

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

Transfer No. 85829

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**JAN 21 2022**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Hagerman Wings Farm, LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEC 28 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Hagerman Wings Farm, LLCPhone (208) 837-9153Mailing address 823 E 2700 S

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Charles G. BrockwayPhone 208-736-8543Mailing address 2016 N. Washington St. Suite 4 Twin Falls, ID 83301

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

JOHN SHAW PRESIDENT
 Print Name and Title if applicable

12-23-21
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Places of use of existing rights for irrigation are being modified to coincide with actual current usage. Water rights will be structured as a permissible place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Hagerman Wings Farm, LLCPhone (208) 837-9153Mailing address 823 E 2700 S

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
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☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

DEPT OF WATER RESOURCES
SOUTHERN REGION

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	2-10338	0.60 / 120	Irrigation	4/1 to 10/31	Snake River
☒ ☐	36-98	7.0 cfs	Irrigation	2/15 to 11/30	Billingsley Cr
☒ ☐	36-15467	2.95 cfs	Irrigation	3/15 to 11/15	Billingsley Cr
☒ ☐	36-99	2.79 cfs	Irrigation	2/15 to 11/30	Billingsley Cr
☐ ☐		0.04 cfs	Mitigation	2/15 to 11/30	Billingsley Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.38 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 13.34 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

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	
7S	13E	15			36	40			29	31	40	40	40	40	40	40	40	30	446
7S	13E	16				2									20			20	42
7S	13E	15				Mit**													
Total Acres (for irrigation use)																			488*

* Irrigation limited to 184 acres within PPU

** Mitigation is part of 36-99 only, no changes

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	2-10338	0.60 / 120	Irrigation	4/1 to 10/31	Snake River
☒ ☐	36-98	7.0 cfs	Irrigation	2/15 to 11/30	Billingsley Cr
☒ ☐	36-15467	2.95 cfs	Irrigation	3/15 to 11/15	Billingsley Cr
☐ ☒	36-99	2.79 cfs	Irrigation	2/15 to 11/30	Billingsley Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.38 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 13.38 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

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		
7S	13E	15			36	40			29	31	40	40	40	40	40	40	40	30	446	
7S	13E	16				1.6									20			20	42	
* Irrigation limited to 184 acres within PPU																			Total Acres (for irrigation use)	488*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion from Billingsley Creek to Sands Ditch. Measuring device in ditch at headgate.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. **Are** the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Wildlife rights 36-7081, 36-7229, 36-8317, 36-16889, 36-7172, 36-7233

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

MAY 19 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]**Total Acres (for irrigation use)**

AMENDED

85829

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-15467

Current Owner: HAGERMAN WINGS FARM LLC

Priority Date: 4/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

2.95 CFS

Annual Volume

Total Diversion

2.95 CFS

Location of Point(s) of Diversion

BILLINGSLEY CREEK

L3(NW1/4NE1/4SE1/4)

Sec. 16, Twp 07S, Rge 13E B.M.

GOODING County

(Rediversion)

BILLINGSLEY CREEK

NW1/4SW1/4NE1/4

Sec. 11, Twp 07S, Rge 13E B.M.

GOODING County

BILLINGSLEY CREEK

L3(SW1/4NE1/4SE1/4)

Sec. 16, Twp 07S, Rge 13E B.M.

GOODING County

(Injection)

Place of Use

IRRIGATION Within GOODING County

T07S R13E S15	Lot 5	SWNW	28.00	T07S R13E S15	SENE	37.00
T07S R13E S15		NESW	23.00	T07S R13E S15	NWSW	40.00
T07S R13E S15		SWSW	40.00	T07S R13E S15	SESW	11.00
T07S R13E S16		SENE	3.00	T07S R13E S16	Lot 3 NESE	20.00

Total Acres: 202

Conditions of Approval:

1. 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.
2. R05 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.
3. R43 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.
5. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 121.0 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. The portion of Rights 36-98 and 36-15467 re-diverted from the Snake River shall not exceed 0.50 cfs.
8. X35 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.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. T08 Failure of the right holder to comply with the elements and conditions of this water right as authorized under this transfer is cause for the Director to rescind approval of the transfer.
11. X61 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.
12. R60 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 lands above.
13. 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.
14. 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.
15. X53 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.

Page _____ of _____

Decreed Date: 3/31/1998

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-99

Current Owner: BEVERLY SHAW
JOHN SHAW

Priority Date: 4/1/1888

Origin: Water Right

Status: Active

Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 02/15 to 11/30

2.79 CFS

MITIGATION BY NON-USE 02/15 to 11/30

0.04 CFS

Total Diversion

2.83 CFS

Location of Point(s) of Diversion

BILLINGSLEY CREEK
GOODING County

NW1/4SW1/4NE1/4

Sec. 11, Twp 07S, Rge 13E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S15	SWNE	11.00	T07S R13E S15	SENE	24.00
T07S R13E S15	NESE	14.00	T07S R13E S15	NWSE	3.00
T07S R13E S15	SWSE	6.00	T07S R13E S15	SESE	5.00

Total Acres: 63

MITIGATION BY NON-USE Within GOODING County

T07S R13E S15 SENE

Conditions of Approval:

1. 0.48 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT, 36-07233 AND 36-07172.
2. USE OF THIS RIGHT WITH RIGHTS 36-07172 AND 36-07233 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.2 CFS.
3. 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.
4. WATER IS DELIVERED THROUGH SANDS DITCH.
5. 193 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.

Decreed Date: 6/30/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-98

Current Owner: HAGERMAN WINGS FARM LLC
Priority Date: 4/1/1895
Origin: Water Right
Status: Active
Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

02/15 to 11/30

Diversion Rate

7 CFS

Annual Volume

Total Diversion

7 CFS

Location of Point(s) of Diversion

BILLINGSLEY CREEK
GOODING County
BILLINGSLEY CREEK
GOODING County
BILLINGSLEY CREEK
GOODING County

L3(SW1/4NE1/4SE1/4) Sec. 16, Twp 07S, Rge 13E B.M.
(Injection)
L3(NW1/4NE1/4SE1/4) Sec. 16, Twp 07S, Rge 13E B.M.
(Rediversion)
NW1/4SW1/4NE1/4 Sec. 11, Twp 07S, Rge 13E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S15	Lot 5	SWNW	28.00	T07S R13E S15	SENW	37.00
T07S R13E S15		NESW	23.00	T07S R13E S15	NWSW	40.00
T07S R13E S15		SWSW	40.00	T07S R13E S15	SESW	11.00
T07S R13E S16		SENE	3.00	T07S R13E S16	Lot 3 NESE	20.00

Total Acres: 202

Conditions of Approval:

1. 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.
2. T08 Failure of the right holder to comply with the elements and conditions of this water right as authorized under this transfer is cause for the Director to rescind approval of the transfer.
3. X35 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 484.0 af at the field headgate, and the irrigation of 121 acres.
5. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 121.0 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
6. 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.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. R05 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. X53 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.
12. The portion of Rights 36-98 and 36-15467 re-diverted from the Snake River shall not exceed 0.50 cfs.
13. R60 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 lands above.
14. R43 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.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-10338

Current Owner: HAGERMAN WINGS FARM LLC
Priority Date: 2/25/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.6 CFS

0.6 CFS

Annual Volume

120 AF

120 AF

Location of Point(s) of Diversion

SNAKE RIVER

GOODING County

NE1/4SE1/4

Sec. 16, Twp 07S, Rge 13E B.M.

Place of Use

IRRIGATION Within GOODING County

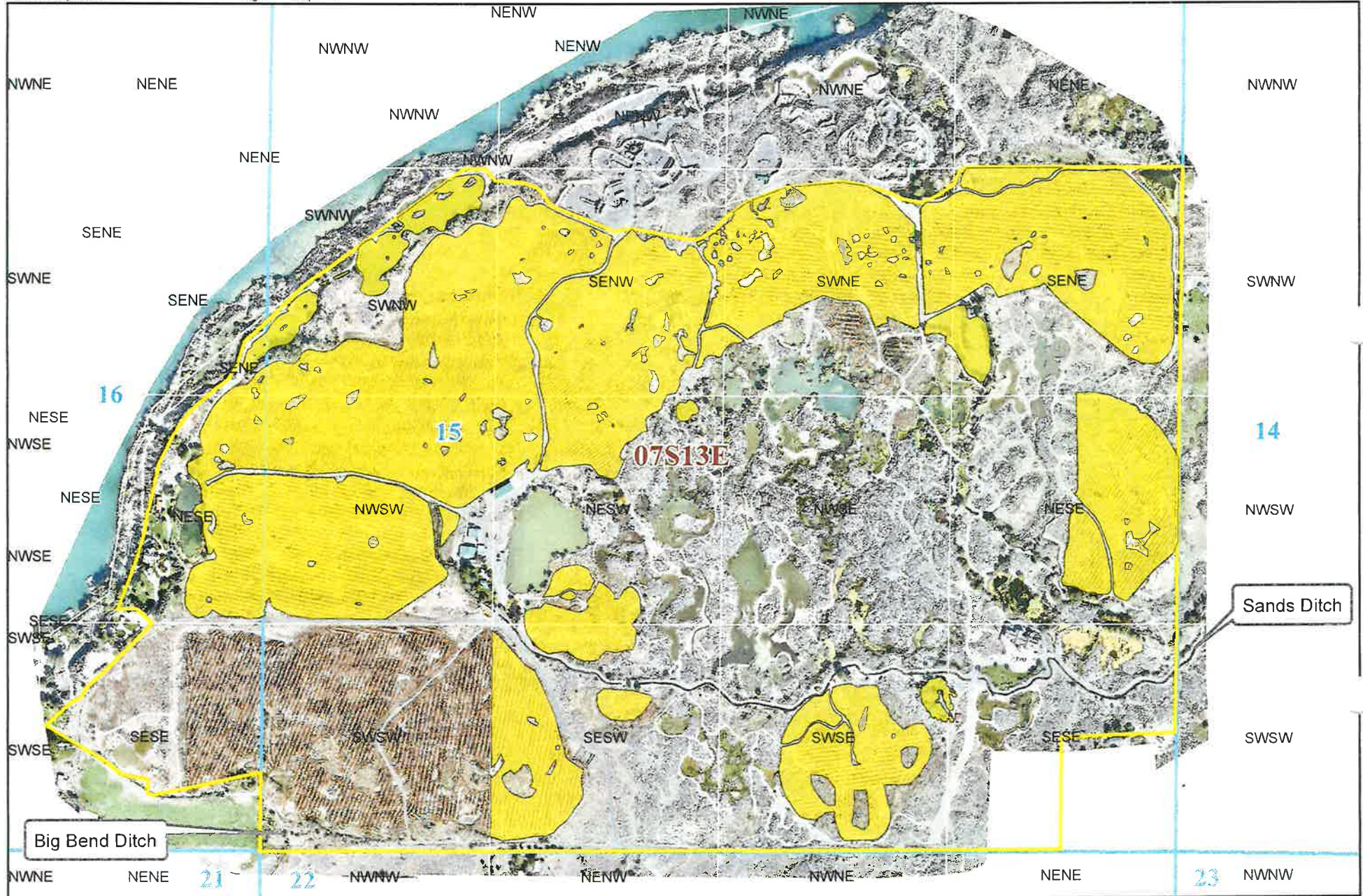
T07S R13E S15	Lot 5	SWNW	28.00	T07S R13E S15	SENW	37.00
T07S R13E S15		NESW	23.00	T07S R13E S15	NWSW	40.00
T07S R13E S15		SWSW	40.00	T07S R13E S15	SESW	11.00
T07S R13E S16	Lot 3	SENE	3.00	T07S R13E S16	Lot 3 NESE	20.00

Total Acres: 202

Conditions of Approval:

1. 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.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X35 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.
5. T08 Failure of the right holder to comply with the elements and conditions of this water right as authorized under this transfer is cause for the Director to rescind approval of the transfer.
6. S46 The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed the irrigation of 121 acres in a single irrigation season.
8. Prior to diversion of water under this water right, the right holder shall submit to the Department a diagram identifying the specific location of the 121.0 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
9. X27 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
10. R64 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.

Decreed Date: 4/8/2008



0 350 700 1,400 Feet

85829

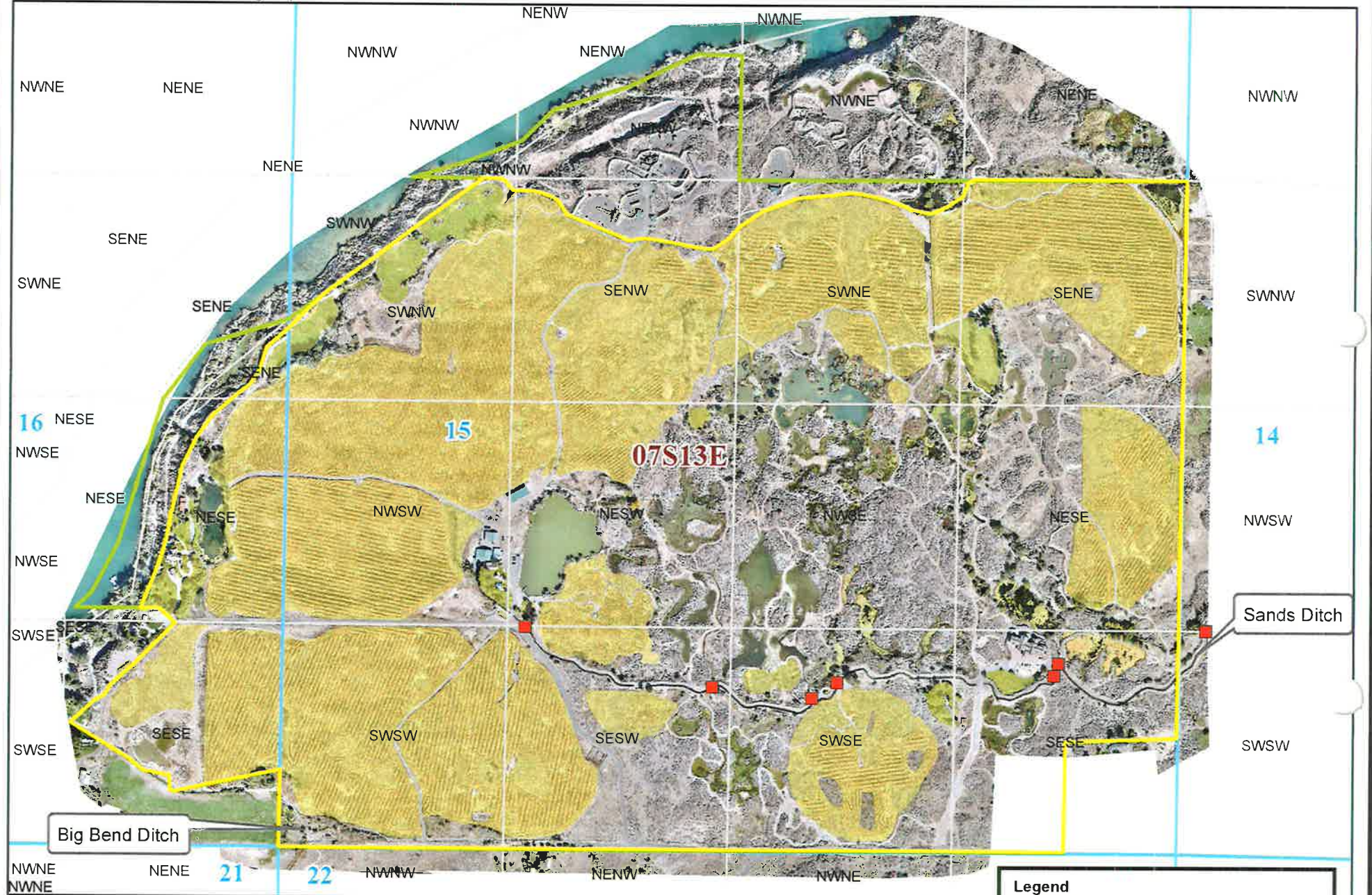
HAGERMAN WINGS FARM
PROPOSED IRRIGATION PPU AND 206 MAP

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 3/14/2022

JOHN SHAW
SHAW SHOOTING DRONE IMAGE, 2021

Legend

- Proposed PPU- 488.5 Acres
- 206_Map_Irrigation- 184.0 Acres



0 350 700 1,400 Feet

85829

HAGERMAN WINGS FARM PROPOSED IRRIGATION PPU

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 1/7/2022

JOHN SHAW
SHAW SHOOTING DRONE IMAGE, 2021



Customer Ad Proof

164-60002276

ID DEPARTMENT OF WATER RESOURCES

Order Nbr 128061

Publication

Times News

Contact

ID DEPARTMENT OF WATER RESOURCES

PO Number

Address 1

650 ADDISON AVE W, STE 500

Rate

Legal Notice

Address 2

Order Price

182.14

City St Zip

TWIN FALLS ID 83301

Amount Paid

0.00

Phone

2087363033

Amount Due

182.14

Fax

Section

Legals

Start/End Dates

06/02/2022 - 06/09/2022

SubSection

Insertions

2

Category

50 Legal

Size

119

Ad Key

128061-1

Salesperson(s)

Legal Notices

Keywords

NOTICE/PROPOSED AMMENDMENT AND

Taken By

Reba Davis

Notes

Ad Proof

Proof of legal notice received
from Times News 5/27/2022
(2 pgs)

✓ DM 5-27-2022

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 128061

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 20, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Publish: June 2nd & 9th, 2022

✓ DM



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

May 26, 2022

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

RE: Transfer No. 85829
Water Right No(s). 2-10338, 36-15467, 36-98, 36-99

RE: Transfer No. 86170
Water Right No(s). 36-16889

Dear Applicant(s):

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 **TIMES NEWS on 6/2/2022 and 6/9/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **June 20, 2022**.

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,

Denise Maline

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC



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

May 26, 2022

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

RE: Transfer No(s). 85829, 86169 and 86170 (Hagerman Wings Farm LLC)

Dear Matt:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 26, 2022 12:53 PM
To: Whitney, Rob
Subject: Comment Letter for Transfer No. 85829 - Hagerman Wings Farm LLC
Attachments: Comment letter to WD02 for 85829.docx; Transfer No. 85829 (Hagerman Wings Farm).pdf

Hi Rob,

Attached is an application for transfer located within WD02, currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office.

Thank you in advance,

Denise @ Southern

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



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

May 26, 2022

WATER DISTRICT 02
ROB WHITNEY
PO BOX 83720
BOISE ID 83720-0098

RE: Transfer No(s). 85829 (Hagerman Wings Farm LLC)

Dear Rob:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 26, 2022 1:01 PM
To: Dawson,Bradley
Subject: Comment Letters for Transfer No(s). 85829, 86169 & 86170 (Hagerman Wings Farm)
Attachments: Comment letter to F&G for 85829, 86169 & 86170.docx; Transfer No. 85829 (Hagerman Wings Farm).pdf; Transfer No. 86169 (Hagerman Wings Farm).pdf; Transfer No. 86170 (Hagerman Wings Farm).pdf

Hi Bradley,

Attached are 3 applications that are currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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Governor Brad Little

Director Gary Spackman

May 26, 2022

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No(s). 85829, 86169 and 86170 (Hagerman Wings Farm LLC)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before June 20, 2022**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 26, 2022 10:07 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Good morning,

Attached please find (1) legal notice being submitted for publication on June 2nd & 9th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Gary Spackman

May 26, 2022

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Amendment of Permit No. 36-17169

RE: Transfer No. 85829

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

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

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 June 20, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**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 20, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 2nd & 9th, 2022

MEMORANDUM

Date: May 24, 2022
To: Transfer 85829 File
From: William Mills
Re: Transfer Proposal

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 will be solicited.

Mills, Bill

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Thursday, May 19, 2022 3:07 PM
To: Mills, Bill
Cc: Skinner, Corey
Subject: RE: Hagerman Wings Farms Transfer Applications
Attachments: Water transfer - irrigation page 3 & 5 replace.pdf; Water transfer - wildlife #1 page 3 & 5 replacement.pdf

Bill,

None of the rights are being split, but only a portion of 36-99 and 36-7172 are being changed (the mitigation, stockwater, and domestic places of use will remain unchanged). In a case like that, where only a portion of a right is being changed (but not split off), it appears to me from the Instructions that 1.B. is to list only the changed part after the change, and 2.B. is to list the changed part as recorded. Anyway, that's neither here nor there at this point. Attached are revised pages 3 and 5 for each transfer, page 3 being revised to show all of the uses including those not being changed, and page 5 being blank in that 2B is no longer needed.

PPU is 488 acres, 2 acres in SENE16, change made to grid.

The maps you made are fine.

The funds transfer you propose is acceptable.

Thanks,

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Mills, Bill [mailto:Bill.Mills@idwr.idaho.gov]
Sent: Wednesday, May 11, 2022 10:39 AM
To: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Subject: Hagerman Wings Farms Transfer Applications

Chuck,

There are a few minor issues with the Hagerman Wings Farm transfer applications that need to be addressed before they can be forwarded for advertising:

Transfer #1: 85829- Irrigation POU for water rights 2-10338, 36-98, 36-15467 & 36-99

On page 3, Section B1. The box is checked for "Part" for right 36-99, indicating that 36-99 is to be split and Part 2B on page 5 was also completed. Is your intention to split the irrigation use from the mitigation use? Since, the mitigation by non-use is associated with the Hagerman Wings Farm property, it seems to us that it should probably continue to be associated with water right 36-99. I'm not sure what the intention is here. Either way, it would be best to update Part 1B. on page 3 to list all the uses associated with right 36-99 and reflect the total flow rate on the total authorized under rights line. Let me know what your intention is here.

Another issue is the acres listed in the POU grid on Page 3 Part 4 do not match the acre totals. The Grid adds up to 487.4 acres and the total indicates the PPU should be 488 acres. The box on the grid for the SENE1/4 of Section 16 indicates there are 1.6 acres, while the total for that row indicates maybe it should be 2.0 acres?

Please let me know if the permissible place of use should be 488 acres or 487.7 acres and how many acres should be listed in the grid box for the SENE1/4 of Section 16.

Transfer #2 – 86169 – Wildlife POU for water rights 36-7081, 36-7229, 36-7172 & 36-7233

Again, the "Part" box was checked for rights 36-7172 and 36-7233 and part 2B page 5 was filled out for 36-7172. Are you wanting to split these rights? As before, please indicate if you are splitting rights 36-7172 & 36-7233 and as before all of the beneficial uses under a right should be listed on part 1B.

The POU map provided was nominal in that it selected all of each 40 acre tract proposed in the transfer application and didn't exclude properties owned by other parties. I have attached an updated POU map that selects the properties owned by Hagerman Wings Farms within the tracts selected in the transfer application. Please review the map and let me know if it is acceptable to you and your client.

Transfer #3 86170 – Fish Propagation POU for water right 36-16889

Same story with the POU map as in the wildlife transfer application. I have excluded properties owned by other parties, please review the attached POU map, and let me know if the POU map works for you and your client.

Additionally, Corey requested an email authorizing the Department to apply the additional \$80.00 paid under receipt S039002, (check No.16729 for \$2420.00 for transfer #86169 proposing the transfer of 27.7 cfs to change the wildlife POU, for which the total fee is \$2340.00) to transfer #86170 proposing the transfer of 2.0 cfs for Fish Propagation under water right 36-16889 (total fee \$580.00, \$500.00 paid under receipt S039223, check #7813 paid by Hagerman Wings Farm, LLC).

Your response to these issues is appreciated and will facilitate further processing of these three transfer applications,

Sincerely,

Bill

Legend

□ H.W. Wildlife POU

Proposed POU for 36-16889 Fish Propagation



MEMORANDUM

Date: May 10, 2022
To: Transfer 85829
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #85829 were based on the on the current transfer fee schedule and include a total of \$1540.00 for the 13.38 cfs being transferred in the application. (Receipt Nos. S039003).



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March 11, 2022

Mr. Bill Mills
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: Application for Transfers / Hagerman Wings Farm, LLC

Dear Bill:

I am in receipt of your letter of February 15, 2022, in which you request additional information for the above-referenced applications.

With regard to the irrigation transfer, the attached "206" map shows the PPU and the specific irrigation of 184.0 acres from the irrigation water rights delivered through the Sands Ditch. In addition, the attached ownership change form, deed, and fee should suffice to place the ownership of 36-99 in the name of Hagerman Wings Farm.

With regard to the wildlife applications, the POU for 36-8317 and 36-16889 (delivered via the Big Bend Ditch) has been limited to the SWSW Section 15, SESE Section 16, and NESE Section 16. The POU for all other wildlife rights (delivered via the Sands Ditch) includes all areas that have ponds or may have ponds. The attached ownership change form, deed, and fee should suffice to place the ownership of 36-7172 and 37-7233 in the name of Hagerman Wings Farm.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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IDAHO 83301

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On the issue of pond areas, the Department requested a delineation of the historic area of ponds relative to the current area. To delineate the historic pond area, the applicant hired an agricultural land use consultant to make on-site delineations and area calculations using a GPS unit. The result is the attached map and acreage table entitled "Old Pond Map," confirming a total pond area of 47.5 acres. The former ponds on this map are now within irrigated lands, but the depressions are still in the ground and Mr. Shaw has stated that you are welcome to come out and look for yourself. The second map entitled "Existing Wildlife Ponds" depicts the ponds as they exist today, with a total area of 39.7 acres. This analysis demonstrates that there will not be an increase in pond area or consumptive use due to the proposed transfer. I would like to reiterate that the total wildlife usage is unrestricted as to pond area or volume.

Finally, I understand the Department wishes to have two transfer applications for the wildlife ponds: one for the rights delivered via the Sands Ditch and one for

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SOUTHERN REGION

the rights delivered via the Big Bend Ditch, for a total of three (3) transfer applications. These two applications are enclosed as requested, but I do not understand the need to split this transfer. In fact it seems to me the entire project – both irrigation and wildlife – could be done with a single application. As such, I will not expect any increase in fees due to this bifurcation.

Cordially,



Charles G. Brockway, P.E.

Enc. “206” map for irrigation transfer
Wildlife transfer application #1 (Billingsley Creek via Sands Ditch)
Wildlife transfer application #2 (Tucker Spr via Big Bend Ditch)
Quitclaim deed – Shaw to Hagerman Wings Farm
Ownership Change Form and \$75 fee (3 rights)

cc: John Shaw
Gary Slette



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

February 15, 2022

Charles G. Brockway
Brockway Engineering PLLC
2016 North Washington Street, STE 4
Twin Falls ID 83301

RE: Applications for Transfer for Hagerman Wings Farm, LLC

Dear Mr. Brockway:

This letter is in reference to two transfer applications that you submitted to the Department for Hagerman Wings Farm, LLC on 01/21/2022.

The first transfer application, which I'll refer to as the irrigation transfer application (#85829), requires the submission of additional information before it can be considered complete. A "206" map identifying the specific 184 acres to be irrigated within the proposed 488 permissible place of use is required. Additionally, while not required, *✓ Done* changing the ownership to Hagerman Wings Farm LLC on water right 36-99 can be accomplished by either: the submission of an additional fee (\$25.00) and a copy of a conveyance document to change ownership through the transfer process; or as we discussed in our meeting on 2/14/2022, filing a Notice of Change in Water Right Ownership along with a conveyance document and the appropriate fees. I will hold the transfer application for thirty days to allow sufficient time to provide the requested map before returning the application as incomplete and initiating a refund of the filing fees (\$1540.00 paid, receipt #S039003).

The second transfer application, which I will refer to as the wildlife transfer application is being returned to you as we discussed during our meeting on 2/14/2022. I will wait thirty days to allow sufficient time for the submission of replacement application(s) before initiating a refund of the associated fees (\$2420.00 paid, receipt #S039002).

If you have questions or concerns regarding either of these applications, please feel free to contact me by phone, (208) 736-3033, or by email, william.mills@idwr.idaho.gov.

Sincerely,

Bill Mills
Sr. Water Resource Agent
Southern Regional Office

Enclosure

c: Hagerman Wings Farm LLC



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January 13, 2022

Mr. Bill Mills
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: Application for Transfers / Hagerman Wings Farm, LLC

Dear Bill:

I am in receipt of your letter of January 4, 2022 under which you returned the above-referenced transfer applications for correction. With this letter I am resubmitting the applications, and offer the following clarifying comments.

With regard to the irrigation transfer:

The PPU acreage description was inadvertently omitted from the application. The PPU boundary is illustrated on the drone map and totals 488 acres. Within this PPU, the irrigation water rights will allow 184 acres. Please be aware that in addition to his private water rights, the applicant has a considerable number of shares of irrigation water in a mutual company that are not part of this transfer package and which supply water for the balance of current irrigation.

With regard to the pond transfer:

- The fee was based on 29.87 cfs, which is the total 32.7 cfs less the 2.83 cfs of irrigation under 37-99 which is already included in the basis for the fee for the irrigation transfer. On the subject of fees, I would like the Department to consider applying the following logic to the fee calculation: Two applications are being filed – one for irrigation and one for wildlife – because it is significantly more convenient and clearer that way. However, I see no reason why a single transfer could not be filed that incorporated all rights together. In that case, the fee for the total rate of 43.25 cfs would be \$2,940. Please consider adopting this fee amount since two applications are being filed for convenience reasons only.
- I have modified Lines 1 and 2 to show 32.7 cfs.
- All water rights will be in the name of Hagerman Wings Farm LLC. The intent is to change the ownership on the Department's records in the transfer process. The transfer applications have now been signed by Beverly Shaw in addition to John Shaw.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
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- The POU table inadvertently excluded the 40s you noted. The correct 40s have now been listed.
- You ask the question, "How can additional wildlife use be added to new quarter-quarters in a proposed transfer under decreed water rights with defined boundaries?"

First, every decreed water right has a defined place of use. That does not preclude the water right holder from modifying the place of use in accordance with law. Adding a quarter-quarter to the authorized place of use is not amongst the legal criteria that determines enlargement.

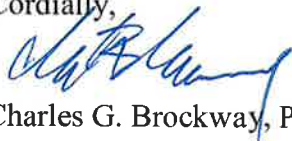
Second, unlike irrigation rights and some wildlife rights, these particular wildlife rights are unrestricted as to consumptive use, diversion volume, or pond acreage. That is how they were decreed in the Snake River Basin Adjudication (at the Department's recommendation). The beneficial use authorized by the rights is "wildlife," and the only limit to that beneficial use is the diversion rate.

Third, no proposal is being made to change the nature of use; therefore, in accordance with Paragraphs 3(13) and 5d(5) of the Department's transfer memo, no analysis of consumptive use is required. Such an analysis is only required when the nature of use is proposed to be changed; e.g. an irrigation right being changed to commercial.

Fourth, even if the Department could somehow disregard the transfer memo and investigate the historic use anyway, it would find sufficient justification for the current use.

I would like to renew my request for meeting with you, Corey Skinner, Nathan Erickson, and Gary Slette to review the applications and answer any further questions that may arise and determine what additional information may be required.

Cordially,



Charles G. Brockway, P.E.

Enc.

cc: John Shaw
Gary Slette



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

January 4, 2022

Charles G. Brockway
Brockway Engineering PLLC
2016 North Washington Street, STE 4
Twin Falls ID 83301

RE: Applications for Transfer for Hagerman Wings Farm, LLC

Dear Mr. Brockway:

This letter is in reference to two applications for transfer that you submitted to the Department for Hagerman Wings Farm, LLC on 12/28/2021. Review of the applications indicates they are incomplete and require amending before they can be further processed. The items that need to be addressed are as follows:

Both applications, as submitted, require an additional signature from Beverly Shaw. Water rights 36-7172, 36-7233 (in the "pond" transfer application) and 36-99 list John Shaw and Beverly Shaw as current owners ("irrigation" transfer application). The proper fee was not submitted for the "pond" transfer application (PTA). On page 3 Part B. Lines 1 & 2, total cfs was listed as 29.87 cfs. The actual total is 32.7 cfs for the six water rights in the PTA. Another \$120.00 is required for the actual 32.7 cfs being transferred, making the total fee for the PTA \$2540.00. Also, as indicated, Lines 1 & 2 of Part B on page 3 need to be updated to reflect the actual total 32.7 cfs proposed to be transferred in the application. Typically, water rights in a common system used on the same lands are under the same ownership as the landowner. If it is desired to have Hagerman Wings Farm LLC own some of the rights, and John and Beverly Shaw own other rights, a separate agreement should be included allowing for the owner of the rights to use the rights on someone else's land and clarifying/acknowledging the actual ownership of the rights. As an alternative, Hagerman Wings and the Shaw's may want to update the ownership of the rights prior to the transfers.

Additionally, the Place of Use (POU) listed on Page 3, Part B. Line 4 does not match the provided map. The suggested pond POU on the map adds three additional quarter-quarters that are not listed on the grid on Page 3, Part B. Line 4 (Sec. 15 SENW, Sec. 16 NESE & SESE). For a transfer application to be acceptable for processing, these two items must match. Which brings me to a very important question: How can additional Wildlife use be added to new quarter-quarters in a proposed transfer under decreed water rights with defined boundaries? Without drying ponds up in one tract to move that use to another tract, it seems to be an enlargement of the water rights in the application (additional consumptive uses developed).

In regard to the irrigation transfer application (ITA), on Page 3, Part B. Line 4, the POU grid is blank except for an XXX* in the total acre box of the grid and a footnote stating

*Irrigation limited to 220 acres. The Department cannot consider an application complete and acceptable for processing without this information. It should be noted that the four rights in the ITA, when combined only authorize the irrigation of 184 acres. The included map identifies 249.6 acres irrigated in 2021.

I am returning both applications for transfer to you as incomplete. If the applications are not resubmitted within 30 days of the date on this letter with the appropriate corrections and fee (PTA application), the currently submitted application filing fees (\$2420.00, receipt S039002 & \$1540.00, receipt #39003) will be refunded to you.

Please feel free to contact me by phone, (208) 736-3033, or by email, william.mills@idwr.idaho.gov, if you have any questions.

Sincerely,



Bill Mills

Sr. Water Resource Agent
Southern Regional Office

C: Hagerman Wings Farm LLC



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December 28, 2021

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

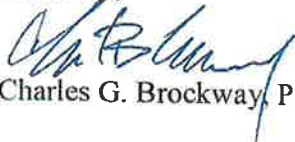
Re: Application for Transfers / Hagerman Wings Farm, LLC

Dear Corey:

Enclosed please find two Applications for Transfer for the above-referenced property. One transfer pertains to the irrigation rights and the other to the rights covering the wildlife ponds on the property. The purpose of both transfers is to align the water rights with actual usage on the land. In support of this effort, drone flights were made that allowed very accurate delineations of both irrigation and pond areas.

Application fees of \$1540 for the irrigation transfer and \$2,420 for the pond transfer are enclosed.

Cordially,


Charles G. Brockway, P.E.

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cc: John Shaw
Gary Slette