65-10943</u>	<u>04/15/1907</u>	<u>0.14 cfs</u>	<u>Diversion to storage</u>	<u>4/15 to 10/31</u>
<u>65-10943</u>	<u>04/15/1907</u>	<u>25.86 cfs</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>65-02256</u>	<u>08/04/1919</u>	<u>48 af</u>	<u>Aesthetic storage</u>	<u>1/1 to 12/31</u>
<u>65-02256</u>	<u>08/04/1919</u>	<u>0.18 cfs</u>	<u>Diversion to storage</u>	<u>4/15 to 10/31</u>
<u>65-02256</u>	<u>08/04/1919</u>	<u>32.72 cfs</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>

2. Total amount of water being transferred 58.9 cubic feet per second and/or 48 acre-feet per annum.

3. Source of water GOLD FORK RIVER tributary to NORTH FORK PAYETTE RIVER

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	32	16N	04E	Valley	Gold Fork Canal

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	3E	25									J	J	J	J					
			2,929 acres within the boundary of the Goldfork Irrigating Co., Ltd., as defined by I.C. §42-1411(2)(h)																

REJECTED

J = aesthetic storage

Total Acres _____

PART 1**6. General Information:**

a. Description of diversion system existing headgate and ditches; excavated ponds

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes _____ **X** _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Sixteen acres under the proposed ponds will no longer be irrigated.

d. Remarks:

Historically, the water has been used to irrigate pasture at the proposed pond sites. The total surface area of the proposed ponds is 16 acres. According to data available on the ET_{Idaho} website (Cascade 1 NW site), the actual annual ET for the current crop (managed pasture) is only slightly higher than the actual annual ET for shallow ponds (copies attached). For this reason, 16 acres of irrigation will be retired to replace consumptive losses from the 7 ponds. Initial fill for the ponds will be covered by either: (1) a lease from the Water Supply Bank, (2) water from the Payette River Rental Pool, or (3) a temporary retirement of irrigated acres by Gold Fork Irrigating Co.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of SRBA partial decree)

1. Right as evidenced by:

- a. Decree No. 65-10943 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other current owner of record

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres see above

9. Describe any other water rights used for the same purpose as described above 65-02256

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ no _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: no change

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of SRBA partial decree)

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other current owner of record

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use: within the

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres see above

9. Describe any other water rights used for the same purpose as described above 65-10943

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

Total Acres _____

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

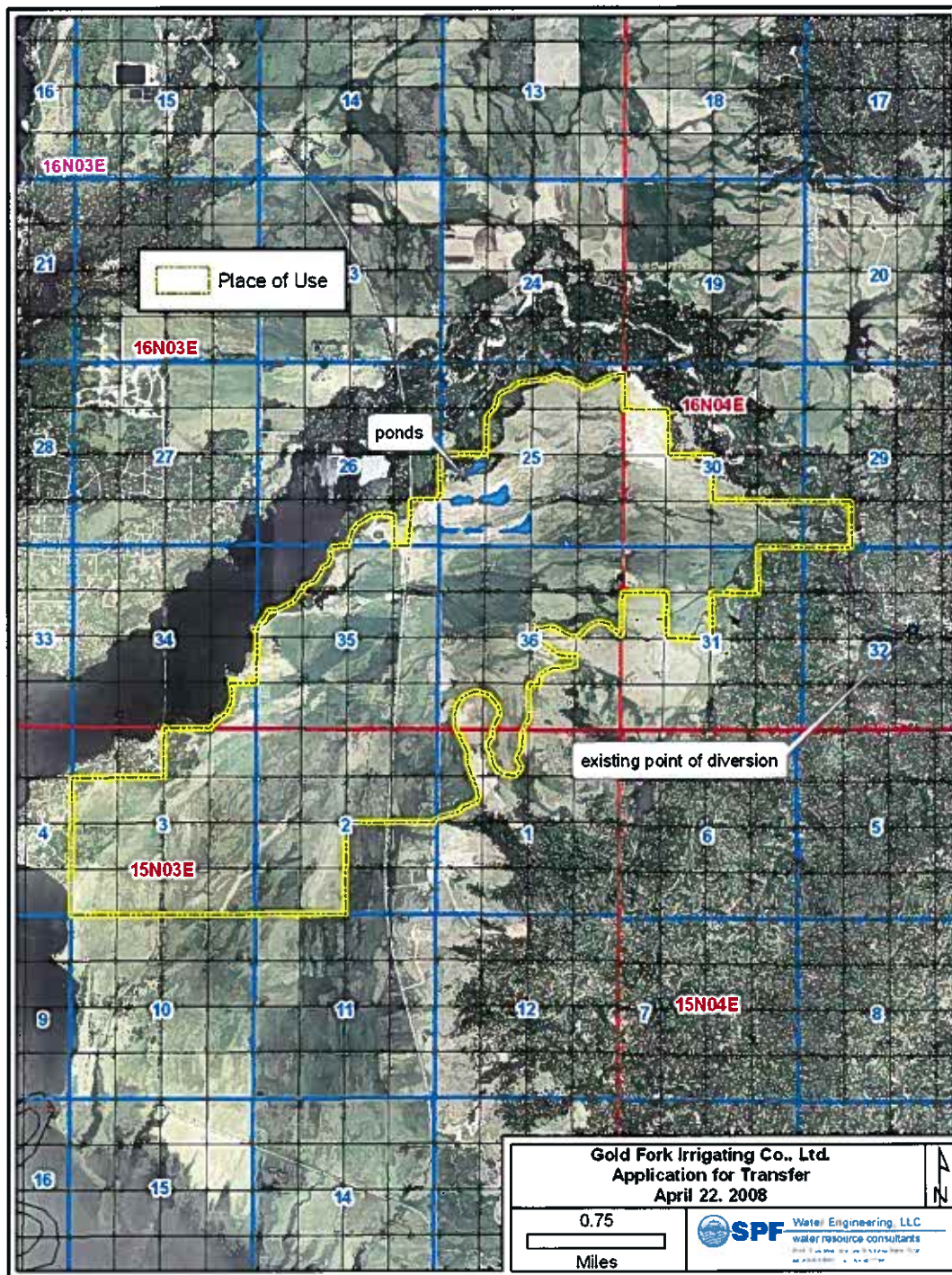
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Aesthetic storage</u>	<u>48 af</u>	<u>24/365/1</u>	<u>01/01</u> to <u>12/31</u>
	<u>Diversion to Storage</u>	<u>0.32 cfs</u>	<u>24/184/1</u>	<u>01/01</u> to <u>12/31</u>

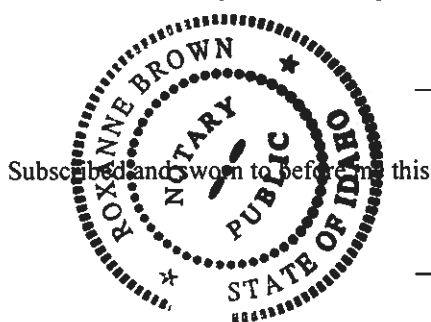
Quantity and quality of return flows and location of discharge: unchanged

2. Describe effects on other water uses resulting from the proposed change:

None anticipated – the evaporation from the ponds is being mitigated by retiring acres from irrigation. There is no change in annual rate or volume.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Ken Brown

(Signature of Applicant)

Subscribed and sworn to before me this

11TH

day of

June

, 20 08

Roxanne Brown

(Notary Public)

My commission expires

5/16/2014

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by DB

Date 7-3-08

Protest filed by _____

Prelim. Check by AA

Fee \$1,788-

Received by DB / W036676

Date 7-3-08

Published in _____

Copies of protest forwarded by _____

Pub. Dates _____

Hearing held by _____ Date _____

Watermaster recommendations requested on _____

Recommended for ☐ approval ☐ denial

_____ received _____

by _____

Copy of transfer sent to lien holder _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-02256

RECEIVED

JUL 03 2008

WATER RESOURCES
WESTERN REGION

NAME AND ADDRESS: GOLD FORK IRRIGATION CO LTD
C/O GLENN LOOMIS
PO BOX 458
DOWNNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 32.90 CFS

PRIORITY DATE: 08/04/1919

POINT OF DIVERSION: T16N R04E S32 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	32.90 CFS

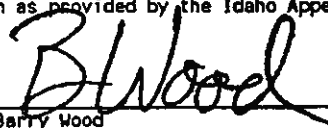
PLACE OF USE:
USE OF THIS RIGHT WITH RIGHT NO. 65-10943 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2945 ACRES WITHIN THE
BOUNDARIES OF THE GOLD FORK IRRIGATION COMPANY IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-10943

NAME AND ADDRESS: GOLD FORK IRRIGATION CO LTD
C/O GLENN LOOMIS
PO BOX 458
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR
QUANTITY: 26.00 CFS
PRIORITY DATE: 04/15/1907
POINT OF DIVERSION: T16N R04E S32 SWNE Within Valley County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 26.00 CFS

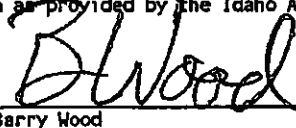
PLACE OF USE:
USE OF THIS RIGHT WITH RIGHT NO. 65-02256 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2945 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT B