

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 24 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) Bryon L Goody & Ruth R Goody Phone 208-313-1300
Mailing address Revocable Trust Email bryongoody@sm
1950 Hurley Dr. Pocatello ID 83201

- ☐ 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.

[Signature]
Signature of Applicant or Authorized Representative

Bryon L. Goody
Print Name and Title if applicable

5/12/23
Date

[Signature]
Signature of Applicant or Authorized Representative

Jon Thuenmagle
Print Name and Title if applicable

5/24/23
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 - ☐ Add diversion point(s)
☐ Change period of use
 - ☒ Change place of use
☐ Other _____
2. Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Proposing to split 5 acres off 29-11813 and move to Parcel # RPR4015014
This also proposes to change the POD for the split portion to the portneuf river.
Net prophet sold 5 ac of water rights to Bryon L Goody & Ruth R Goody
Revocable Trust

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	29-11813	.1 cfs	Irrigation	4/01 to 10/31	Rapid Creek / Portneuro
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights .1 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .1 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SW	SW	21	07S	36E	Bannock	Rapid Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	21											5						5
Total Acres (for irrigation use)																			5

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:

Pump in the river & piped under the railroad to the property
where we will irrigate Applicant owns property

- b. Who owns the property at the point(s) of diversion? Applicant owns property
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

5 acres of the original place of use will be dried up

- 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:

WR 29-11812 from unnamed stream to sinks, is combined with
29-11813. A proportionate amount of 29-11812 will need to be
reduced to avoid enlargement

- 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

5/24/2023

Proof Report

Water Right 29-11813

Owner Type **Name and Address**
 Current Owner NET PROPHET LLC
 146 E CHUBBUCK RD STE C
 CHUBBUCK, ID 83202-5054
 (208) 406-9190

Priority Date: 6/1/1885**Basis:** Decreed**Status:** Active

Source
 RAPID CREEK

Tributary
 PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.340 CFS	
	<u>Total Diversion</u>		1.340 CFS	

Source and Point(s) of Diversion:

RAPID CREEK SESE

Sec. 20, Twp 07S, Rge 36E, BANNOCK County

Place Of Use:

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	19									15.0	4.0 L3				3.0			22.0
07S	36E	20													10.0			1.2	11.2
07S	36E	21										27.0	6.8						33.8

POU Total Acres: 67.0

Conditions of Approval:

1. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29D.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Water is delivered to this right from the authorized source by allowing water to flow from Rapid Creek into the Portneuf River.
4. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Rapid Creek in SWSWNW Sec 22 T07S R36E.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2023

5. Diversion of water under this right is limited to the quantity of water available at the original point of diversion on Rapid Creek or the quantity of water at the confluence of Rapid Creek and the Portneuf River, whichever is less.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.
9. T19 Pursuant to Idaho Code § 42-1412(6), 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.

Dates and Other Information:

Decreed Date: 3/22/2004

State or Federal: S

Water District Number: 29D

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
1.480		74.0	29-11813 ,29-11812

SubCase:

N/A

Water Supply Bank:

N/A

AMENDED



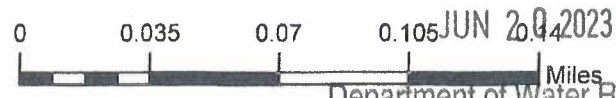
B96-1-23
6/9/23

- WR 29-11813
-  29-11813_Proposed POU
-  Township/Range
-  Sections
- QQ

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WATER RESOURCES

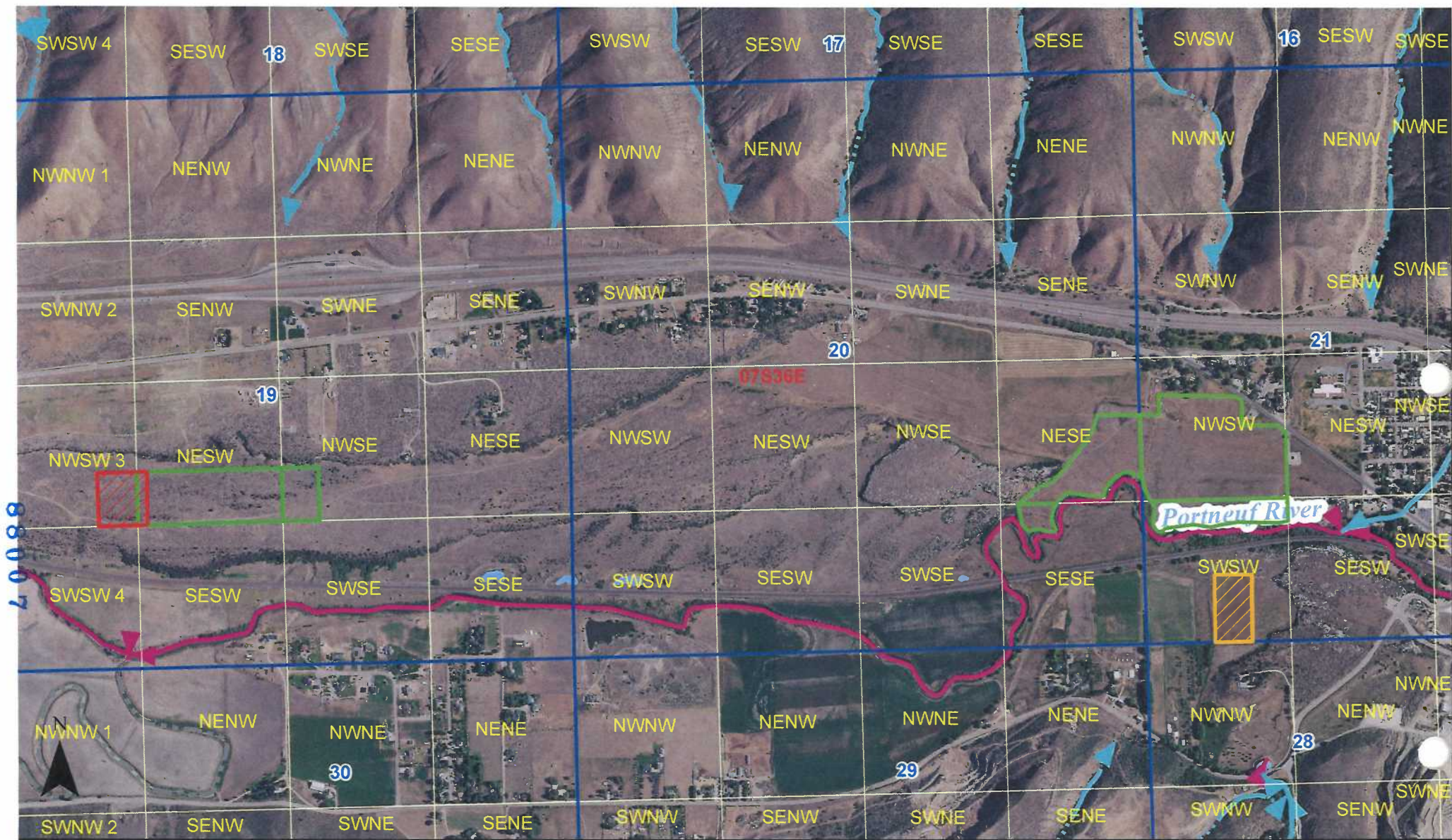


JUN 20 2023

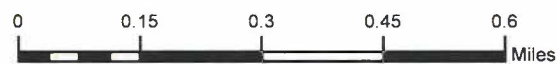
JNEBEKER_IDWR

Department of Water Resources
Eastern Region

88007

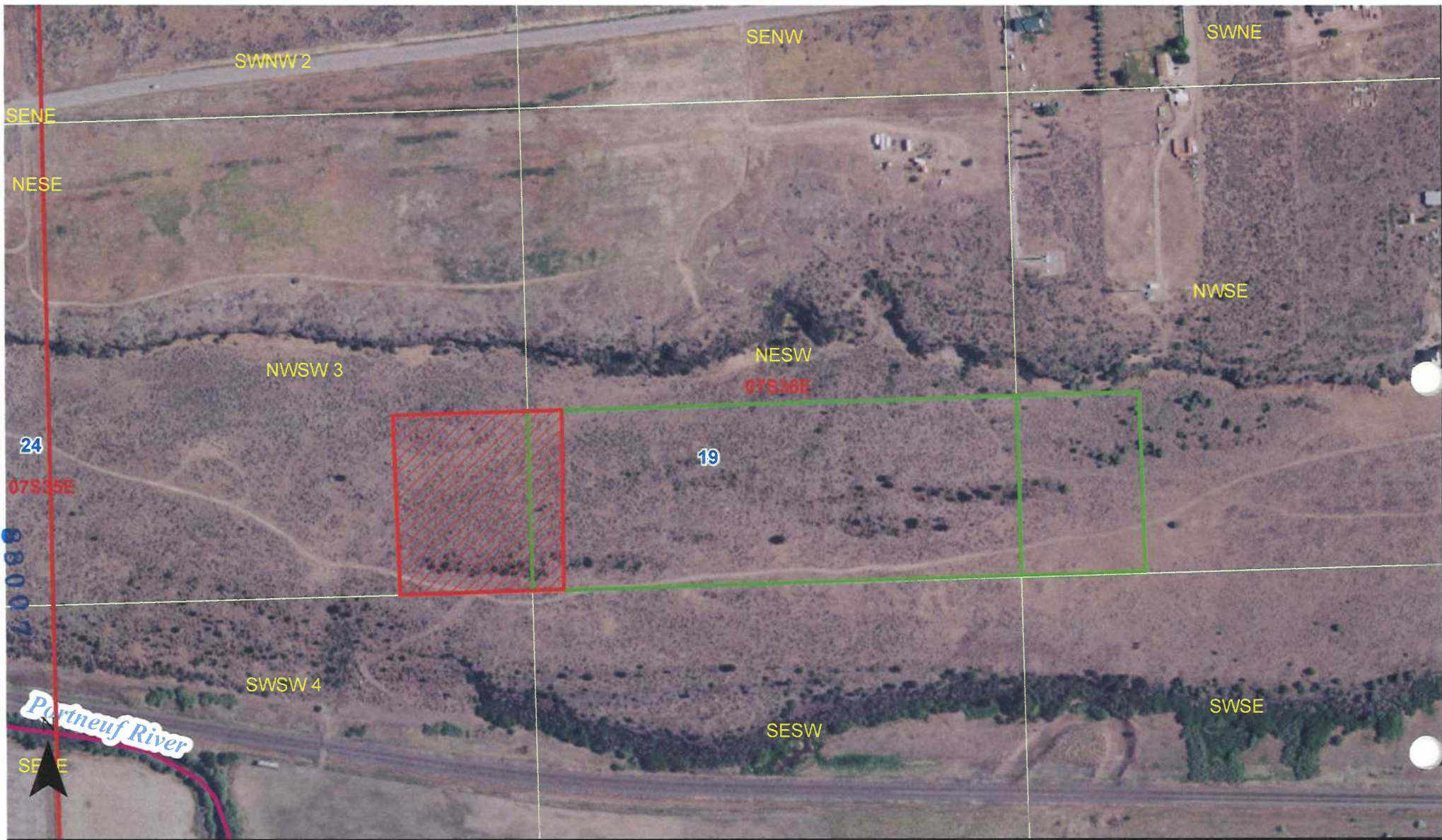


-  29-11813_Drying up
-  WR 29-11813
-  29-11813_Proposed POU
-  Township/Range
-  Sections
- QQ



IDAHO DEPARTMENT OF
WATER RESOURCES

JNEBEKER_IDWR



-  29-11813_Drying up
-  WR 29-11813
-  29-11813_Proposed POU
-  Township/Range
-  Sections

QQ



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JUL 28 2023

Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-11813	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Net Prophet
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Bryon Goody & Ruth Goody Revocable Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 1950 Hurley Dr. Pocatello ID 83201
Mailing address City State Zip
208-313-1300 bryongoody@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 6/8/23
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per undivided water right.
o \$100 per split water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Bryon L. Goody 7/28/23
Signature of new owner/claimant Title, if applicable Date
- Print name _____
- Signature: _____
Signature of new owner/claimant Title, if applicable Date
- Print name _____

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

RECEIVED

AUG 24 2023

Department of Water Resources
Eastern Region

IDAHO GENERAL BILL OF SALE
(FOR PERSONAL PROPERTY)

1. THE PARTIES

THE SELLER

NAME: Net Prophet LLC DRIVER'S LICENSE NO: _____
ADDRESS: 144 E Chubbuck CITY: Chubbuck
STATE: ID 83202

THE BUYER

NAME: Bryon L Goody & Ruth R Goody Revocable Trust DRIVER'S LICENSE NO: _____
ADDRESS: 1950 Hurley Dr. CITY: Pocatello
STATE: 83201 Idaho

2. PROPERTY DETAILS

Description: Water Rights WR 29-11813
Serial Number (SN) (if any): NA

3. TRADE/PURCHASE PRICE

- ☐ - Seller accepts monetary funds in the amount of Cash
Dollars (\$ 12,500.00) to be paid on; May 24, 2023
- ☐ - The date of this bill of sale known as May 24, 2023.
 - ☐ - At a future date no later than _____.
 - ☐ - Other _____.
- ☐ - Buyer is receiving the Personal Property as a Gift.
- ☐ - Seller accepts trade described as _____



Chad Harding

RECEIVED

JUL 28 2023

Department of Water Resources
Eastern Region

QUITCLAIM DEED

FOR VALUE RECEIVED,

Bryon L. Goody and Ruth R. Goody, husband and wife

do(es) hereby convey, release, remise and forever quitclaim unto

**Bryon L Goody and Ruth R Goody, trustees of the Bryon L. Goody
and Ruth R. Goody Revocable Trust**

whose current address is: 1950 Hurley Dr., Pocatello, Id 83202

the following described premises:

Parcel 1:

Township 7 South, Range 36 East, Boise Meridian, Bannock County,
Idaho

Section 21: That portion of the SW1/4SW1/4 lying South of the U.P.R.R.
right of way.

Section 20: That portion of the SE1/4SE1/4 lying South of the U.P.R.R.
right of way and East of the right bank of the Portneuf River.

Excepting therefrom:

PART OF SECTIONS 21, 20 AND 29 TOWNSHIP 7 SOUTH, RANGE 36
EAST, B.M., BANNOCK COUNTY,
IDAHO DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID SECTION 20, THENCE S
89°37'56" W 522.27 FEET ALONG THE SECTION LINE; THENCE N
00°16'25" W 605.06 FEET; THENCE S 89°43'35" W 200.70 FEET;
THENCE S 40°32'47" W 360.42 FEET; THENCE S 20°31'57" W 356.47
FEET; THENCE S 25°04'59" W 479.91 FEET; THENCE S 19°08'37" E
170.55 FEET; THENCE S 69°57'21" W 92.14 FEET TO A POINT ON THE
WEST LINE OF THE NE1/4NE1/4 OF SAID SECTION 29; THENCE N
00°16'25" W 470.99 FEET ALONG SAID WEST LINE TO THE
SOUTHWESTERLY BANK OF THE PORTNEUF RIVER; THENCE ALONG
SAID SOUTHWESTERLY RIVER BANK THE FOLLOWING FOURTEEN
(14) COURSES; (1) THENCE N 36°17'18" E 156.47 FEET; (2) THENCE N
04°30'02" E 124.48 FEET; (3) THENCE N 29°09'32" E 53.08 FEET; (4)
THENCE N 30°31'32" E 69.21 FEET; (5) THENCE N 33°02'00" E 88.31
FEET; (6) THENCE N 19°03'55" E 86.38 FEET; (7) THENCE N 07°31'47"
E 70.30 FEET; (8) THENCE N 06°19'22" W 41.03 FEET; (9) N 21°46'05"
W 43.32 FEET; (10) THENCE N 41°46'50" W 20.89 FEET; (11) THENCE
N 63°11'05" W 41.70 FEET; (12) THENCE N 64°01'53"
W 87.24 FEET; (13) THENCE N 51°50'04" W 22.19 FEET; (14) THENCE
N 22°11'09" W 15.98 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF
THE UNION PACIFIC RAILROAD; THENCE N 83°00'03" E 1720.16 FEET
ALONG SAID RIGHT-OF-WAY; THENCE S 00°52'33" E 802.81 FEET TO
THE SOUTH LINE OF SAID

SECTION 21; THENCE S 89°07'27" W 473.50 FEET ALONG THE SOUTH
LINE OF SAID SECTION 21 TO
THE POINT OF BEGINNING.

RESERVING A 31 FOOT ACCESS EASEMENT THAT IS 15.5 FEET EACH
SIDE OF THE FOLLOWING
DESCRIBED CENTERLINE;

PART OF SECTION 21, 20 AND 29 TOWNSHIP 7 SOUTH, RANGE 36
EAST. B.M., BANNOCK COUNTY,
IDAHO DESCRIBED AS:

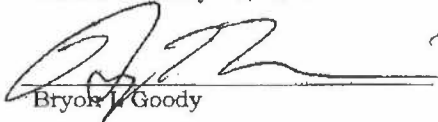
COMMENCING AT THE SW CORNER OF SAID SECTION 21, THENCE N
89°07'27" E 473.50 FEET ALONG THE SECTION LINE; THENCE N
00°52'33" W 646.79 FEET TO THE POINT OF BEGINNING AND
RUNNING THENCE N 83°55'03" W 110.91 FEET; THENCE N 69°32'09" W
199.57 FEET; THENCE N 85°23'21" W 79.35 FEET; THENCE S 83°32'45"
W 602.19 FEET; THENCE S 75°06'53" W 231.31 FEET; THENCE S
40°29'35" W 368.03 FEET; THENCE S 20°31'57" W 358.61 FEET;
THENCE S 24°56'12" W 486.03 FEET; THENCE S 18°57'25" 175.66
FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY OF A
COUNTY ROAD, BEING THE POINT OF TERMINUS.

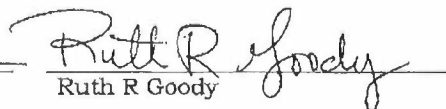
Parcel 2:

A tract of land in the SW Quarter, SW Quarter, Section 21, Township 7
South, Range 36 East, Boise Meridian, Bannock County, Idaho;
Beginning on the border of Section 20 and Section 21 at the aluminum
survey cap marked TR39AP11 located approximately 25 feet South of the
UPRR tracks; thence 100 feet North, thence 1360 feet East, thence 100
feet South, thence 1360 feet West to the point of beginning.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs
and assigns forever.

Dated: January 30, 2023

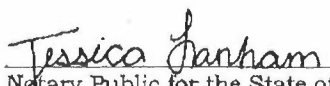

Bryon L Goody

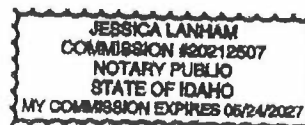

Ruth R Goody

State of Idaho } ss
County of Bannock}

On this 31 day of January, 2023, before me,
the undersigned a Notary Public in and for said state, personally
appeared Bryon L Goody and Ruth R Goody, known or identified to me to
be the persons whose names are subscribed to the within Instrument
and acknowledged to me that they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Residing at: Chubbuck
Commission Expires: 5/24/2027





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 21, 2023

BRYON L GOODY & RUTH R GOODY REVOCABLE TRUST
1950 HURLEY DR
POCATELLO, ID 83202-1903

RE: Transfer No. 88007
Water Right No(s). 29-11813

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 6/28/2023 and 7/5/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 21, 2023 2:34 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Idaho State Journal
Attachments: 88007 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 88007
Water Right No(s). 29-11813

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/17/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88007**

BRYON L GOODY & RUTH R GOODY REVOCABLE TRUST, 1950 HURLEY DR, POCA TELLO, ID 83202-1903 has filed Application No. 88007 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11813; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SWSW Sec 21 T07S R36E for 0.10 cfs from Rapid Creek. Proposed place of use is in SWSW Sec 21 T07S R36E for 5 acres. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/17/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/28/2023 and 7/5/2023