

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85491**

This is to certify that: **CITY OF HAGERMAN**
PO BOX 158
HAGERMAN, ID 83332

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-15538	WR/DECREED	4/1/1964	0.500 cfs	N/A	50.0	178.5	FLORENCE LIVESTOCK SPRING
36-49	WR/DECREED	4/1/1900	6.580 cfs	N/A	N/A	178.5	FLORENCE LIVESTOCK SPRING

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-15532	WR/DECREED	6/1/1969	6.800 cfs	N/A		N/A	FLORENCE LIVESTOCK SPRING
36-15533	WR/DECREED	4/1/1958	0.060 cfs	N/A		N/A	FLORENCE LIVESTOCK SPRING
36-48A	WR/DECREED	11/4/1885	1.100 cfs	N/A	104.0	178.5	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-15538	NO	NO	YES	NO	NO	NO
36-49	YES	NO	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-15538	36-15538	0.360 cfs	N/A	36.0	140.0	N/A	N/A	N/A	N/A	N/A
36-49	36-17193	1.000 cfs	145.9 af	N/A	N/A	36-49	5.160 cfs	N/A	N/A	140.0
COMBINED TOTALS		N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 85491

IN FILE # 36-49

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85491

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 31ST day of January, 2022.



Southern Region Manager



WATER RIGHT NO. 36-49
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-49 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
 PO BOX 83720
 BOISE, ID 83720-0065

Priority Date: 4/1/1900

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.060 cfs
IRRIGATION	02/15	to 11/30	5.160 cfs
STOCKWATER	01/01	to 12/31	0.070 cfs
			5.160 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: DOMESTIC

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	11													X			X	

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	11													33.0			33.0	66.0
07S	13E	12									1.0	14.5	1.0						16.5
07S	13E	13					36.0	21.5											57.5

POU Total Acres: 140.0

PLACE OF USE: STOCKWATER

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	11													X			X	

CONDITIONS OF APPROVAL

1. Use of this right with right Nos. 36-48A & 36-15538 is limited to the irrigation of a combined total of 140 acres in the above-described place of use in a single irrigation season.

Transfer No. 85491

WATER RIGHT NO. 36-49
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

2. A diversion rate of no more than 0.026 cfs per acre of this right may be transferred or changed so as to change the place of use, purpose of use, or period of use thereof.
3. Use of this right with rights listed below is limited to a total combined diversion rate of 6.26 cfs. combined right Nos. 36-48A & 36-15538.
4. Diversion of this right and the diversion of the rights listed below is limited to a combined diversion rate of 5.16 cfs during the irrigation season. Combined rights Nos. 36-15532 & 36-15533.
5. The 5.16 cfs quantity for irrigation designated under this right is based on the reasonable amount that would be needed to supply a surface or gravity irrigation system. However, the actual means of irrigation involves sprinklers or another irrigation method that requires a smaller amount of water. In the event of water shortage, a delivery call for water, or other action to administer water rights, the water right holder shall be entitled to divert no more than the quantity reasonably necessary at that time. This quantity may be less than, and shall never be greater than, the 5.16 cfs quantity. A diversion system that uses more than 0.026 cfs per acre is reasonable only if such system is required in good faith for agricultural irrigation of the described place of use.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
7. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17193
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-17193 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1900

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	2 /15	to 11/30	1.000 cfs	145.9 af
			1.000 cfs	145.9 af

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Hagerman municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. 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.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85491

WATER RIGHT NO. 36-15538

As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15538 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1964

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	0.360 cfs 0.360 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SESENW Sec 12 Twp 07S Rge 13E GOODING County
SPRING

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	11													33.0			33.0	66.0
07S	13E	12									1.0	14.5	1.0						16.5
07S	13E	13					36.0	21.5											57.5

Right Acre Limit: 36.0
POU Total Acres: 140.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36 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.
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 36-48A, 36-49, and 36-15538 when combined shall not exceed a total diversion rate of 6.26 cfs and the irrigation of 140 acres.

Transfer No. 85491

WATER RIGHT NO. 36-15538
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. The irrigation purpose of use under this right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
7. This right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
8. The diversion rate of 0.36 cfs under this right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
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. 36-15532

As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15532 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 6/1/1969

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
FISH PROPAGATION	1/01	to 12/31	6.800 cfs
			6.800 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SESENW Sec 12 Twp 07S Rge 13E GOODING County
SPRING

PLACE OF USE: FISH PROPAGATION

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	11													X			X	

CONDITIONS OF APPROVAL

1. The fish propagation use under this right in excess of 2.90 cfs is subordinated to all ground water and surface water rights with priority dates before December 31, 2001.
2. Diversion of this right and the diversion of the rights listed below is limited to a total combined diversion rate of 5.16 cfs. during the irrigation season. Combined right Nos. 36-49 & 36-15533.
3. The portion of this right in excess of 2.90 cfs is subordinated to all ground water and surface water rights with priority dates before December 31, 2001.
4. 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.

Transfer No. 85491

WATER RIGHT NO. 36-15533
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15533 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
 PO BOX 83720
 BOISE, ID 83720-0065

Priority Date: 4/1/1958

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
COMMERCIAL	1/01	to 12/31	0.060 cfs 0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: COMMERCIAL

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	11																X	

CONDITIONS OF APPROVAL

1. Diversion of this right with the diversion of the rights listed below is limited to a total combined diversion rate of 5.16 cfs during the irrigation season. Combined right nos. 36-49 & 36-15532.
2. 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.

Transfer No. 85491

WATER RIGHT NO. 36-48A
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-48A is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
 PO BOX 83720
 BOISE, ID 83720-0065

Priority Date: 11/4/1885

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	1.100 cfs 1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NWNWNE Sec 13 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	11													33.0			33.0	66.0
07S	13E	12										1.0	14.5	1.0					16.5
07S	13E	13					36.0	21.5											57.5

Right Acre Limit: 104.0

POU Total Acres: 140.0

CONDITIONS OF APPROVAL

1. A diversion rate of no more than 0.026 cfs per acre of this right may be transferred or changed so as to change the place of use, purpose of use, or period of use thereof.
2. The 1.1 cfs quantity for irrigation designated under this right is based on the reasonable amount that would be needed to supply a surface or gravity irrigation system. However, the actual means of irrigation involves sprinklers or another irrigation method that requires a smaller amount of water. In the event of water shortage, a delivery call for water, or other action to administer water rights, the water right holder shall be entitled to divert no more than the quantity reasonably necessary at that time. This quantity may be less than, and shall never be greater than, the 1.1 cfs quantity. A diversion system that uses more than 0.026 cfs per acre is reasonable only if such system is required in good faith for agricultural irrigation of the described place of use.
3. Use of this right with rights listed below is limited to a total combined diversion rate of 6.26 cfs. Combined right nos. 36-49 & 36-15538.
4. Use of this right with right nos. 36-49 & 36-15538 is limited to the irrigation of a combined total of 140 acres in the above-described place of use in a single irrigation season.

Transfer No. 85491

WATER RIGHT NO. 36-48A
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

5. Right includes accomplished change in point of diversion pursuant to section 42-1425, Idaho Code.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

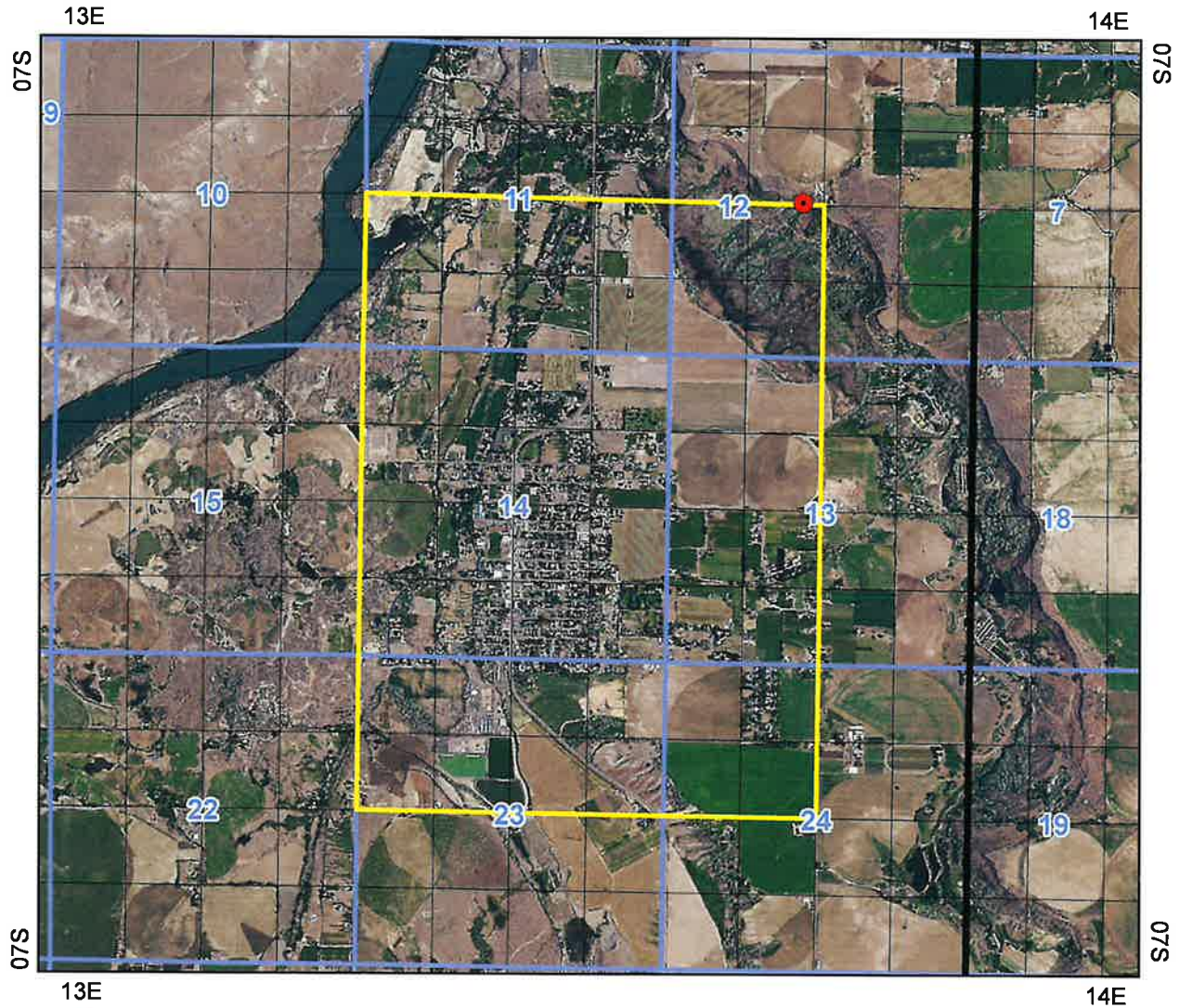


State of Idaho
Department of Water Resources

Attachment to Transfer # 85491

36-17193

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



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

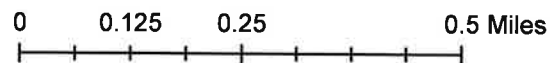
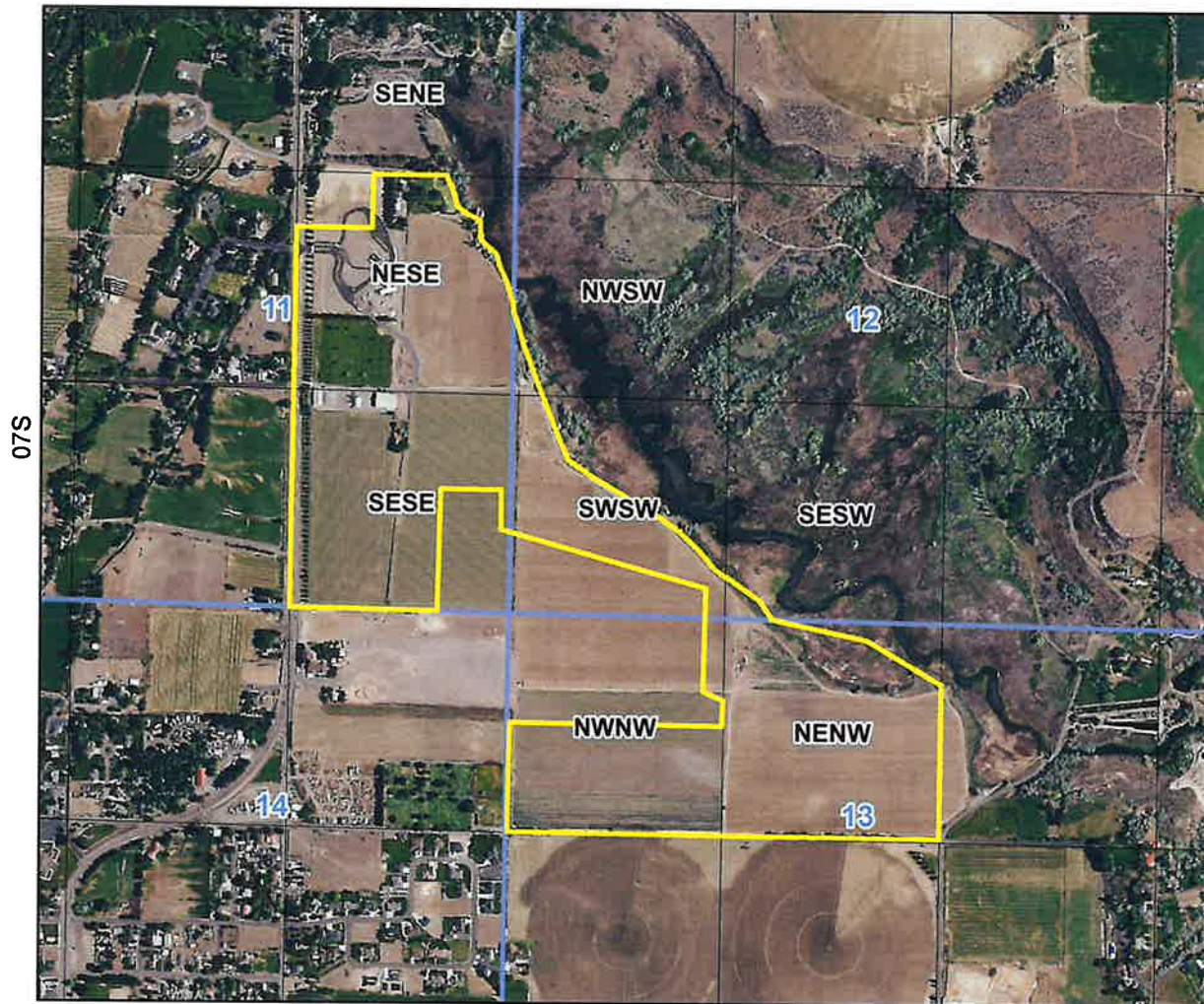
0 0.375 0.75 1.5 Miles



**State of Idaho
Department of Water Resources**

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.

13E





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 01, 2022

CITY OF HAGERMAN
PO BOX 158
HAGERMAN ID 83332-0158

Re: Transfer No: 85491

Water Right No(s): 36-48A, 36-49, 36-15532, 36-15533, 36-15538

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:

J U B ENGINEERS INC
C/O GARY HADERLIE
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

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

CERTIFICATE OF SERVICE

I hereby certify that on February 01, 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.: 85491

Water Right No(s): 36-48A, 36-49, 36-15532, 36-15533, 36-15538

CITY OF HAGERMAN
PO BOX 158
HAGERMAN ID 83332-0158

J U B ENGINEERS INC
C/O GARY HADERLIE
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

WATER DISTRICT 36A
MATTHEW DOPERLSKI
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: January 18, 2022
To: Transfer 85491
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the nature of use, period of use, and place of use of a 38.5 acre portion of a Florence Livestock Spring irrigation water right. Florence Livestock Spring is located approximately 1.2 miles north and 0.9 miles east of the intersection of Main St. and State St. in Hagerman. The proposed change in nature of use and period of use is from irrigation use (on property located approximately 0.5 to 0.8 miles north and 0.2 to 0.7 miles east of the intersection of Main St. and State St. in Hagerman) to year-round municipal use (187 acre-feet per year) within the City of Hagerman service area. Due to a limiting condition on the water right being transferred, the right being transferred will be reduced from 1.42 cfs to 1.0 cfs. The application also proposes reducing a partially overlapping Florence Livestock Spring irrigation right by 14 acres and 0.14 cfs to prevent enlargement through the transfer process.

The limiting condition on the water right that will result in the reduction of 1.42 cfs to 1.0 cfs through the transfer process states *"A diversion rate of no more than 0.026 cfs per acre of this right may be transferred or changed so as to change the place of use, purpose of use, or period of use thereof."*

A change of nature of use analysis was provided with the transfer application. See the **Enlargement of use** section below for more information. Also see the same section in reference to a proposed change in season of use.

Current and proposed PODs and the place of use are located in Water District 36A and Watermaster comments were solicited, and the watermaster did not oppose approval of this application. Idaho Department of Fish & Game comments were also solicited, and they did not oppose approval of this application either.

- **Authority to File:** A memorandum of agreement between the water right owner and the applicant was provided with the application that authorizes the applicant to submit this application and indicates the applicant will change ownership of the split portion of water right 36-49 (now 36-17193) after the transfer is approved.
- **Water Right Validity:** Transferred water rights were decreed in the SRBA on 7/10/2002. Grounds associated with the water rights appear to be irrigated in recent aerial imagery.

- **Injury to Other Water Rights:**
See enlargement of use section.

- **Enlargement of Use:**

A change of nature of use analysis was provided with the transfer application. The analysis proposes utilizing a crop irrigation requirement (CIR) of 4.86 afy. This is based on an affidavit provided with the application indicating that was the amount required to grow alfalfa on this land from 1986-2016. Since the condition discussed in the 2nd paragraph of this memo limits the amount transferred to 0.026 cfs per acre, the application proposes drying up 38.5 acres at a proposed CIR of 4.86 af per acre, which results in a proposed volume of 187 af/year. However, the maximum IDWR diversion volume allowance for irrigation in the Hagerman area is 4.0 af/acre. Based on the volume allowance, the proposed CIR would be considered an enlargement of the water right. Additionally, the proposed municipal use is considered to be 100% consumptive. For changing the nature of use to a completely consumptive use, the Department typically relies on the CIR calculated using the precipitation deficit (P_{def}) data for a particular crop utilizing local weather station data found at the University of Idaho website ETIdaho. The P_{def} is equivalent to the net irrigation requirement for an irrigated crop. This method allows for the conversion of the actual consumptive use of the irrigation water by the crop grown to a new use. This methodology results in a volume reduction preventing potential enlargement of the water right. Utilizing the ETIdaho's P_{def} for Alfalfa – frequent cuttings data from the Hagerman Weather Station, $P_{def} = 3.79$ af/acre, the volume will be: $3.79 \text{ af/acre} \times 38.5 \text{ acres} = \underline{145.9 \text{ af/year}}$.

The change in nature of use from irrigation to municipal also proposed changing the season of use from 2/15 to 11/30 to year-round use. According to Section 5d. (12) in the Transfer Processing Memo No. 24: *"An application for transfer, which proposes to convey an established water right to a municipal provider and change the nature of use to municipal purposes, as defined in Section 42-202B, Idaho Code, shall not be approved without limiting the volume of water divertible under the right to the historic consumptive use under the water right prior to the proposed change. If the proposed transfer involves a surface water right, the transfer shall not be approved without also limiting the right to the historic period of use under the right prior to the proposed change."* Section 5d. (6) in the Transfer Processing Memo No. 24 also indicates *"a change to an increased period of use for a surface water right is presumed to be an enlargement"*. The water right being converted from irrigation to municipal use is a surface water right, therefore the season of use will remain unchanged to limit consumptive use of the right to the historical season of use of the parent right.

- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.



University of Idaho

Kimberly Research
and Extension Center

For T# 85491
file
P. Shinn

[Water Resources Program](#)

ETIdaho 2017

Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for
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uidaho dot edu

2022-01-31 09:18

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Hagerman 2SW (NWS -- USC00103932)

Statistics based on thirty year normal spans 1986 to 2016 years

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

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

Alfalfa - frequent cuttings Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean ^j	mm/day												mm	
Monthly ^c	-0.17	-0.02	1.11	4.61	5.14	6.42	6.69	6.10	4.73	2.80	0.04	-0.53	1156	-29
15-Day Moving Average ^d	-0.20	-0.08	1.07	4.70	5.20	6.75	7.06	6.40	4.77	2.84	-0.02	-0.49	3.79 AF acre	
7-Day Moving Average ^e	-0.19	-0.06	1.06	4.64	5.16	6.58	6.84	6.25	4.78	2.85	0.02	-0.52		
3-Day Moving Average ^f	-0.18	-0.03	1.09	4.63	5.14	6.46	6.72	6.14	4.73	2.82	0.05	-0.53		
Standard	mm/day												mm	

**** Proof of Publication ****

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

SHERRI 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 121937

(Legals Clerk)

STATE OF IDAHO)
 SS

COUNTY OF TWIN FALLS)

On this 9th day of November in the year of 2021 before me, a Notary Public, personally appeared before me Sherri 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.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 12/02/2021, 12/09/2021

TOTAL AD COST: 185.06

FILED ON: 12/9/2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85284

IDAHO AGRI INVESTMENTS LLC, 127 CONLEY DR, CHESTER-TOWN, MD 21620-1005 has filed Application No. 85284 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17487, 47-2666, 47-2667, 47-8236. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 6.9 acre (0.13 cfs) portion of a groundwater irrigation right from a farm located approximately 7.5 to 7.9 miles south and 2.7 miles east of the Rock Creek Road and Highway 30 intersection in Hansen, to stockwater and commercial use at an existing dairy located approximately 1.1 miles south and 1.1 miles west of the Rock Creek Road and Highway 30 intersection in Hansen. The application also proposes changing the place of use and adding an existing point of diversion to the water rights associated with the existing dairy to reflect changes in the operation. The application proposes diverting up to 0.59 cfs and 173.1 acre-feet per year from three existing wells at the dairy site.

TRANSFER NO. 85491

CITY OF HAGERMAN, PO BOX 158, HAGERMAN, ID 83332 has filed Application No. 85491 for changes to the following water rights within GOODING County(s): Right No(s). 36-15538, 36-49. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use, period of use, and place of use of a 38.5 acre portion of a Florence Livestock Spring irrigation water right. Florence Livestock Spring is located approximately 1.2 miles north and 0.9 miles east of the intersection of Main St. and State St. in Hagerman. The proposed change in nature of use and period of use is from irrigation use (on property located approximately 0.5 to 0.8 miles north and 0.2 to 0.7 miles east of the intersection of Main St. and State St. in Hagerman) to year-round municipal use (187 acre-feet per year) within the City of Hagerman service area. Due to a limiting condition on the water right being transferred, the right being transferred will be reduced from 1.42 cfs to 1.0 cfs. The application also proposes reducing a partially overlapping Florence Livestock Spring irrigation right by 14 acres and 0.14 cfs to prevent enlargement through the transfer process.

TRANSFER NO. 85418

NATURE RIDGE HOLDINGS LLC, 134 E HIGHWAY 81, BURLEY, ID 83318-5427 has filed Application No. 85418 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13741. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use and add points of diversion to an irrigation, stockwater, commercial ground water right, with an overall flow rate of 14.34 cfs. The 1161.4 acre irrigation place of use will be modified to match the current irrigation system on the farm located approximately 17.8 to 19.5 miles north and 7.9 to 9.9 miles east of Malta. The transfer will also add two new wells and an existing well as authorized points of diversion which will result in nine authorized points of diversion located in the general area of the place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before December 20, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on December 2nd & 9th, 2021

✓ dm 1-7-2022

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RECEIVED

DEC 16 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Transfer No. 85491

Water Right No(s): 36-49, 36-15538

Transfer Applicant's Name: CITY OF HAGERMAN
PO BOX 158
HAGERMAN ID 83332

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 10th day of DECEMBER, 2021

Water District 36A

Matt Doperalski

Watermaster's Signature

MATT DOPERALSKI

Printed Name