

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 29 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Good Timber Ranch, LLC c/o Nathan Godfrey

Mailing Address 1300 Good Timber Ranch Rd., Victor, ID 83455

Email* nathan@coldwaterpaint.com Phone 208-709-1074

Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.

Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402

Email* kristin.rmea@gmail.com Phone 208-524-2353 ext 104

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	
6N	45E	18																3	3

Total Irrigated Acres to be Changed: 3

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☒ Change period of use |
| ☒ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Applicant proposes to purchase and transfer 3.0 acres of water right 22-7144 to be converted for use in maintaining a proposed recreation pond, as a companion to the pending Applications for Permit 22-14667 and Transfer 89232 for the same pond. The transferred water will be used to provide replacement water of the 2.97-acre pond due to evaporative losses.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☐				to	
☐ ☒	22-7144	0.04 cfs	Diversion to Storage	1/01 to 12/31	Ground Water
☐ ☐		5.7 afa	Recreation Storage	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.04 cfs and/or 5.7 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
	3N	45E	22			NW	SE	Teton	Ground Water	Pond

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	
3N	45E	22														RS			

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.
22-7143, 22-7145, 22-7146

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.
Pending approval, Permit 22-14667, which will also be diverted through the interaction of the pond with the shallow water table.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Pending Water District # 122. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Surface water rights: 22-683A, 22-2279, 22-7658, 22-14625, 22-14626, pending approval of Transfer 89232.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No
☐ ☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐ ☒
☐ ☒
☐ ☒

currently used in a mitigation plan limiting the use of water under the right?

subject to an agreement not to divert (CREP)?

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

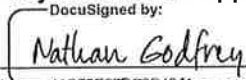
A newly excavated un-lined pond will intersect the shallow water table. Ground water will flow naturally into the pond. No well will be drilled and no infrastructure for diverting works will be required.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

DocuSigned by:  Signature of Applicant or Representative*	Nathan Godfrey, Manager Print Name and Title, if applicable	9/29/2025 Date
_____ Signature of Applicant or Representative*	_____ Print Name and Title, if applicable	_____ Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

\$450.- for this app. FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>1200.-</u>	Receipt #: <u>E051184</u>	Date: <u>9/30/2025</u>	Received by: <u>JB</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Date: 9/29/2025
 To: Idaho Department of Water Resources
 From: Nathan Godfrey, Manager of Good Timber Ranch, LLC
 Subject: Application for Transfer of Water Right 22-7144

Good Timber Ranch, LLC has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 3.0 acres, as shown in Figure 1. As a part of the agreement, a transfer application must be filed to amend the water right on behalf of our project. We are submitting this application for transfer as part of the purchase agreement, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

DocuSigned by:

 41CF0E27BC9E42A...
 Nathan Godfrey, Manager
 Good Timber Ranch, LLC

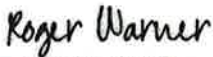
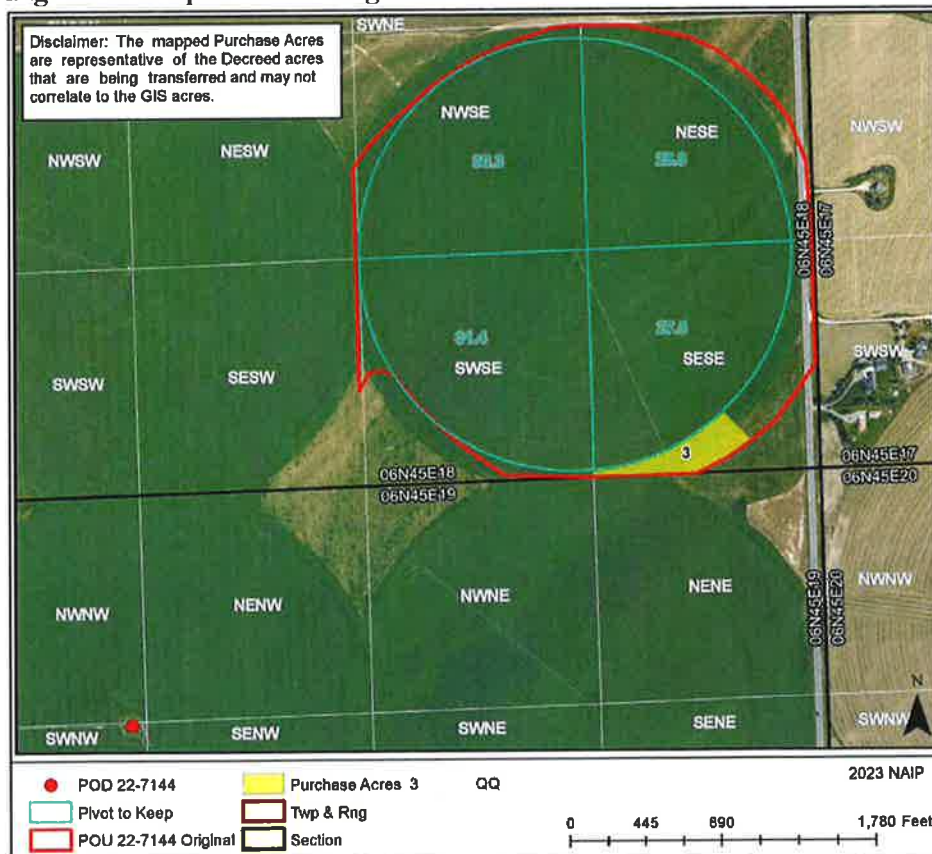
Signed by:

 F531976A25C24E1...
 W. Roger Warner, Managing Member
 Rocky Mountain Water Exchange, LLC

Figure 1. Map of Water Right for Purchase



September 5, 2025

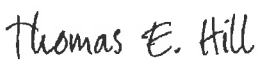
To: Idaho Department of Water Resources
From: Thomas E. Hill and Lexie G. Hill
Subject: Applications for Water Right #22-7144

Thomas E. Hill and Lexie G. Hill ("Hills") are the owner of Water Right No. 22-7144. The Hills and Rocky Mountain Water Exchange, LLC ("RMWE") have entered into an agreement wherein RMWE is authorized to contract with third parties to sell the above-described water right(s), or portions thereof as shown on Exhibit 1, and file transfer applications associated with said water right(s) through October 1, 2026.

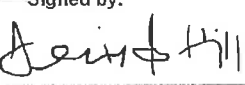
The Hills hereby consent to any transfer or transfers filed by RMWE for the above-described water right(s), with the intent that this single consent may be submitted as proof of authorization for any transfer(s) of the above-described water right(s). This consent shall be valid and may be submitted for any transfer of the above-described water right(s) up until October 1, 2026.

The parties acknowledge and understand that for each transfer that is approved, the above-described water right(s) will be amended, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

Signed by:

55553E438FF0481...
Printed Name: Thomas E. Hill

Date: 9/9/2025

Signed by:

F0DC983B61AA465
Printed Name: Lexie G. Hill

Date: 9/20/2025

[illegible]

Excerpts from the Operating Agreement - Includes Pages 1, 3, 5, 10

OPERATING AGREEMENT

Good Timber Ranch, LLC
(a Wyoming Limited Liability Company)
(Organized under the Wyoming Limited Liability Company Act)

ARTICLE I
INITIAL DATE AND PARTIES; AUTHORIZATION

Section 1.01. Initial Date of and Parties to this Agreement. This Agreement became effective on November 18, 2020, which is the date the Company's articles of organization were filed with the Wyoming Secretary of State, and is between the Company and its Members.

Section 1.02. Authorization for this Agreement. This Agreement is made under the LLC Act.

ARTICLE II
DEFINITIONS

Unless the language or context clearly indicates otherwise, the following definitions apply:

- **Act of Members** means decisions undertaken by Members holding a majority Membership Interest Percentage, unless a different percentage is otherwise specified in this Agreement. An Act of Members may occur at a meeting or by written consent.
- **Agreement** means this agreement, as amended from time to time.
- **Assignee** has the meaning set forth in Section 11.03.
- **Charging Order Holder** has the meaning set forth in Section 11.08.
- **Code** means the Internal Revenue Code, as amended.
- **Company** means this LLC, a Close Limited Liability Company organized under the LLC Act.
- **Default Rule** means a rule in the LLC Act which: (i) structures, defines or regulates the finances, governance, operations or other aspects of a limited liability company under the LLC Act and (ii) applies except to the extent negated or modified by the Agreement.
- **Fiscal Year** means the calendar year.
- **LLC Act** means the Wyoming Limited Liability Company Act.
- **Manager** means the Person or Persons set forth in Article VIII.
- **Member** means those Persons owning a Membership Interest in the Company who have either initially signed this Agreement or are a Substitute Member.
- **Membership Interest** means a membership interest in the Company.
- **Membership Interest Percentage** means a Member's percentage interest of all outstanding Membership Interests.
- **Net Operating Cash Flow** means all cash received by the Company from operations, including, but not limited to, rents, fees and reimbursements and proceeds from sales, financings or re-financings, all as decreased by all cash expenditures for operations, including, but not limited to, expenditures for principal and interest on indebtedness, taxes, insurance, management fees, commissions, reasonable reserves, repairs, maintenance, landscaping, renovation and capital improvements.
- **Net Profits and Losses** mean net profits and losses of the Company computed in accordance with customary methods of accounting consistently applied from prior periods.

As of the date of this Agreement, outstanding Membership Interests Percentages are held by the following Members:

<u>Member</u>	<u>Membership Interest Percentage</u>
Nathan Godfrey ("Godfrey")	5%
Jared Smith, as Trustee of THE JARED SMITH REVOCABLE LIVING TRUST, w/d/t June 9, 2020 ("Smith Trust")	95%

The Company shall not issue Membership Interest certificates but shall at the written request of a Member provide a statement setting forth the Member's current Membership Interest and the corresponding Membership Interest Percentage.

Section 5.02. Additional Capital. Additional capital contributions may be made by Members as needed for Company purposes. Unless otherwise determined by the Manager, contributions shall be made in proportion to each Member's Membership Interest Percentage. All capital accounts shall be adjusted according to the contributions made.

Section 5.03 Capital Calls.

(a) Subject to the terms and conditions of this Section 5.03, from and after the date of this Agreement, the Manager may call additional capital from Smith Trust as deemed necessary or appropriate by the Manager, in his sole and absolute discretion, to fund investments by the Company or to pay any Company expenses or fees. The Manager will issue a capital call notice to Smith Trust in writing at least thirty calendar days before the funding date for a capital call. Each capital call notice will specify the funding date and the amount and proposed use of proceeds for each capital call, as well as provide appropriate payment instructions.

(b) Capital calls are subject to the following: (a) the aggregate amount of capital required to be contributed to the Company by Smith Trust (whether pursuant to Section 5.02 or this Section 5.03) shall not exceed \$12 million, and (b) unless otherwise agreed to by Smith Trust, no capital call shall be for less than \$250,000 in the aggregate and, if a larger amount, must be in \$250,000 increments.

(c) If Smith Trust fails to fund any capital call by the funding date therefor ("Defaulting Member"), the Manager may sell all or a portion, in the Manager's sole and absolute discretion, of the Defaulting Member's Membership Interest to either (a) an independent third party that is not affiliated with the Manager or any Member for an arm's length price negotiated by the Manager and such third party buyer, or (b) to another Member or Members for a price determined by an independent valuation firm that is not affiliated with the Manager or any Member (such purchase to be offered to all Members that are not Defaulting Members in proportion to their respective ownership of Units prior to being sold to less than all of the Members). Upon the closing of the sale of the Defaulting Member's Units, seventy-five percent (75%) of the net sale proceeds shall be paid to the Defaulting Member and the remaining twenty-five percent (25%) of the net sale proceeds shall be paid to the Company as a fee for the Defaulting Member failing to timely fund the capital call.

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ARTICLE VIII GOVERNANCE

Section 8.01. Designation of Manager or Managers. The Company shall be managed by Nathan Godfrey. The term Manager is singular in this Agreement; however, the term encompasses all Managers, irrespective of whether there is one or more. A Manager need not be a Member, but in the case of a Manager also being a Member, they can be referred to as Manager or Managing Member, interchangeably. A Manager shall be entitled to compensation for services rendered as agreed between the Manager and Members. The Manager shall be appointed and may be removed by an Act of Members.

Section 8.02. Death, Incapacity or Resignation. A Manager may resign by providing written notice to the Members. Resignations take effect 30 days after the date the Manager gives notice or such later date stated in the notice. In the event of the death or incapacity of a Manager, the remaining Managers shall continue serving without replacement.

Section 8.03. Authority of Manager. Except as otherwise provided in this Agreement, the Managers have sole authority to manage the Company. The Managers shall act by majority consent; however, the signature of one Manager shall bind the Company.

Section 8.04. Duties of Managers. Each Manager must discharge his or her responsibilities in good faith, with the care an ordinarily prudent Person in a like position would exercise under similar circumstances and in a manner reasonably believed to be in the best interests of the Company.

ARTICLE IX ACTS OF MEMBERS

Section 9.01. Acts of Members. This term is defined in Article II.

Section 9.02. Incapacity of Member. In the event of the incapacity of a Member, that Member's Membership Interest shall be disregarded in determining a quorum and an Act of Members. A Member shall be considered incapacitated if the Member is unable to take an active part in the business of the Company for a period exceeding 90 consecutive days. Alternatively, at the option of the other Members, a written declaration of incapacity may be signed by the other Members at any time before or after the expiration of the 90 days. If the declaration is made in good faith, it shall terminate the incapacitated Members' right to vote. If the Member objects, in writing, to termination within 10 days of receiving the declaration, a written opinion of incapacity signed by a physician who has examined the incapacitated Member must be obtained before termination. The Member objecting to termination must cooperate fully by submitting to an exam and signing the necessary medical releases needed to allow the other Members to obtain the physician's written opinion of incapacity within 10 days of making the objection or the right to vote shall be terminated without the physician's written opinion.

Section 9.03. Annual Meeting. The Members may meet annually if they elect to do so.

Section 9.04. Special Meetings. A special meeting of the Members may be called for any purpose or purposes at any time by one or more Members. Those Persons demanding the meeting must give notice to the other Members as set forth in Section 9.05.

IN WITNESS WHEREOF, the undersigned have executed this Agreement effective as of the day and year first set forth above.

MEMBER: NATHAN GODFREY


Nathan Godfrey

MEMBER: JARED SMITH, AS Trustee OF THE JARED SMITH REVOCABLE LIVING TRUST, U/D/T June 9, 2020


Jared Smith, Trustee

Water Right Report : 22-7144(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	HILL, LEXIE G	1540 S 6000 W	DRIGGS	ID	83422-4839
Current Owner	HILL, THOMAS E	1540 S 6000 W	DRIGGS	ID	83422-4839
Original Owner	LINDERMAN, SHAYNE T	1366 N 1350 W	NEWDALE	ID	83436
Previous Owner	CHALCO LLC	17122 E RIRIE HWY	RIRIE	ID	83443-5028
Previous Owner	LINDERMAN TETON FAMILY LTD PARTNERSHIP	PO BOX 1130	JACKSON	WY	83001-1130

Water Right Status

Priority Date : 6/30/1975
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	06N	45E	19	2	NE	SW	NW	TETON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	1.78 CFS	472.50 AFA
TOTAL			1.78 CFS	472.50 AFA

Places of Use

[Printable View](#) [Export View](#)

Place of Use Legal Description : IRRIGATION (TETON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06N	45E	18			NE	SE	33.8
06N	45E	18			NW	SE	32.1
06N	45E	18			SW	SE	32.7
06N	45E	18			SE	SE	36.4

Irrigation Totals

Total Acres Acre Limit
135.00

Conditions

Code Conditions

- 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.
- E52 The rights listed below are limited to a total combined diversion rate of 6.70 cfs. Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146.
- 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 lands above.
- F06 The following rights are diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, and 22-7146.

Dates

Licensed Date :
Decreed Date : 10/28/2009
Permit Proof Due Date : 7/1/1985
Permit Proof Made Date : 6/26/1985
Permit Approved Date : 7/30/1975
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/26/2025



Basemap: 2023 NAIP

Attachment 2B. Current Water Right Location

- POD 22-7144
- POU 22-7144
- Purchase Acres
- Remaining Pivot
- Twp & Rng
- Section
- QQ

**Application for Transfer of a
Portion of Water Right 22-7144**

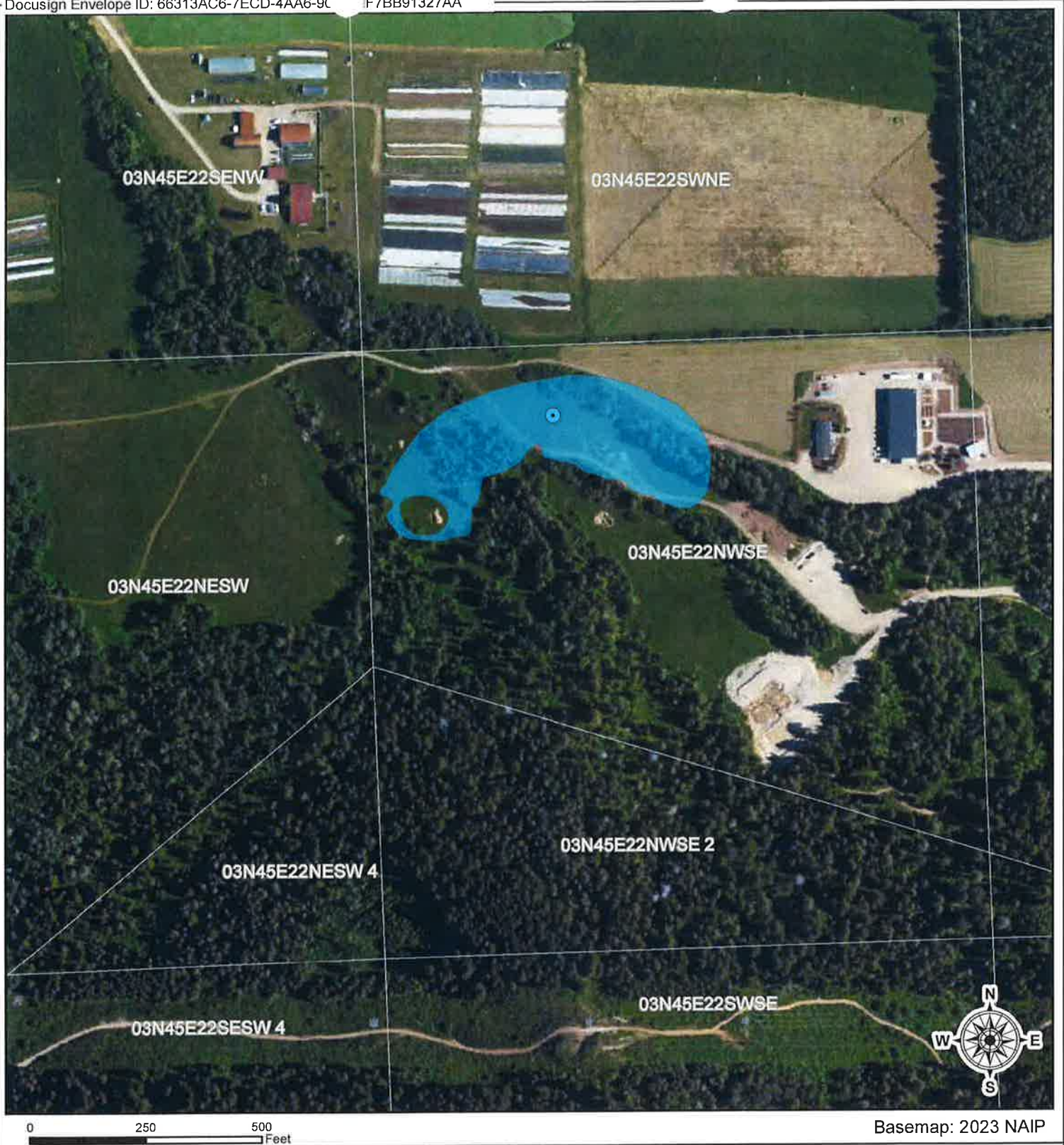
Good Timber Ranch, LLC

Date: 9/24/2025

RMEA #: 25-0188

Drafted by: KM





Attachment 3C. Proposed Water Right Location

-  Proposed POD
 -  Proposed POU
 -  Twp & Rng
 -  Section
- QQ

Application for Transfer of a
Portion of Water Right 22-7144

Good Timber Ranch, LLC

Date: 9/24/2025

RMEA #: 25-0188

Drafted by: KM



Conversion of Nature of Use

Good Timber Ranch, LLC

Applicant proposes to convert a 3.0-acre portion of existing water right 22-7144 from “Irrigation” to “Recreation Storage.”

Place of Use and Historical Irrigation

Review of the place of use boundary compared to aerial photography shows that the distribution of irrigated acres per quarter-quarter is not consistent with the IDWR Place of Use shapefile, nor is it consistent with the decreed acre distribution. Therefore, to ensure that any split of the water rights would not result in an enlargement of the water right, a review of the actual irrigation is required.

Figure 1 illustrates the current water right POU (red), obtained from the IDWR geospatial database. A second boundary (orange) is illustrated that represents field boundaries under active irrigation from the well. Measurement of active irrigation indicates that the full 135 acres authorized have been irrigated, even if the distribution of acres per Quarter-quarter described on the water right does not correlate to applied irrigation. Figure 1 uses a 2023 NAIP, showing the irrigation system (pivot) that has been used for at least the last five years.

End guns are proposed to be removed, leaving only the acres under the pivot iron that will be irrigated. Anything outside of the pivot will ultimately be retired. Acres per Quarter-quarter are described in Table 1, which compares decreed acres to actual irrigated acres and identifies the portions that are proposed to be retained or transferred. Portions available for transfer are based on the Decreed Water Right Acres – Acres Under Pivot (KEEP).

Table 1. Acres Per Quarter-Quarter Comparison

Decreed Quantities			Actual Irrigation Quantities		Transfer Quantities	
POU	QQ	Decreed WR Acres	Actual Irrigated Acres 2023	Acres under Pivot (KEEP)	WR Acres Outside of Pivot	Proposed Application - Transfer Quantities
Sec 18	NESE	33.8	31.3	25.8	8	0
	NWSE	32.1	35.3	30.3	1.8	0
	SWSE	32.7	36	31.4	1.3	0
	SESE	36.4	32.4	27.5	8.9	3
Total		135	135	115	20	3

Diversion Data

A single well, located southwest of the existing pivot, serves as the water right’s POD. However, no historical diversion data is available for this well as there is no

flow meter, nor is it within a water district that has recorded diversions annually. As this is an active farm that has irrigated the water right to the fullest, it can be assumed that diversions have been a minimum of the crop consumption, plus additional quantities for inefficiencies.

Conversion of Nature of Use

Historically, water right 22-7144 has been used to irrigated alfalfa. The precipitation deficit for Alfalfa – Less Frequent Cutting from the Tetonia Experiment Station (NWS – USC00109065), gathered from ET-IDWR 2021, is 575 mm/year, or 1.89 af/year, for the growing season. **Therefore, 3.0 acres of irrigation water right would convert to a total of 5.7 afa** (1.89 afa/year x 3.0 ac) of consumptive volume, which will be used to provide evaporative losses, or additional fill/refill as needed.

Excerpts of the ET IDWR 2021 precipitation deficits are included in Figure 2.

Pond Requirements

The proposed pond will have a surface area of 2.97 acres. Evaporation is calculated based upon data from the Driggs Station (NWS-USC00102676) for Open Water-shallow systems gathered from ET-Idaho 2017, showing a precipitation deficit of 432 mm/yr (See Figure 3). After removing negative values, annual losses are estimated at 483 mm/yr, or 1.58 afa/acre. For the 2.97 acre pond, the estimated evapotranspiration losses are 4.7 afa (See Figure 4).

The proposed 3.0 acres to be transferred, once converted, will provide 5.7 afa, which is more than adequate to provide replacement water due to evaporation.

Figure 1. Acre Distribution Comparison based on 2023 Aerial Image

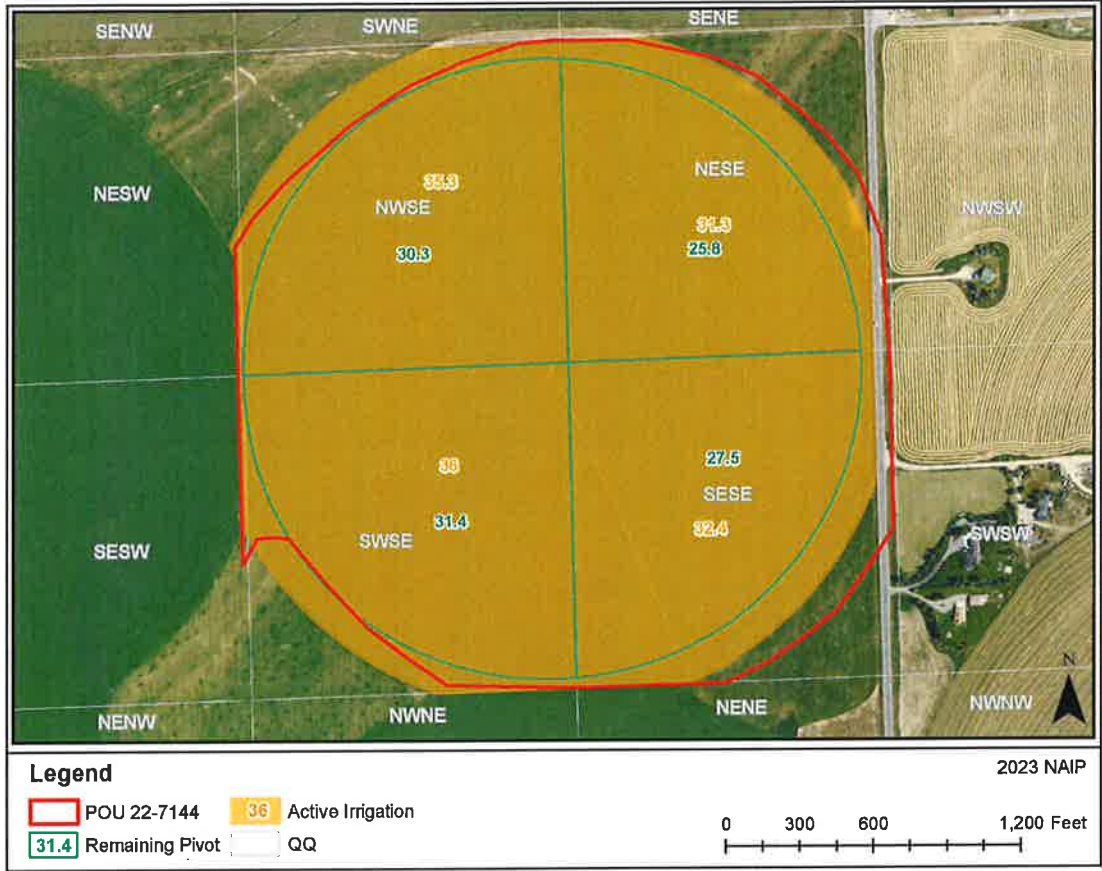


Figure 2. ET Values for Alfalfa – less frequent cuttings at Tetonia Experiment Station (NWS – USC00109065), ET-IDWR.

[Tetonia Exp. Stn. \(NWS -- USC00109065\)](#)
Statistics based on thirty year normal spans 1991 to 2021 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Alfalfa - less frequent cuttings															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.88	-0.12	0.18	0.08	1.48	5.06	4.63	4.92	2.38	0.28	-0.57	-0.86	575	-68	507

Figure 3. ET Values for Open Water-shallow systems at Driggs Station (NWS – USC00102676), ET-Idaho 2017.

Driggs (NWS -- USC00102676)

Statistics based on thirty year normal spans 1984 to 2016 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds/streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^d	mm/day												mm		
Monthly ^c	-0.57	-0.06	0.48	1.27	1.70	3.19	3.30	3.10	2.04	0.71	-0.28	-0.76	432	0	432

Figure 4. Excerpt of Pond Loss Calculation Spreadsheet, IDWR

Precipitation Deficit

Station: Driggs

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.57	31	0.00
Feb	-0.06	28	0.00
March	0.48	31	14.88
April	1.27	30	38.10
May	1.70	31	52.70
June	3.19	30	95.70
July	3.30	31	102.30
August	3.10	31	96.10
September	2.04	30	61.20
October	0.71	31	22.01
November	-0.28	30	0.00
December	-0.76	31	0.00

Total mm/year = 482.99

PLEASE NOTE: The seasonal average for precipitation should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wet months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS – 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficits. To properly estimate the annual volume of water needed to refill a pond due to evaporation losses, the table automatically enters a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation during winter months, so the net effect is that wintertime precipitation deficit is usually zero.

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(482.99 ÷ 304.8) X 2.97 = 4.7 AFA



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

RECEIVED

SEP 29 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

September 29, 2025

RMEA 25-0188

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83404

Re: Application for Transfer of Water Right 22-7144 for Good Timber Ranch, LLC

Dear Agent,

Please find enclosed an Application for Transfer of a portion of Water Right 22-7144, which is under contract for purchase by Good Timber Ranch, LLC. Also enclosed is a check for filing fees in the amount of \$450 (\$200 for the application plus \$250 for change in nature of use).

Good Timber Ranch, LLC submitted has two other pending applications, Application for Permit 22-14667 and Transfer No. 89232, that propose water rights for a 2.97- acre pond in Victor, Idaho. Both applications were protested. In discussions with the protestants, it was decided that a ground water right to mitigate for evaporative losses of the proposed pond will likely resolve concerns over approval of the pending applications.

Due to the relationship between this new application and the protested applications, and the hope for resolution, we sincerely request immediate processing of this application, if possible.

Please contact our office with any questions.

Thank you,

Kristin Moore
Principal Water Rights Analyst

Enclosures: Application for Transfer
 Check for Fees



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 Mathew Weaver

October 2, 2025

GOOD TIMBER RANCH LLC
1300 GOOD TIMBER RANCH RD
VICTOR, ID 83455-5115

RE: Transfer No. 90102
Water Right No(s). 22-7144

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 TETON VALLEY NEWS on 10/8/2025 and 10/15/2025. 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

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 1, 2025 4:17 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Teton Valley News
Attachments: 90102 Teton Valley News.docx

LEGAL NOTICE DEPARTMENT
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 83422

RE: Transfer No. 90102
Water Right No(s). 22-7144

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 10/27/2025. 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. 90102**

GOOD TIMBER RANCH LLC, 1300 GOOD TIMBER RANCH RD, VICTOR, ID 83455-5115 has filed Application No. 90102 for changes to the following water rights within TETON County(s): Right No(s). 22-7144; 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, place of use, period of use, and nature of use. Proposed point of diversion is in NWSE Sec 22 T03N R45E for 0.04 cfs from Ground Water. Proposed uses are diversion to storage and recreation storage from 1/1 to 12/31. Proposed place of use for 5.7 acre-feet of recreation storage is in NWSE Sec 22 T03N R45E. 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 10/27/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 10/8/2025 and 10/15/2025