

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86169**

This is to certify that: **HAGERMAN WINGS FARM LLC**
823 E 2700 S
HAGERMAN, ID 83332-5603

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-7081	WR/DECREED	8/26/1969	4.000 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK
36-7172	WR/DECREED	3/25/1971	4.000 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK
36-7229	WR/DECREED	3/30/1972	10.500 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK
36-7233	WR/DECREED	4/17/1972	9.200 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-7081	NO	NO	YES	NO	NO	NO
36-7172	NO	NO	YES	NO	NO	NO
36-7229	NO	NO	YES	NO	NO	NO
36-7233	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-7081	36-7081	4.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7172	36-7172	4.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7229	36-7229	10.500 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7233	36-7233	9.200 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		27.700 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of August, 2022.


Southern Region Manager

SUPPORT DATA

Transfer No. 86169

IN FILE # 36-7081

WATER RIGHT NO. 36-7233**As Modified by Transfer No. 86169**

In accordance with the approval of Transfer No. 86169, Water Right No. 36-7233 is now described as follows:

Right Holder: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332-5603

Priority Date: 4/17/1972

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

WILDLIFE

From

1/01

To

to 12/31

Diversion Rate

9.200 cfs

9.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NWSWNE

Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	15		X	X	X				X	X	X	X	X	X	X	X	X	
				L 2															0
07S	13E	16													X			X	
															L 3			L 6	0

CONDITIONS OF APPROVAL

1. 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. 36A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-99, 36-7172 and 36-7233 when combined shall not exceed a total diversion rate of 13.2 cfs.
4. 0.48 cfs of right 36-99 is limited to use for conveyance losses in delivery of rights 36-99, 36-7172 and 36-7233.
5. Water is delivered through Sands Ditch.

Transfer No. 86169

WATER RIGHT NO. 36-7233
As Modified by Transfer No. 86169

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 36-7081**As Modified by Transfer No. 86169**

In accordance with the approval of Transfer No. 86169, Water Right No. 36-7081 is now described as follows:

Right Holder: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332-5603

Priority Date: 8/26/1969

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

WILDLIFE

From

1/01

To

to 12/31

Diversion Rate

4.000 cfs

4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NWSWNE

Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	15		X	X	X				X	X	X	X	X	X	X	X	X	0
				L 2															
07S	13E	16													X			X	0
															L 3			L 6	0

CONDITIONS OF APPROVAL

1. 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. 36A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Water is delivered through Sands Ditch.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86169

WATER RIGHT NO. 36-7081

As Modified by Transfer No. 86169

CONDITIONS OF APPROVAL

6. 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.



WATER RIGHT NO. 36-7172**As Modified by Transfer No. 86169**

In accordance with the approval of Transfer No. 86169, Water Right No. 36-7172 is now described as follows:

Right Holder: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332-5603

Priority Date: 3/25/1971

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

	From	To	Diversion Rate
DOMESTIC	1/01	to 12/31	0.020 cfs
STOCKWATER	1/01	to 12/31	0.020 cfs
WILDLIFE	1/01	to 12/31	4.000 cfs
			4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NWSWNE Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: DOMESTIC

			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	13E	15															X		

PLACE OF USE: STOCKWATER

			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	13E	15			X										X	X	X		

PLACE OF USE: WILDLIFE

			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	13E	15		X	X	X				X	X	X	X	X	X	X	X	X	
				L 2															0
07S	13E	16													X			X	
															L 3			L 6	0

WATER RIGHT NO. 36-7172
As Modified by Transfer No. 86169

CONDITIONS OF APPROVAL

1. 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. 36A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-99, 36-7172 and 36-7233 when combined shall not exceed a total diversion rate of 13.2 cfs.
4. 0.48 cfs of right 36-99 is limited to use for conveyance losses in delivery of rights 36-99, 36-7172 and 36-7233.
5. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
7. Water is delivered through Sands Ditch.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 36-7229**As Modified by Transfer No. 86169**

In accordance with the approval of Transfer No. 86169, Water Right No. 36-7229 is now described as follows:

Right Holder: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332-5603

Priority Date: 3/30/1972

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

WILDLIFE

From

1/01

To

to 12/31

Diversion Rate

10.500 cfs

10.500 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NWSWNE

Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	15		X	X	X				X	X	X	X	X	X	X	X	X	
				L 2															0
07S	13E	16													X			X	
															L 3			L 6	0

CONDITIONS OF APPROVAL

1. 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. 36A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Water is delivered through Sands Ditch.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86169

WATER RIGHT NO. 36-7229

As Modified by Transfer No. 86169

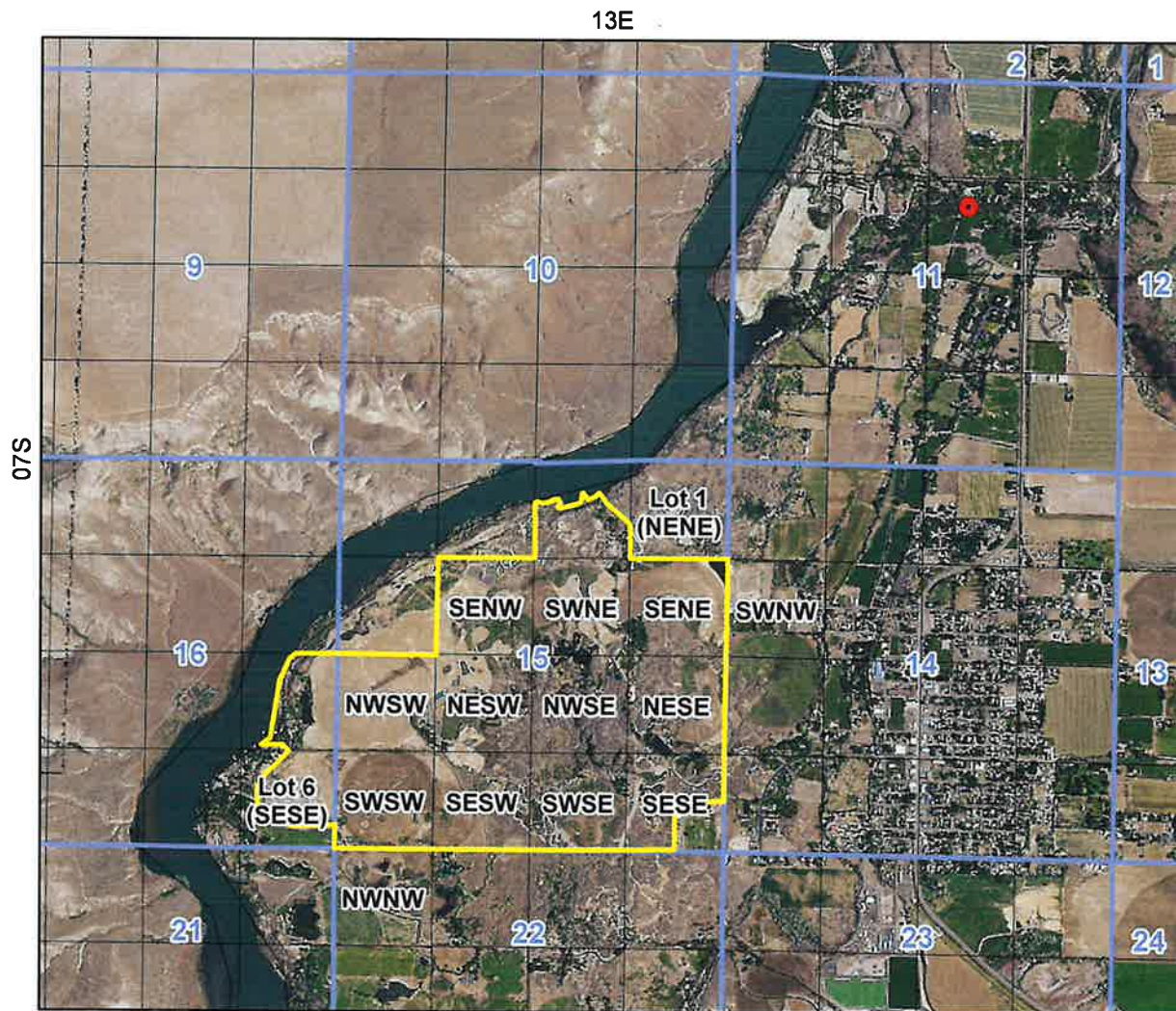
CONDITIONS OF APPROVAL

6. 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.



State of Idaho
Department of Water Resources
Attachment to Transfer # 86169
36-7081, 36-7172, 36-7229, and 36-7233

This map depicts the WILDLIFE place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.3 0.6 1.2 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2022

HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332-5603

Re: Transfer No: 86169

Water Right No(s): 36-7081, 36-7172, 36-7229, 36-7233

Re: Transfer No: 86170

Water Right No(s): 36-16889

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
CHARLES G BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 36A
MATT DOPERASKI
PO BOX 295
HAGERMAN ID 83332-0295

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 86169

Water Right No(s): 36-7081, 36-7172, 36-7229, 36-7233

Re: Transfer No: 86170

Water Right No(s): 36-16889

HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332-5603

BROCKWAY ENGINEERING PLLC
CHARLES G BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 36A
MATT DOPERALSKI
PO BOX 295
HAGERMAN ID 83332-0295



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: August 1, 2022

To: Transfer 86169 File

From: William Mills

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the place of use (POU) for four Billingsley Creek wildlife water rights (27.7 cfs combined) to coincide with current use of those rights. No changes are proposed for the points of diversion (PODs). Proposed and existing POUs are located approximately 0.5 miles to 1.7 miles west and 0.2 miles south to 0.7 miles north of the intersection of Salmon St. and Hwy 30 in Hagerman.

All PODs and POUs are located in Water District 36A and Watermaster comments were solicited. The Watermaster opposed approval of this application based on the notion that adding new tracts to the wildlife place of use represents an expansion of the water rights (see comments in file dated 6/27/2022).

During a meeting with the applicant, his representative and his attorney, Department representatives asked the applicant and his representative how adding new tracts to these rights wasn't an enlargement of the water rights. After a lengthy discussion about this issue, the applicant's representative agreed to provide the Department with a historical consumptive use analysis of the wildlife storage. The results indicated that historically there had been approximately 47.53 acres of pond surface area on the properties. The current and post transfer pond surface area was calculated to be approximately 39.7 acres. The analysis is included as part of the transfer application.

- **Authority to File:**

IDWR records indicate the applicant currently owns the water right in this transfer and the properties this water right is associated with.

- **Water Right Validity:**

Water right 36-16889 was decreed in the SRBA on 4/18/2008. Recent aerial imagery indicates there are currently ponds associated with this water right.

- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application was subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RECEIVED
JUN 29 2022

Re: Transfer No. 86169

Water Right No(s): 36-7081, 36-7172, 36-7229, 36-7233

DEPT OF WATER RESOURCES

Transfer Applicant's Name: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332-5603

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:

- c) X I oppose approval of this application for the following reasons:

SEE ATTACHED

- d) _____ Additional comments:

Dated this 26 day of JUNE, 2022

Water District 36A

Matt Doperalski

Watermaster's Signature

MATT DOPERALSKI

Printed Name

ORIGINAL

Watermaster Comments Regarding Transfer Request 86169

This water right transfer request of wildlife water extends the place of use to NESE and SESE 16, 7S 13E. These lands are not part of the existing water rights place of use and therefore represents an expansion. A transfer request based on existing use and the historical non-compliance of current water right place of use is not a valid reason to approve this transfer. Therefore, the water master requests the department not approve this transfer.

RECEIVED

JUN 27 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

Re: Transfer No. 86169

Water Right No(s): 36-7081, 36-7172, 36-7229, 36-7233

Transfer Applicant's Name: HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332-5603

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:

- c) X I oppose approval of this application for the following reasons:

SEE ATTACHED

- d) _____ Additional comments:

Dated this 26 day of JUNE, 2022

Water District 36A

Matt Duperalski

Watermaster's Signature

MATT DUPELALSKI

Printed Name

Watermaster Comments Regarding Transfer Request 86169

This water right transfer request of wildlife water extends the place of use to NESE and SESE 16, 7S 13E. These lands are not part of the existing water rights place of use and therefore represents an expansion. A transfer request based on existing use and the historical non-compliance of current water right place of use is not a valid reason to approve this transfer. Therefore, the water master requests the department not approve this transfer.

Maline, Denise

From: Skinner, Corey
Sent: Thursday, June 23, 2022 8:26 AM
To: Matt Doperalski
Cc: Maline, Denise
Subject: RE: Water rights transfer Hagerman Wings Farm LLC

Matt,

You can have until the 30th to submit your water master comments. If you can, it would be appreciated if you could get them to us sooner, though.

Corey

From: Matt Doperalski <mattwm36a@gmail.com>
Sent: Wednesday, June 22, 2022 9:34 PM
To: Maline, Denise <Denise.Maline@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: FW: Water rights transfer Hagerman Wings Farm LLC

Hello,

I'm following up on the request below. Given some time I would like to suggest some conditions for approval but if it is to late for consideration let me know.

Regards, Matt.

From: Matt Doperalski <mattwm36a@gmail.com>
Date: Saturday, June 18, 2022 at 12:46 PM
To: denise.maline@idwr.idaho.gov <denise.maline@idwr.idaho.gov>, corey.skinner@idwr.idaho.gov <corey.skinner@idwr.idaho.gov>
Subject: Water rights transfer Hagerman Wings Farm LLC

Hello Denise and Corey,

Today I received the documentation for the Hagerman Wings Farm LLC water transfer requests. Given the timeline outlined in the letter, I am requesting an extension to June 30, 2022 to study and respond to the requests.

Sincerely,

Matt Doperalski
Water Master District 36A
208-949-0523

Maline, Denise

From: Matt Doperalski <mattwm36a@gmail.com>
Sent: Saturday, June 18, 2022 12:47 PM
To: Maline, Denise; Skinner, Corey
Subject: Water rights transfer Hagerman Wings Farm LLC

Hello Denise and Corey,

Today I received the documentation for the Hagerman Wings Farm LLC water transfer requests. Given the timeline outlined in the letter, I am requesting an extension to June 30, 2022 to study and respond to the requests.

Sincerely,

Matt Doperalski
Water Master District 36A
208-949-0523

**** Proof of Publication ****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

REBA DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 128061

(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 9 day of June in the year of 2022 before me, a Notary Public, personally appeared before me Reba Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-26

Section: Legals

Category: 50 Legal

PUBLISHED ON: 06/02/2022, 06/09/2022

TOTAL AD COST: 182.14

FILED ON: 6/9/2022

**PROPOSED AMENDMENT OF WATER PERMIT
PERMIT NO. 36-17169**

IDAHO POWER COMPANY, PO BOX 70, BOISE, ID 83707-0070 filed an application to amend permit no. 36-17169 on 04-08-2022. Application for Amendment of Permit proposes adding a second point of diversion (well) for irrigation purposes under permit 36-17169. Both points of diversion are located approximately 4.4 miles north and 4.3 miles east of Buhl. The original permitted flow rate of 0.27 cfs will not change with the amendment. ✓

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85829**

HAGERMAN WINGS FARM LLC, 823 E 2700 S, HAGERMAN, ID 83332-5603 has filed Application No. 85829 for changes to the following water rights within GOODING County(s): Right No(s): 2-10338, 36-15467, 36-98, 36-99. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating a 488 acre irrigation permissible place of use (PPU) limited to the irrigation of 184 acres within the PPU for three Billingsley Creek irrigation water rights and one Snake River irrigation water right (13.38 cfs combined). No changes are proposed for the points of diversion. Proposed PPU and existing POUs are located approximately 0.5 miles to 1.7 miles west and 0.2 miles south to 0.7 miles north of the intersection of Salmon St. and Hwy 30 in Hagerman. ✓

TRANSFER NO. 86170

HAGERMAN WINGS FARM LLC, 823 E 2700 S, HAGERMAN, ID 83332-5603 has filed Application No. 86170 for changes to the following water rights within GOODING County(s): Right No(s): 36-16889. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the place of use (POU) for a 2.0 cfs, fish propagation right diverted from an unnamed spring and Tucker Springs. Application proposes dropping one 40 acre tract from the right and adding two adjacent 40 acre tracts as part of the authorized POU. No changes are proposed for the points of diversion. Current and proposed POUs are located approximately 1.0 to 1.7 miles west and 0.2 miles south to 0.2 miles north of the intersection of Salmon St. and Hwy 30 in Hagerman. ✓

TRANSFER NO. 86169

HAGERMAN WINGS FARM LLC, 823 E 2700 S, HAGERMAN, ID 83332-5603 has filed Application No. 86169 for changes to the following water rights within GOODING County(s): Right No(s): 36-7081, 36-7172, 36-7229, 36-7233. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the place of use (POU) for four Billingsley Creek wildlife water rights (27.7 cfs combined) to coincide with current use of those rights. No changes are proposed for the points of diversion. Proposed and existing POUs are located approximately 0.5 miles to 1.7 miles west and 0.2 miles south to 0.7 miles north of the intersection of Salmon St. and Hwy 30 in Hagerman. ✓

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before June 21, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Publish: June 2nd & 9th, 2022

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES 09/04/2026

RECEIVED

JUN 13 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK dm 6/17/2022



PROOF OF PUBLICATION
Post Register

RECEIVED

JUN 13 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

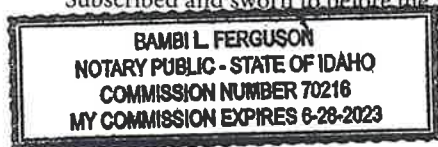
State of Idaho
County of Bonneville

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Sunday, at Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2, first publication having been made on 06/01/2022 last publication having been made on 06/08/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me on this 8th day of June, 2022



[Signature]

Notary Public
My commission expires:

_____ attached jurat _____

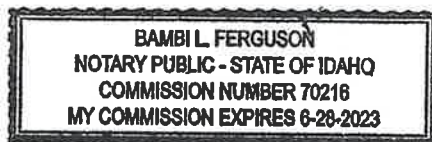
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

On this 8th day of June, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the 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.



[Signature]

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ *DM 6-16-2022*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86169**

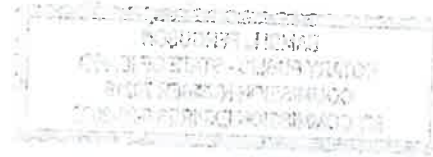
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For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before June 21, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published June 1 and 8, 2022 (PR10591-242327)

✓ DM 6-16-2022



TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 06/09/2022 INVOICE NO. 169068
Account No. 446620
Description 169068 NOTICE O
Times 2 Lines 33
Tab. lines
\$ 96.53

LEGAL ADVERTISING
INVOICE

Sold To: IDAHO DEPT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

JUN 16 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

PO#

Maline, Denise

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

RECEIVED

JUN 13 2022

169068
NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86169

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GARY SPACKMAN, Director
Published in the Times News, Idaho Statesman,
Post Register & Lewiston Tribune on June 2nd & 9th, 2022

AFFIDAVIT OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Hollie K Vance, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 169068 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 06/02, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 06/02/2022, and the last publication thereof being on the 06/09/2022, and said 169068 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Hollie K Vance

State of Idaho

S.S.

County of Nez Perce

On this 10th day of June in the year of 2022, before me, a Notary Public, personally appeared Hollie K Vance, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Barb Marsh

Notary Public in and for the State of Idaho,
residing at Lewiston therein
Commission Expires 2.14.25



✓ DM 6-16-2022



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
37634	269945	Print Legal Ad - IPL0075321		\$61.60	1	49 L

Attention: Denise Malin

IDAHO DEPT OF WATER RESOURCES / SOUTH
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

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GARY SPACKMAN, Director
Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on June 2nd & 9th, 2022
IPL0075321
Jun 2,9 2022

RECEIVED

JUN 09 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Bettina Jantzen, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

No. of Insertions: 2

Beginning Issue of: 06/02/2022

Ending Issue of: 06/09/2022

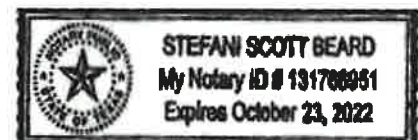
B. Jantzen

(Legals Clerk)

On this 9th day of June in the year of 2022 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

✓ DM 6-16-2022