

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85829**

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>
2-10338	WR/DECREED	2/25/1963	0.600 cfs	120.0 af	30.0	202.0	SNAKE RIVER
36-15467	WR/DECREED	4/1/1905	2.950 cfs	N/A	91.0	202.0	BILLINGSLEY CREEK
36-98	WR/DECREED	4/1/1895	7.000 cfs	N/A	91.0	202.0	BILLINGSLEY CREEK
36-99	WR/DECREED	4/1/1888	2.830 cfs	N/A	N/A	63.0	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>
2-10338	NO	NO	YES	NO	NO	NO
36-15467	NO	NO	YES	NO	NO	NO
36-98	NO	NO	YES	NO	NO	NO
36-99	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>
2-10338	2-10338	0.600 cfs	120.0 af	30.0	488.0	N/A	N/A	N/A	N/A	N/A
36-15467	36-15467	2.950 cfs	N/A	91.0	488.0	N/A	N/A	N/A	N/A	N/A
36-98	36-98	7.000 cfs	N/A	91.0	488.0	N/A	N/A	N/A	N/A	N/A
36-99	36-99	2.830 cfs	N/A	63.0	488.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.380 cfs	N/A	184.0	488.0		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. 85829

IN FILE # 2-10338

WATER RIGHT NO. 36-99
As Modified by Transfer No. 85829

In accordance with the approval of Transfer No. 85829, Water Right No. 36-99 is now described as follows:

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

Priority Date: 4/1/1888

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	to 11/30	2.790 cfs
MITIGATION BY NON-USE	02/15	to 11/30	0.040 cfs
			2.830 cfs

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

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			36.0	40.0			29.0	31.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	446.0
									L 5										
07S	13E	16				2.0									20.0			20.0	42.0
						L 3									L 3				

Right Acre Limit: 63.0

POU Total Acres: 488.0

PLACE OF USE: MITIGATION BY NON-USE

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													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 63 acres within the authorized place of use in a single irrigation season.
2. 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.

WATER RIGHT NO. 36-99
As Modified by Transfer No. 85829

CONDITIONS OF APPROVAL

3. 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.
4. Rights 36-99, 36-7172 and 36-7233 when combined shall not exceed a total diversion rate of 13.2 cfs.
5. Rights 36-98, 36-99, 36-10338 and 36-15467 when combined shall not exceed the irrigation of 184 acres.
6. Rights 36-98, 36-99, 36-10338 and 36-15467 are limited to the irrigation of a specific 184 acres within the 488 acre place of use authorized by these rights in a single irrigation season. The specific 184 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 184 acres to be irrigated within the 488 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17116. To prevent injury to other water right holders, the right holder shall cease diverting 0.04 cfs of this right from Billingsley Creek. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 36-17116. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17116 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
8. 0.48 cfs of this right is limited to use for conveyance losses in delivery of this right, 36-7172 and 36-7233.
9. Water is delivered through Sands Ditch.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 2-10338**As Modified by Transfer No. 85829**

In accordance with the approval of Transfer No. 85829, Water Right No. 2-10338 is now described as follows:

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

Priority Date: 2/25/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.600 cfs	120.0 af
			0.600 cfs	120.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L3 (NESE) Sec 16 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

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			36.0	40.0			29.0	31.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	446.0
									L 5										
07S	13E	16				2.0									20.0			20.0	42.0
						L 3									L 3				

Right Acre Limit: 30.0

POU Total Acres: 488.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. 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.02.
3. 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.
4. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 10.55 cfs, a total annual maximum diversion volume of 484.0 af at the field headgate, and the irrigation of 121 acres.

Transfer No. 85829

WATER RIGHT NO. 2-10338
As Modified by Transfer No. 85829

CONDITIONS OF APPROVAL

5. Rights 36-98, 36-99, 36-10338 and 36-15467 when combined shall not exceed the irrigation of 184 acres.
6. All rights combined, when applied to these lands via sprinklers, shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 36-98, 36-99, 36-10338 and 36-15467 are limited to the irrigation of a specific 184 acres within the 488 acre place of use authorized by these rights in a single irrigation season. The specific 184 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 184 acres to be irrigated within the 488 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 2/15 and an ending date of 11/30 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/01 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 36-15467**As Modified by Transfer No. 85829**

In accordance with the approval of Transfer No. 85829, Water Right No. 36-15467 is now described as follows:

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

Priority Date: 4/1/1905

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

2.950 cfs

2.950 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK	NWSWNE	Sec 11 Twp 07S Rge 13E	GOODING County	
BILLINGSLEY CREEK	L3 (NWNSE)	Sec 16 Twp 07S Rge 13E	GOODING County	(R)
BILLINGSLEY CREEK	L3 (SWNESE)	Sec 16 Twp 07S Rge 13E	GOODING County	(I)

PLACE OF USE: IRRIGATION

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			36.0	40.0			29.0	31.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	446.0
									L 5										
07S	13E	16				2.0									20.0			20.0	42.0
						L 3									L 3				

Right Acre Limit: 91.0

POU Total Acres: 488.0

CONDITIONS OF APPROVAL

1. Use of water under this right will 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. 36-A.
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 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 9.95 cfs, and the irrigation of 91.0 acres in a single irrigation season.

WATER RIGHT NO. 36-15467

As Modified by Transfer No. 85829

CONDITIONS OF APPROVAL

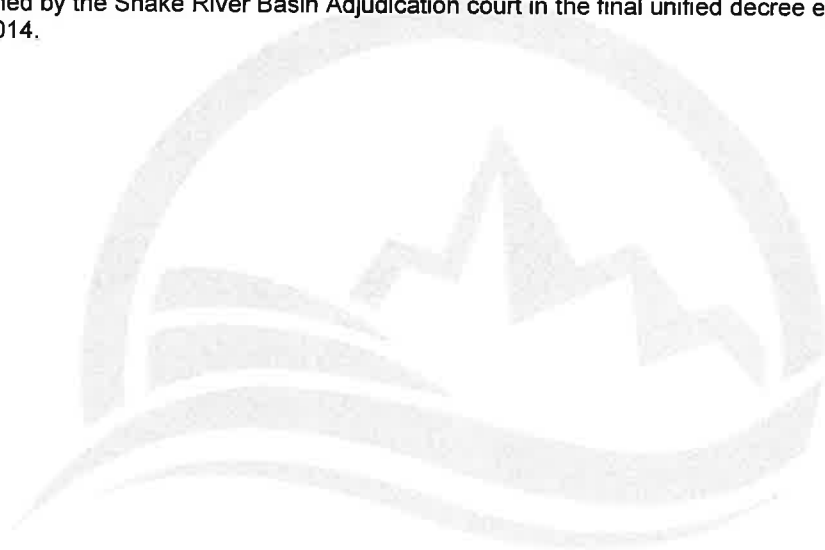
4. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 10.55 cfs, a total annual maximum diversion volume of 484 af at the field headgate, and the irrigation of 121 acres.
5. Rights 36-98, 36-99, 36-10338 and 36-15467 when combined shall not exceed the irrigation of 184 acres.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Rights 36-98, 36-99, 36-10338 and 36-15467 are limited to the irrigation of a specific 184 acres within the 488 acre place of use authorized by these rights in a single irrigation season. The specific 184 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 184 acres to be irrigated within the 488 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Re-diversion from the Snake River under Rights 36-98 and 36-15467 is limited to those times when at least 0.50 cfs of Billingsley Creek water is injected into the Snake River at the specified point of injection.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 2/15 and an ending date of 11/30 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/31/1998.
10. The portion of Rights 36-98 and 36-15467 re-diverted from the Snake River shall not exceed 0.50 cfs.
11. In order to provide for watermaster control of the alternate point of diversion on the Snake River, the right holder shall install a separate pump to deliver water under this right. The pump shall not deliver water under any other water rights, but may share a common mainline with other pumps delivering Snake River water under other water rights.
12. The right holder shall maintain a measuring device at the point of injection, and a measuring device and lockable controlling works at the point of re-diversion that will provide the watermaster suitable control of the re-diversion.
13. When consumptive rights from Billingsley Creek between the Sands Ditch and the mouth of Billingsley Creek are curtailed to supply water to senior priority water rights on Billingsley Creek, the right holder shall cease diverting water from the Snake River under this right unless the right holder can demonstrate (a) water could have been diverted under this water right at the head of the Sands Ditch, and (b) the water that could have been diverted under this water right is being passed through diversions from Billingsley Creek downstream of the Sands Ditch to the new point of diversion.

WATER RIGHT NO. 36-15467

As Modified by Transfer No. 85829

CONDITIONS OF APPROVAL

14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 36-98
As Modified by Transfer No. 85829

In accordance with the approval of Transfer No. 85829, Water Right No. 36-98 is now described as follows:

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

Priority Date: 4/1/1895

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	to 11/30	7.000 cfs
			7.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK	NWSWNE	Sec 11 Twp 07S Rge 13E	GOODING County	
BILLINGSLEY CREEK	L3 (NWNESE)	Sec 16 Twp 07S Rge 13E	GOODING County	(R)
BILLINGSLEY CREEK	L3 (SWNESE)	Sec 16 Twp 07S Rge 13E	GOODING County	(I)

PLACE OF USE: IRRIGATION

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			36.0	40.0			29.0	31.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	446.0
									L 5										
07S	13E	16				2.0									20.0			20.0	42.0
						L 3									L 3				

Right Acre Limit: 91.0
 POU Total Acres: 488.0

CONDITIONS OF APPROVAL

1. Use of water under this right will 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. 36-A.
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 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 9.95 cfs, and the irrigation of 91.0 acres in a single irrigation season.
4. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 10.55 cfs, a total annual maximum diversion volume of 484 af at the field headgate, and the irrigation of 121 acres.

Transfer No. 85829

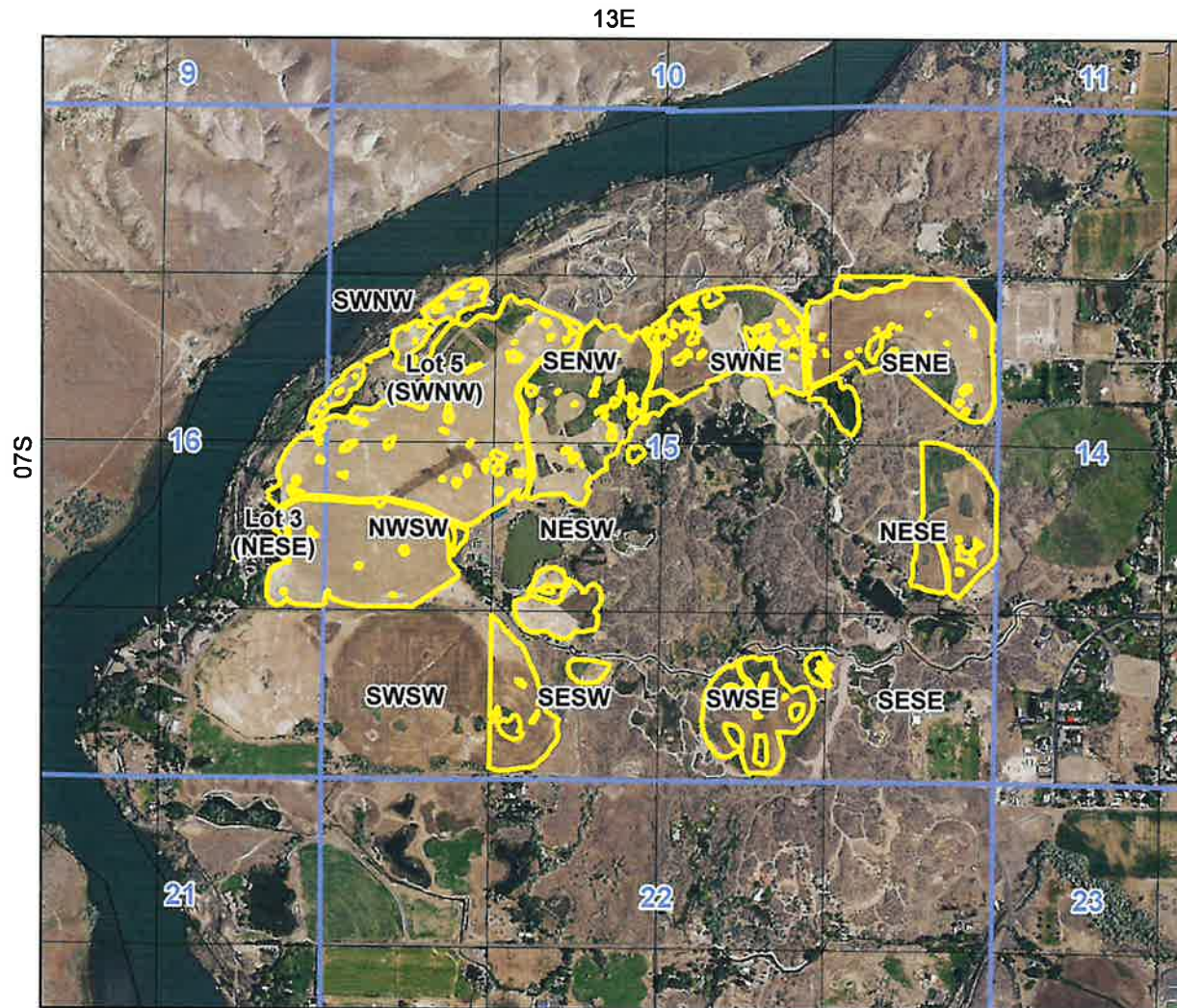
WATER RIGHT NO. 36-98
As Modified by Transfer No. 85829

CONDITIONS OF APPROVAL

5. Rights 36-98, 36-99, 36-10338 and 36-15467 when combined shall not exceed the irrigation of 184 acres.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Rights 36-98, 36-99, 36-10338 and 36-15467 are limited to the irrigation of a specific 184 acres within the 488 acre place of use authorized by these rights in a single irrigation season. The specific 184 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 184 acres to be irrigated within the 488 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Re-diversion from the Snake River under Rights 36-98 and 36-15467 is limited to those times when at least 0.50 cfs of Billingsley Creek water is injected into the Snake River at the specified point of injection.
9. The portion of Rights 36-98 and 36-15467 re-diverted from the Snake River shall not exceed 0.50 cfs.
10. In order to provide for watermaster control of the alternate point of diversion on the Snake River, the right holder shall install a separate pump to deliver water under this right. The pump shall not deliver water under any other water rights, but may share a common mainline with other pumps delivering Snake River water under other water rights.
11. The right holder shall maintain a measuring device at the point of injection, and a measuring device and lockable controlling works at the point of re-diversion that will provide the watermaster suitable control of the re-diversion.
12. When consumptive rights from Billingsley Creek between the Sands Ditch and the mouth of Billingsley Creek are curtailed to supply water to senior priority water rights on Billingsley Creek, the right holder shall cease diverting water from the Snake River under this right unless the right holder can demonstrate (a) water could have been diverted under this water right at the head of the Sands Ditch, and (b) the water that could have been diverted under this water right is being passed through diversions from Billingsley Creek downstream of the Sands Ditch to the new point of diversion.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 # 85829
02-10338, 36-98, 36-99, and 36-15467

This map depicts the IRRIGATION 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

0 0.175 0.35 0.7 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: 85829

Water Right No(s): 2-10338, 36-98, 36-99, 36-15467

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,



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 02
ROB WHITNEY
PO BOX 83720
BOISE ID 83720-0098

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.: 85829

Water Right No(s): 2-10338, 36-98, 36-99, 36-15467

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 02
ROB WHITNEY
PO BOX 83720
BOISE ID 83720-0098

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 2, 2022

To: Transfer 85829 File

From: William Mills

Re: Evaluation of Sufficiency of Information Submitted

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.

PODs and POUs are located in Water District 36A, except one POD that diverts water from the Snake River which places it in Water District 02. Watermaster comments were solicited. No comments were received from Water District 02. The Watermaster for Water District 36A responded by recommending that he did not oppose approval of the application if it is conditioned as follows:

"An annual report will be submitted to the water district that documents irrigated land does not exceed 184 acres."

Since this application is seeking to create a 488 permissible place of use, and the four irrigation rights only authorize 184 acres of irrigation, the Department has placed condition 206 on the water rights. Condition 206 requires the applicant to identify the 184 acres to be irrigated and those acres are currently identified in the transfer layer in ArcMap. If the applicant desires to change or rearrange those acres, they are required to either provide the Department with an updated shapefile or land list. Condition 206 adequately addresses the Watermasters concerns.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water rights in this transfer and the properties these water right are associated with.
- **Water Right Validity:**
All Water rights in this transfer were decreed in the SRBA on or prior to 4/28/2008. Recent aerial imagery indicates that grounds associated with these rights appear to be irrigated.
- **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.

RECEIVED

JUN 29 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

Re: Transfer No. 85829

Water Right No(s): 02-10338, 36-98, 36-99, 36-15467

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) X I do not oppose approval of this application if it is conditioned as follows:

SEE ATTACHED

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

- d) _____ Additional comments:

Dated this 26 day of JUNE, 2022

Water District 36A

Matt Doperski

Watermaster's Signature

MATT DOPERSKI

Printed Name

ORIGINAL

Watermaster Comments Regarding Transfer Request 85829

The Water Master has a concern the total acreage that is irrigated with water rights on this transfer could result in possible expansion of irrigated acres. Land across the Place of Use as combined in this transfer has exposed volcanic flows and rock interspersed with cropland. These volcanic flow/rock areas are not farmed but lie within existing center pivot and pressurized irrigation systems. Therefore, they must be "irrigated" as part of the cropping system. Calculating only irrigated crop acres is not representative of actual irrigated acres. Because of this, the water master requests the water right transfer be conditioned as follows:

An annual report will be submitted to the water district that documents irrigated land does not exceed 184 acres.

This transfer request extends the geographic area of irrigated land to SESE 16, 7S 13E. This place of use lies within the Big Bend Irrigation and Mining Company. Hagerman Wings Farm is a shareholder of irrigated water rights withing the Big Bend Irrigation and Mining Co. Inclusion of this parcel represents an overlap or "stacking" of irrigated water rights. Therefore, before approving the transfer, the water master requests an accounting from Big Bend Irrigation and Mining Co. of irrigated acreage that lies within the Big Bend irrigation district and the irrigated acreage that will be allocated by Big Bend Irrigation and Mining Co. for use by Hagerman Wings Farm on SESE 16, 7S 13E.

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RECEIVED

JUN 27 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Transfer No. 85829

Water Right No(s): 02-10338, 36-98, 36-99, 36-15467

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) X I do not oppose approval of this application if it is conditioned as follows:

SEE ATTACHED

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

- d) _____ Additional comments:

Dated this 26 day of JUNE, 2022

Water District 36A

Matt Doperski

Watermaster's Signature

MATT DOPERSKI

Printed Name

Watermaster Comments Regarding Transfer Request 85829

The Water Master has a concern the total acreage that is irrigated with water rights on this transfer could result in possible expansion of irrigated acres. Land across the Place of Use as combined in this transfer has exposed volcanic flows and rock interspersed with cropland. These volcanic flow/rock areas are not farmed but lie within existing center pivot and pressurized irrigation systems. Therefore, they must be "irrigated" as part of the cropping system. Calculating only irrigated crop acres is not representative of actual irrigated acres. Because of this, the water master requests the water right transfer be conditioned as follows:

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This transfer request extends the geographic area of irrigated land to SESE 16, 7S 13E. This place of use lies within the Big Bend Irrigation and Mining Company. Hagerman Wings Farm is a shareholder of irrigated water rights withing the Big Bend Irrigation and Mining Co. Inclusion of this parcel represents an overlap or "stacking" of irrigated water rights. Therefore, before approving the transfer, the water master requests an accounting from Big Bend Irrigation and Mining Co. of irrigated acreage that lies within the Big Bend irrigation district and the irrigated acreage that will be allocated by Big Bend Irrigation and Mining Co. for use by Hagerman Wings Farm on SESE 16, 7S 13E.

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 too 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

Reba Davis

(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