

OCT 26 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCETransfer No. 85491**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) City of Hagerman

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: _____

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DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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MAR 15 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) City of HagermanPhone (208) 837-6636Mailing address P.O. Box 158, Hagerman, Idaho 83332Email clerk@hagermanidaho.us

- ☐ 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 Representative

Name of Representative J-U-B Engineers - Gary Haderlie, P.E.Phone (208) 733-2414Mailing address 2114 Village Park Ave Suite 100, Twin Falls, ID 83301Email ghaderlie@jub.com

- ☐ 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

Alan Jay, Mayor, City of Hagerman

Print Name and Title if applicable

02/24/2021

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**.
See "Attachment Part 1A.3" for a full narrative describing this application.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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
All or Part ☐ ☒	36-49	1.0	Municipal	1/1 to 12/31	FL Spring & Billingsley Cr.
☐ ☒	36-15538	0.14	Municipal	1/1 to 12/31	FL Spring & Billingsley Cr.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.0 cfs and/or 187 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.0 cubic feet per second and/or 187 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11									M	M	M	M	M	M	M	M	320
		12									M	M	M	M					160
		13					M	M	M	M	M	M	M	M					320
		14	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	640
		23	M	M	M	M	M	M	M	M									320
		24					M	M	M	M									160
Total Acres (for irrigation use)																			1920

85491

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:

The current 16" pipeline and buried mainline used and maintained by the Florence Livestock Spring Users association will be utilized, and will be upgraded as necessary. A telemetric flow meter and control valve currently exists at the end of the 16" pipeline, and additional flow meters or controlling works are to be installed by the association as necessary.

- b. Who owns the property at the point(s) of diversion? Veenstra, Frank II, 2680 S 1050 E, Hagerman, ID 83332

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See "Attachment Part 1B.5b" for an assessment showing that the Florence Livestock Spring Users association provides and maintains the water diversion system, which will enable the applicant to access the property at the point of diversion.

- 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:
The proposed portion of land to be split from water rights 36-49 and 36-15538 will be dried up.

- 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:

Water rights 36-48A, 36-15533, and 36-15532 overlay the same property, but no changes to these rights will be proposed by the applicant. Other water rights associated with the existing or new place of use, but not proposed to be changed, include: 36-8715, 36-22, 36-23, 36-2465, 36-17109, 36-15681, and 36-15168.

- 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:

Attachment Part 1A.3

Water Rights Transfer Application – Narrative Explanation

1. Overview

The City of Hagerman (City) proposes a partial transfer of water right 36-0049 to add 1.0 cfs to their system for municipal use, and a reduction to the stacked water right 36-15538 to allow this change. The City has agreed with the current water rights' owner, the Idaho Department of Parks & Recreation (IDPR), to split and change these rights and change ownership to the City in a manner that does not incur injury to either party or to other junior water rights owners. Based on the City and IDPR's agreement, the 1.0 cfs transfer the City receives will all be from 36-0049 and not from 36-15538, even though water right 36-15538 will be changed. The City has hired J-U-B Engineers, Inc. (JUB) to facilitate this transfer. Original correspondence with the Idaho Department of Water Resources (IDWR) should be sent to the applicant (the City) using the contact information provided in the transfer application, and copies should be sent to their representative with JUB.

2. Purpose of Transfer and General Information

IDPR and JUB have amended the original memorandum of agreement (MOA) between IDPR and the City to address the partial transfer of water rights 36-0049 and 36-15538. The MOA authorizes the City to submit this transfer application, given that the City is not the current owner of either water right. A copy of the MOA, notarized and signed by the Board Chairman of IDPR and the Mayor of the City, will be included with this transfer application as Attachment #3-1. IDPR has requested that the following statement from the MOA be provided in this narrative:

“The Idaho Department of Parks and Recreation (IDPR) has authorized the City of Hagerman (City) to apply for the transfer of the right to divert 1.0 cfs from Water Right 36-0049 to the City for present and future municipal water purposes; provided, IDPR’s authorization shall, without further action by IDPR, be automatically withdrawn and terminated in the event that the Idaho Department of Water Resources imposes restrictions on IDPR’s remaining portion of 36-0049 that prevent IDPR from permanently diverting, at a minimum, 1.8 cfs/387.6 afy from Water Right 36-0049 for its ongoing irrigation needs.”

The purpose of this transfer is to change the nature of use for a portion of water right 36-0049 from irrigation to municipal, the period of use from 2/15-11/30 to 1/1-12/31, and the place of use as shown in Attachment #7b. To avoid enlargement of the water right, a water balance based on historical consumptive use has been provided as Attachment #8a and a volume limitation has been determined. The period of use change is consistent with the ongoing practice to allow a minimum amount of water to flow in the system during winter to prevent damage from freezing and has not been a detriment to junior users. While water right 36-15538 is not being proposed as a transfer of any kind, it will be reduced to accommodate the transfer of water right 36-0049.

No change is being proposed for the point of diversion (POD; Located at T07S R13E Sec. 12 SESENW), which lies on a parcel owned by Frank Veenstra II (2680 S 1050 E, Hagerman, ID 83332). The Florence Livestock Spring Users (FLSU) association provides and maintains the pipeline currently in use at this POD and holds the authority to grant the City access to this location. See Attachment Part 1B.5b showing the assessment of the FLSU, which the City will become a part of after this transfer.

The water delivery system is currently composed of a 16-inch (inside diameter) steel pipeline that carries water to the SW side of Billingsley Creek (running beneath the creek with a 700 ft section of HDPE pipe), and a buried mainline that carries water to the existing place of use (POU) and terminates on a parcel owned by Frank C. Erwin (711 E Ave N, Hagerman, ID 83332). Control

valves and telemetric flow meters exist at the weir at the POD, as well as at the end of the 16-inch pipeline on the SW side of the creek. Additional structures and flow meters will be installed as needed by the FLSU should they be required for the City to use its new water right.

3. Water Balance and Proposed Split of Water Rights

See Attachment #8a for an analysis of the historic consumptive use at the current POU and the irrigation area that will be required to dry up for the City to gain 1.0 cfs of flow. See Attachment Part 3B for a notarized affidavit signed by Frank C. Erwin testifying that alfalfa was cultivated on this land within the time period of 1986-2016, and that 4.86 ac-ft/ac/yr of water was required for this cultivation, at a minimum. Henceforth, this volume of water will be referred to as the Consumptive Irrigation Requirement (CIR). Given that the City requires 1.0 cfs of flow and the conditions of approval for water right 36-0049 state that only 0.026 cfs/ac may be transferred, it was calculated that 38.5 acres of existing irrigation land will need to be dried up. From a CIR of 4.86 ac-ft/ac/yr, this means that a volume limit of 187 ac-ft/yr will need to be imposed on the new water right in order to prevent enlargement.

Given the overlay of water rights 36-0049, 36-15538, and 36-48A on the existing POU, and an acre limit of 50 and 104 acres on 36-15538 and 36-48A, respectively, only 24.5 acres may be split from 36-0049 without taking additional acreage from another water right. Since 38.5 acres will be required from 36-0049 (21.6% of 178.5 acres) based on the above calculations, 14 acres is required to be reduced from 36-15538 (28% of 50 acres). This means that the respective proportion of each water right's diversion rate will also be split and transferred (36-0049) or reduced (36-15538): 21.6% of 6.58 cfs for 36-0049, or 1.42 cfs, and 28% of 0.5 cfs for 36-15538, or 0.14 cfs. This leaves water right 36-0049 with 5.16 cfs to be used on 140 acres and 36-15538 with 0.36 cfs, which is to be used on the same 140 acres, but with a new acre limit of 36 acres. See Attachment #7b for a map delineating the existing POU, the new proposed POU, and the specific irrigation area at the existing POU that will be dried up. ArcGIS shapefiles for the specified areas will be provided to IDWR via email for convenience.

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

Current Water Right No.: 36-49

Current Owner: IDAHO DEPT OF PARKS & RECREATION
Priority Date: 4/1/1900
Origin: Water Right
Status: Active
Basis: Decreed

Source

FLORENCE LIVESTOCK SPRING

Tributary

BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	02/15 to 11/30
DOMESTIC	01/01 to 12/31
STOCKWATER	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
6.58 CFS	
0.06 CFS	
0.07 CFS	
6.58 CFS	

Location of Point(s) of Diversion

FLORENCE LIVESTOCK SPRING
GOODING County

SE1/4SE1/4NW1/4 Sec. 12, Twp 07S, Rge 13E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.00	T07S R13E S11	NESE	36.50
T07S R13E S11	SESE	40.00	T07S R13E S12	NWSW	1.00
T07S R13E S12	SWSW	18.00	T07S R13E S12	SESW	1.00
T07S R13E S13	NENW	36.00	T07S R13E S13	NWNW	40.00
Total Acres: 178.5					

STOCKWATER Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
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DOMESTIC Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
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Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00048A & 36-15538.
2. THE 6.58 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 6.58 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. 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.
4. USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-15538 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.
5. DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 6.58 CFS DURING THE IRRIGATION SEASON. COMBINED RIGHTS NOS. 36-15532 & 36-15533.

Decreed Date: 7/10/2002

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

Current Water Right No.: 36-15538

Current Owner: IDAHO DEPT OF PARKS & RECREATION

Priority Date: 4/1/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

FLORENCE LIVESTOCK SPRING

Tributary

BILLINGSLEY CREEK

Beneficial Use

IRRIGATION

From To

2/15 to 11/30

Diversion Rate

0.5 CFS

Annual Volume

Total Diversion

0.5 CFS

Location of Point(s) of Diversion

FLORENCE LIVESTOCK SPRING

SE1/4SE1/4NW1/4

Sec. 12, Twp 07S, Rge 13E B.M.

GOODING County

Place of Use

IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.00	T07S R13E S11	NESE	36.50
T07S R13E S11	SESE	40.00	T07S R13E S12	NWSW	1.00
T07S R13E S12	SWSW	18.00	T07S R13E S12	SESW	1.00
T07S R13E S13	NENW	36.00	T07S R13E S13	NWNW	40.00

Total Acres: 178.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-00049 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31, 2001.
4. THE 0.50 QUANTITY UNDER THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31, 2001.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00048A & 36-00049.



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

2/23/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 36-49

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO DEPT OF PARKS & RECREATION PO BOX 83720 BOISE, ID 83720-0065 2083344199
Directors Report Owner	DAN MC FADDAN
Directors Report Owner	IRMA R MC FADDAN 970 PIONEER RD HAGERMAN, ID 83332-5436 2088376649

Priority Date: 04/01/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FLORENCE LIVESTOCK SPRING	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	11/30	6.58 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
DOMESTIC	01/01	12/31	0.06 CFS	
Total Diversion			6.58 CFS	

Location of Point(s) of Diversion:

FLORENCE LIVESTOCK SPRING, ESENW Sec. 12 Township 07S Range 13E GOODING County

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE	6									
				NESE	36.5		SESE	40						
		12		NWSW	1		SWSW	18		SESW	1			
		13		NENW	36		NWNW	40						

Place of Use Legal Description: STOCKWATER GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		NESE			SESE							

Place of Use Legal Description: DOMESTIC GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		NESE			SESE							

Total Acres: 178.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00048A & 36-15538.
2. THE 6.58 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 6.58 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. DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 6.58 CFS DURING THE IRRIGATION SEASON. COMBINED RIGHTS NOS. 36-15532 & 36-15533.
4. 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.
5. USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-15538 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

Dates:

85491

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 6.58

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

2/23/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 36-15538

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO DEPT OF PARKS & RECREATION PO BOX 83720 BOISE, ID 83720-0065 2083344199
Directors Report Owner	DAN MC FADDAN
Directors Report Owner	IRMA R MC FADDAN 970 PIONEER RD HAGERMAN, ID 83332-5436 2088376649

Priority Date: 04/01/1964

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FLORENCE LIVESTOCK SPRING	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	0.5 CFS	
Total Diversion			0.5 CFS	

Location of Point(s) of Diversion:

FLORENCE LIVESTOCK SPRING | SESENW | Sec. 12 | Township 07S | Range 13E | GOODING County

IRRIGATION Use:

Acre Limit: 50

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE	6									
				NESE	36.5		SESE	40						
		12		NWSW	1		SWSW	18		SESW	1			
		13		NENW	36		NWNW	40						

Total Acres: 178.5

Conditions of Approval:

1. THE 0.50 QUANTITY UNDER THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31, 2001. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00048A & 36-00049.
2. 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.
3. USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-00049 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31, 2001.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 36A

85491

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 178.5

Combined Volume Limit:

Combined Rate Limit: 7.68

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Attachment Page
1B.5b

February 2, 2021

Thousand Springs State Park

% Dave Landrum

PO Box 149

Hagerman, Idaho 83332

Dear Dave,

This letter is a reminder in regards to the Florence Livestock Spring Users water assessment for this year.

As agreed upon at our annual meeting held Monday, January 27, 2014, your assessment for 2021 will be **\$2,632**.

Please make your check payable to Florence Livestock Spring Users and send it to Missy Herbert, PO Box 384, Hagerman, Idaho 83332.

If you have any questions, please contact Frank Erwin at 208-837-4433.

Thank You!

Missy Herbert

Secretary/Treasurer

Florence Livestock Spring Users

FLORENCE LIVESTOCK WATER USERS MEETING

February 2, 2021

Members In Attendance:

Frank Erwin

Randy Johnson

Jim & Missy Herbert

Matt Doperalski - Water Master

Julie Traska, Brett Copperi, Dave Landrum - State Park

Meeting was called to order by Frank at 9:00 a.m.

Minutes of February 11, 2020 and financial report were read by Missy. The account balance stands at \$10,904.85. Frank asked for a motion for approval of the minutes and financial report. Jim made a motion, Randy seconded the motion, motion carried.

Old Business

Missy will send the state park their final delivery pipe repair assessment bill of \$5,150.60 in June. Julie has agreed to continue to read the meter and take care of the water testing every quarter.

Frank reported that he was unable to complete the enclosure on the spring last year, but plans on finishing the enclosure and do additional work on the spring overflow this year. He will continue to check up on the spring and delivery system and mow around the meter. Frank will not bill the users for 2020 maintenance.

Jim made a motion to keep the water assessment the same as previous year at \$8 per decreed inch and the minimum at \$50. Randy seconded the motion. Motion was carried.

New Business

Frank was concerned about the water pressure of the fire hydrant being installed at

the new state park building and plumbed into the irrigation piping. His concern was whether the pipeline would withstand that pressure. He said that there should be more than one water source for the hydrant so that if it is shut down for any reason, that it will not effect the users. He indicated that Florence Livestock Users should not be responsible for damage or be liable for guaranteed supply. Dave will be following up on inspections for the fire hydrant and will get that information to Frank.

Frank stated when the water exchange is completed, the city of Hagerman will have representation at Florence Livestock Water User meetings and water assessment to the city will be equal to the amount of water transferred at \$8 per decreed inch lessening the state park assessment of that amount.

Jim made a motion to pay the Water District 36A water assessment bill for \$200. Dave seconded the motion, motion carried.

Randy made motion to keep Frank Erwin as lateral manager and Missy Herbert as secretary/treasurer. Dave seconded the motion, motion carried.

Jim entertained a motion to adjourn the meeting, Randy seconded the motion, motion carried.

Meeting adjourned at 10:11 A.M.

Attachment Part 3B
Affidavit

I, Frank C. Erwin, being sworn, depose and state as follows:

1. I reside at 711 E Ave N, City of Hagerman, County of Gooding, State of Idaho.
2. In the period 1986-2016, alfalfa was cultivated on the land identified as "Existing Place of Use" shown in Attachment #7a of the City of Hagerman's Water Rights Transfer Application.
3. To cultivate alfalfa on this land, 4.86 ac-ft/ac/yr of water was required, at a minimum.
4. I understand that I am liable to be prosecuted if this affidavit or any part of it is, in any way, found to be incorrect or false.

The affiant affirms under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

Affiant

Dated this 24th day of February, 2021

Frank C. Erwin

Frank C. Erwin

State of Idaho

County of Gooding

On this 24th day of February, 2021 before me, a Notary Public in and for said State, personally appeared **Frank C. Erwin**, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he executed the same.

IN WITNESS WHEREFOR I have hereunto set my hand and official seal the day and year first above written.

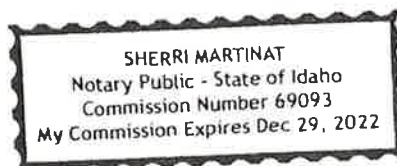
Sherry Martinat

Notary Public

For the state of Idaho

Residing at Hagerman VS Bank

Commission expires Dec 29, 2022



Commencing at the Southwest corner of said Section 12 thence North $89^{\circ}14'29''$ East, 1520.23 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING.

Thence South $46^{\circ}15'35''$ East, 3.91 feet

Thence South $46^{\circ}15'41''$ East, 576.76 feet

Thence South $84^{\circ}16'00''$ East, 461.26 feet

Thence North $74^{\circ}25'01''$ East, 243.59 feet

Thence South $37^{\circ}32'59''$ East, 232.96 feet

Thence South $06^{\circ}07'30''$ East, 527.36 feet

Thence South $56^{\circ}43'55''$ West, 73.70 feet along the North Right of Way of US Highway 30,

Thence South $48^{\circ}25'08''$ West, 116.32 feet along the North Right of Way of US Highway 30,

Thence South $35^{\circ}57'53''$ West, 70.72 along the North Right of Way of US Highway 30,

Thence South $00^{\circ}11'03''$ East, 22.74 feet

Thence South $88^{\circ}56'33''$ West, 2620.98 feet to the NW 1/16 corner of Section 13,

Thence North $00^{\circ}54'24''$ West, 1317.16 feet along the West boundary of Section 13,

Thence South $89^{\circ}47'37''$ West 1268.48 feet along the South boundary of Section 11,

Thence North $01^{\circ}00'29''$ West, 1774.21 feet along the East Right of Way Line of US Highway 30,

Thence along a Curve C1

Δ $01^{\circ}03'55''$

Length 799.84

Radius 43021.85

Tangent 399.93

Chord 799.83

Chord Bearing North $01^{\circ}32'26''$ West

Thence North $29^{\circ}11'20''$ East, 67.77 feet

Thence North $22^{\circ}43'35''$ East, 197.14 feet

Thence North $01^{\circ}10'04''$ East, 157.89 feet

Thence North $22^{\circ}00'10''$ East, 43.25 feet

Thence North $45^{\circ}37'40''$ East, 52.80 feet

Thence North $84^{\circ}27'35''$ East, 134.79 feet

Thence North $84^{\circ}27'35''$ East, 111.05 feet

Thence North $00^{\circ}26'59''$ West, 171.02 feet to the South edge of a Road Right of Way.

Thence North $00^{\circ}26'59''$ West, 50.00 feet

Thence North $89^{\circ}33'00''$ East, 124.83 feet

Thence South $29^{\circ}23'00''$ East, 57.13 feet to a point on the South edge of a Road Right of Way.

Thence South $29^{\circ}22'58''$ East, 386.58 feet

Thence South $22^{\circ}52'56''$ East, 799.14 feet

Thence South $26^{\circ}10'03''$ East, 519.95 feet

Thence South $23^{\circ}24'52''$ East, 859.77 feet

Thence South $47^{\circ}58'30''$ East, 482.48 feet

Thence South $46^{\circ}15'25''$ East, 853.00 feet to the REAL POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North $89^{\circ}33'$ East 734.0 feet;

Thence South $28^{\circ}25'$ East 444.0 feet;

Thence South $21^{\circ}55'$ East 800.00 feet;

Thence South $25^{\circ}12'$ East 520.00 feet to a point on the Section line common to Sections 11 and 12.

And also a parcel of land located in the $S\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho:

Beginning at the Northeast corner of said Section 11;

Thence South $89^{\circ}59'36''$ West for a distance of 1314.98 feet to the Northwest corner of the $NE\frac{1}{4}NE\frac{1}{4}$ of said Section 11;

Thence South $0^{\circ}06'15''$ East for a distance of 1971.81 feet along the Westerly boundary of the $NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$ of said Section 11 to the Northwest corner of said $S\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$;

Thence South $89^{\circ}43'55''$ East for a distance of 433.04 feet along the Northerly boundary of said $S\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$;

Thence South $0^{\circ}16'05''$ West for a distance of 50.0 feet to THE TRUE POINT OF BEGINNING;

Thence South $23^{\circ}53'20''$ West for a distance of 163.92 feet;

Thence South $55^{\circ}56'07''$ West for a distance of 54.41 feet;

Thence North $85^{\circ}10'39''$ East for a distance of 112.50 feet; Thence North $0^{\circ}16'05''$ East for a distance of 172.00 feet to THE

TRUE POINT OF BEGINNING.

Attachment #3 - 1

AMENDED MEMORANDUM OF AGREEMENT

Parties: Idaho Parks and Recreation and the City of Hagerman

Subject: Partial Transfer of Water Right 36-0049

WHEREAS, the City of Hagerman ("the City") is in need of additional water rights to service its future municipal needs;

WHEREAS, the Idaho Department of Parks and Recreation ("IDPR") is the owner of the following water rights:

- Water Right No. 36-0049, which includes the right to divert 6.58 cfs of water from Florence Livestock Spring for domestic and stockwater purposes, and the irrigation of 178.5 acres within the Billingsley Creek Unit of Thousand Springs State Park;
- Water Right No. 36-15538, which includes the right to divert .5 cfs from Florence Livestock Spring for irrigation within the same 178.5 acres within the Billingsley Creek Unit of Thousand Springs State Park
- Water Right No. 36-0048A, which includes the right to divert 1.1 cfs of water from Billingsley Creek for irrigation within the same 178.5 acres within the Billingsley Creek Unit of Thousand Springs State Park;

WHEREAS, each of the above-listed water rights includes a condition stating that use of the water right with the other two water rights is limited to the irrigation of a combined total of 178.5 acres at the designated place of use;

WHEREAS, the above-listed water rights will provide water in excess of IDPR's needs as IDPR retires portions of the park from irrigated agriculture, and develops a campground, arboretum, and other recreational facilities at the Billingsley Creek Unit;

WHEREAS, the development plans for the Billingsley Creek Unit require the continuing diversion of at least 1.8 cfs/387.6 afy from the above-listed water rights to fulfill irrigation needs associated with the campground, arboretum, and other recreational facilities;

WHEREAS, in addition to the continuing diversion of 387.6 afy from the above-listed water rights, IDPR needs 224.5 afy of water for two irrigation seasons to establish meadow grasses at the Billingsley Creek Unit;

WHEREAS, IDPR's development plans require potable water and sewer services for the campground;

WHEREAS, the City is willing to annex the Billingsley Creek Unit and provide such water and sewer services;

WHEREAS, the City is willing to accept a partial transfer of Water Right 36-0049 in lieu of hook-up fees for such water and sewer services;

THEREFORE, the City and IDPR agree as follows:

1. IDPR authorizes the City to prepare an Application for Transfer of the right to divert 1.0 cfs from Water Right 36-0049 to the City for municipal purposes. The City will be wholly responsible for preparing the Application and all supporting documentation, provided, that the Application and supporting documentation will be submitted to IDPR for review and approval prior to filing. The City shall be solely responsible for resolving any protests to the proposed transfer, provided, that any documents filed by the City with IDWR in relation to resolution of any such protests are subject to approval by IDPR prior to filing.

2. A part of such transfer, IDPR agrees that the portion of Water Right No. 36-0049 remaining in IDPR's ownership shall be reduced by 1.42 cfs, so that Water Right No. 36-0049 is limited to the diversion of no more than 5.16 cfs.

3. In recognition of the terms and conditions of Water Right No. 36-0049 providing that 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," IDPR agrees that transfer of 1.0 cfs to the City requires IDPR to permanently cease irrigation on 38.5 acres of land; moreover, because Water Right No. 36-0049 is used in combination with Water Right Nos. 36-0048A and 36-15538, a transfer will require amendment of all three water rights as follows:

- Water Right No. 36-0049 shall be amended to include the following provisions:
 - "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 and 36-15533."
 - "Use of this right with Right Nos. 36-00048A and 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."

- Water Right No. 36-0048A shall be amended to include the following provision:
 - "Use of this right with Right Nos. 36-00049 and 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."
- Water Right No. 36-15538 shall be amended to include the following provision:
 - "Use of this right with Right Nos. 36-00049A and 36-00048A is limited to the irrigation of a combined total of 140 acres in the above-described place of use in a single irrigation season."

4. If the Department of Water Resources denies the Application for Transfer, this Agreement shall terminate without any further action by IDPR or the City, IDPR shall retain all its present rights under Water Right 36-0049, and neither party shall have any obligations toward the other.

5. If the Department of Water Resources approves the Application for Transfer, but limits the amount of water transferred to less than 1.0 cfs, the City shall inform the Department of Water Resources that it is not proceeding with the transfer, and shall file all documents necessary to withdraw the Application for Transfer and take all steps necessary to ensure that IDPR shall retain all its present rights under Water Right 36-0049. Upon approval of the City's withdrawal of its Application for Transfer by the Department of Water Resources, this Agreement shall terminate without any further action by IDPR or the City, and neither party shall have any obligations toward the other.

6. The authorization provided in Section 1 is contingent upon a determination by the Idaho Department of Water Resources that the partial transfer of 1.0 cfs from Water Right 36-0049 to the City for municipal purposes shall not prevent IDPR from continuing to divert, at a minimum, 387.6 afy for its ongoing and permanent irrigation, domestic, and stockwater needs at the Billingsley Creek Unit following completion of the transfer. In the event that the Idaho Department of Water Resources imposes restrictions, including but not limited to combined use restrictions, on IDPR's remaining portion of 36-0049 that may prevent IDPR, in combination with Water Right Nos. 36-0048A and 36-15538, from permanently diverting 387.6 afy for its ongoing irrigation, domestic, and stockwater needs, the authorization stated in Section 1 of this Agreement is revoked, and the City shall file all documents necessary to withdraw the Application for Transfer and take all steps necessary to ensure that IDPR shall retain all its present rights under Water Right 36-0049. Upon approval of the City's withdrawal of its

Application for Transfer by the Department of Water Resources, this Agreement shall terminate without any further action by IDPR or the City, and neither party shall have any obligations toward the other.

7. In Section A.2. of the Application for Transfer, requesting a narrative description of the proposed transfer, the City shall provide the following description:

The Idaho Department of Parks and Recreation (IDPR) has authorized the City of Hagerman (City) to apply for the transfer of the right to divert 1.0 cfs from Water Right 36-0049 to the City for present and future municipal water purposes; provided, IDPR's authorization shall, without further action by IDPR, be automatically withdrawn and terminated in the event that the Idaho Department of Water Resources imposes restrictions on IDPR's remaining portion of 36-0049 that prevent IDPR from permanently diverting, at a minimum, 387.6 afy from Water Right 36-0049 for its ongoing irrigation needs.

8. As consideration for IDPR's agreement to transfer 1.0 cfs from Water Right 36-0049 to the City, the City agrees to provide IDPR the following upon approval of the full amount of the proposed transfer by the Department of Water Resources:

- a. In order to enable the provision of water and sewer services to the Billingsley Creek Unit, the City shall annex the Unit in accordance with the terms of the Annexation Agreement attached hereto as Exhibit A.
- b. Development of the Billingsley Creek Unit requires the use of 224.5 afy of water for two irrigation seasons to establish meadow grasses. If for any reason IDPR is foreclosed from using the water rights remaining in IDPR's ownership after the transfer of water rights to the City for the establishment of such meadow grasses, the City shall, during the first two irrigation seasons following the final transfer of a portion of Water Right 36-0049 to the City, or two irrigation seasons of IDPR's choice prior to 2024, provide IDPR municipal water right service free of charge in sufficient quantity for establishment of the meadow grasses.
- c. The City will waive any and all connection fees for water and sewer connections that result from IDPR's construction of a 50 unit campground at Billingsley Creek (51 water connections, 51 sewer connections, 50 campsites, one shower house/restroom).

- d. During construction of the public water main, wastewater lift station, and sewer force main, IDPR and the design engineer shall provide inspection and testing services to determine conformance with the design documents and to approve the infrastructure, while the City shall provide general inspection for acceptance of the infrastructure. Inspection shall be provided by all parties prior to backfilling any trenches and structures.
 - e. Upon acceptance of the public water and wastewater infrastructure, the City will assume ownership and all responsibilities for operation and maintenance of (1) the potable water main lines from the point where it connects to the City's distribution system to the water meter located near the campground shower building, excluding any service lines or private water mains; (2) the wastewater lift station; and (3) the sewer force main from the wastewater lift station to the City's existing Lift Station #3 (refer to Exhibit D). A separate power meter will be provided for the wastewater lift station.
 - f. The City will grant to IDPR at no charge all necessary temporary construction easements for work on City-owned property or rights-of-way.
9. In conjunction with the City's provision of water and sewer services to the Billingsley Creek Unit, IDPR will do the following:
- a. IDPR will construct a main water line from the south west corner of the Billingsley Creek property in the existing subdivision to access water service, at the location specified in Exhibit B.
 - b. IDPR will construct a sewer lift station on the Billingsley Creek property adjacent to the future campground construction in order to utilize the existing sewer line on the southwest corner of the Billingsley Creek property, at the location specified in Exhibit C.
 - c. IDPR will construct all water and sewer main lines to City of Hagerman, State of Idaho DEQ, and Federal standards.
 - d. IDPR will grant the City all necessary easements in order to maintain and service all water and sewer main lines in the Billingsley Creek Unit.

- e. IDPR will be responsible for maintenance of all campground water and sewer service lines beyond the point where they connect with the main water and sewer service lines owned and maintained by the City.
10. This Agreement is further subject to the following terms and conditions:
- a. Nothing in this Agreement shall be construed to grant to the City any easements over and across IDPR property to convey the transferred water right from Florence Livestock Spring to the City's place of use, nor does this Agreement authorize the City to use any easements held by IDPR across the property of third parties. The City is responsible for acquiring all easements necessary for conveyance of the transferred water right.
 - b. In the event the Department of Water Resources imposes conditions on the partial transfer of Water Right 36-0049 that impair IDPR's right to continue using a minimum of 387.6 afy for its ongoing and permanent irrigation needs at the Billingsley Creek Unit, the City shall either reimburse IDPR for the costs incurred in obtaining any replacement water necessary to ensure IDPR's minimum diversion needs are met, provide an equivalent amount of water to IDPR free of charge, or successfully transfer back to IDPR the amount of water necessary to allow IDPR to continue using a minimum of 387.6 afy for its ongoing and permanent irrigation needs at the Billingsley Creek Unit.
 - c. This Agreement and the attached Exhibits set forth the entire agreement between the Parties related to the subject matter of this Agreement, and may not be modified without the written consent of both the City and IDPR.
 - d. No modification, release, discharge, change, or waiver of any provision hereof shall be of any force, effect, or value unless it is in writing and signed by both the City and IDPR. Any such modification shall be attached hereto as an addendum and incorporated by herein reference.
 - e. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same document.

- f. Each of the persons executing this Agreement on behalf of the City and IDPR hereto represent and warrant that she or he has legal authority to bind the party on whose behalf she or he executes this Agreement.
- g. If, during the pendency of the Application to Transfer Water Right No. 36-0049, issues arise under this Agreement that are asserted by either party to be a material breach of this Agreement, the Party making such assertion must provide the other Party written notice of the asserted breach. The Director of IDPR and the Mayor of the City shall meet to discuss the issue in good faith and reach a resolution. If the Director and the Mayor are unable to resolve the issue to their mutual satisfaction, either the Director or the Mayor may terminate this agreement by written notice to the other. Termination is effective upon receipt of the notice. After serving or receiving a notice of termination, the City, within 48 hours, shall file an appropriate notice of withdrawal with the Department of Water Resources of its Application to Transfer a portion of Water Right No. 36-0049. Termination of this Agreement prior to approval of the Application to Transfer by the Department of Water Resources cancels all rights and obligations of one party toward the other, and is the sole remedy for a material breach of this Agreement occurring prior to the completed transfer of a portion of Water Right No. 36-0049 to the City.
- h. IDPR and the City reserve the right to pursue all appropriate remedies for a material breach of this Agreement occurring after the completed transfer of a portion of Water Right No. 36-0049 to the City.

IN WITNESS WHEREOF, this Agreement has been duly executed by each of the respective parties hereto the day and year herein indicated below.

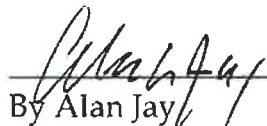
IDAHO DEPARTMENT OF PARKS AND RECREATION



By Susan E. Buxton
Director, Idaho Department of
Parks and Recreation

10/20/21
Date

CITY OF HAGERMAN, IDAHO


By Alan Jay
Mayor, City of Hagerman, Idaho

13-OCT-2021
Date

Exhibit A to Water Transfer Agreement

ANNEXATION AGREEMENT

**Between the Idaho Department of Parks & Recreation
and
the City of Hagerman, Idaho
Regarding the Billingsley Creek Unit
of Thousand Springs State Park**

INTRODUCTION

The Idaho Department of Parks and Recreation ("Department") and the City of Hagerman, Idaho ("City") enter into this Annexation Agreement ("Agreement") in connection with the City's request that the Department consent to the annexation of the Billingsley Creek Unit of Thousand Springs State Park (such Unit being hereafter referred to as the "Park") into the City pursuant to Idaho Code § 50-222. The City and the Department (collectively, "the Parties") have each determined that annexation of the Park would be mutually beneficial, provided that (1) the City recognizes and respects the exclusive authority of the Department and the Idaho Park and Recreation Board ("Board") to establish the appropriate uses of the Park and to regulate such uses pursuant to Idaho Code § 67-4223, and (2) the City agrees that it will not assert any authority to enforce against the Department or the Board any municipal ordinance or to otherwise attempt to regulate the Park or any activities therein through the provisions of the Local Land Use Planning Act, Idaho Code §§ 67-6501—67-6538 ("LLUPA").

RECITALS

1. The Park is located adjacent to the City of Hagerman, Gooding County, Idaho. The Park includes portions of sections 11, 12, and 13 in Township 7 South, Range 13 East,

Boise Meridian. Attached hereto as **Exhibit A** is a legal description of the Park, and attached hereto as **Exhibit B** is a map of the Park.

2. The City is a growing community and has determined that it would be appropriate to annex the Park.
3. The City has requested that the Department consent to the annexation of the Park into the City, in order to promote a logically sequenced growth pattern.
4. The annexation would also provide an opportunity for the Park to receive certain services from the City, including emergency services and municipal and sewer services offered to City inhabitants.
5. In light of the above-recited benefits to the Parties and the public, the Department is willing to consent to annexation, provided that the Park and the Department will not be subjected to the City's planning, zoning or land use ordinances, standards, processes, procedures or requirements as a result of such an annexation.
6. The City recognizes and acknowledges the Department's complete autonomy and exclusive authority to plan for, operate, manage, and develop the Park in accordance with the Department's authorities and obligations under Idaho law.
7. The City recognizes and acknowledges that the Park attracts and hosts many visitors, including many who are not residents of the City, and generates significant vehicular traffic in and around the City; and that the current and future operation and uses of the Park may vary widely, and may include, but are not limited to, activities such as camping, swimming, boating, equestrian use, recreational vehicle use, concerts, special events or festivals; and that the current plans, uses and development of the Park may change in the future, and such changes may result in increased visitation to and use of the Park, additional construction or development in the Park, or new or different activities in the Park.
8. The Parties therefore enter into and intend to be bound by the following terms:

TERMS

9. The Department will conditionally consent to the annexation of the Park by the City pursuant to Idaho Code § 50-222, but only if the Department is first given the opportunity

to review and approve in writing, the proposed annexation ordinance prior to its passage or enactment.

10. The Department will approve the proposed annexation ordinance only if the proposed ordinance:

- a. expressly recognizes the Department's complete autonomy and authority to operate, manage, develop and plan for the Park in accordance with the Department's authorities and obligations under Idaho law;
- b. expressly recognizes that the Park or any activity occurring therein will not be subject to the City's planning, zoning, construction or land use ordinances, standards, processes, procedures or requirements after the annexation of the Park into the City; and
- c. expressly recognizes that the Park or any activity occurring therein is not subject to any other municipal ordinance;
- d. includes a provision(s) that excludes the Park from the City under Idaho Code § 50-225, but provides that such exclusion is triggered and takes effect only if the City attempts to enforce or apply any of the City's municipal ordinances or planning, zoning, construction or land use ordinances, standards, processes, procedures or requirements against the Park, or against the Department in connection with the Park; and that the Park will immediately and by operation of law be excluded from the City upon any attempt by the City to enforce or apply any municipal ordinance or land use, planning, zoning, development or construction ordinances, regulations, standards or requirements against the Park or against the Department in connection with the Park.

11. If the Department approves of the proposed annexation ordinance, it will provide the City with a conditional consent for the proposed annexation. The conditional consent will operate as and ripen into actual consent for purposes of Idaho Code § 50-222 only if the annexation ordinance the City passes or enacts is, and at all future times remains, substantially the same as that approved by the Department, with no material changes or differences.

12. If the annexation ordinance the City passes differs materially from the form approved by the Department, then (1) the conditional consent will not operate as or ripen into actual consent for purposes of Idaho Code § 50-222; (2) the Department will not be deemed to have consented to such annexation of the Park into the City; and (3) any such attempted annexation will be without any legal effect whatsoever on the Park or the Department.
13. The City recognizes, understands and agrees that any attempt by it to enforce or apply an annexation ordinance against the Park or the Department that differs materially from the form approved by the Department, or any attempt by the City to enforce or apply any of its land use, planning, zoning, development or construction ordinances, regulations, standards or requirements against the Park or against the Department in connection with the Park, would constitute a material breach of this Agreement for which there is no adequate remedy at law. In the event of such a material breach, the City agrees and covenants that it will exclude the Park from the City under Idaho Code § 50-225. The Parties agree that specific performance is the appropriate remedy for failure to discharge this obligation.
14. In the event that any of the provisions of sections 8 through 13 herein are found by a court of competent jurisdiction to be in violation of law or statute, or otherwise unenforceable, the City hereby covenants and agrees that it will take all actions necessary to ensure that any municipal ordinance, zoning ordinance, land use plan, special use permit or other provision or requirement of the LLUPA enacted or adopted by the City for application to the Park is entirely consistent with all applicable, rules, guidelines, policies and master plans of the Department and Board as they apply to the Park.
15. The Department agrees to make good faith attempts to consult with the City regarding plans, uses and development of the Park, and to consider the City's concerns and inputs regarding such matters.
16. Nothing in this Agreement constitutes an admission by the Department that annexation of the Park would subject it or the Department to regulation by the City under LLUPA or any other provision of the Idaho Code.
17. Nothing in this Agreement constitutes consent to annexation.

18. In conjunction with this Annexation Agreement, the Parties further agree:
- a. That for the life of this Agreement the Department will pay any charges imposed upon the Department for connections to City water and sewer services, the same as other City inhabitants, excepting those charges waived by the City in consideration of the partial transfer of Water Right 36-0049 to the City.
 - b. That the Department will pay the same monthly service charges for water and sewer services charged to other City inhabitants.
 - c. That the Department is constitutionally exempt from paying City taxes or payments in lieu of taxes.
 - d. That the location of any utility easements across Department property must be pre-approved by the Department.
19. This Agreement will be recorded in the official records of Gooding County, Idaho.
20. This Agreement and the attached Exhibits set forth the entire agreement between the Parties related to the subject matter of this Agreement, and may not be modified without the written consent of both Parties.
21. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same document.
22. Each of the persons executing this Agreement on behalf of one of the Parties hereto represent and warrant that she or he has legal authority to bind the Party on whose behalf she or he executes this Agreement.

IDAHO DEPARTMENT OF PARKS AND RECREATION



By Susan Buxton, Director, Idaho Department of Parks and Recreation

State of Idaho)
) ss
County of Ada)

On this 20th day of October in the year 2021, before me, Susan Buxton, known or identified to me, to be the Director of the Idaho Department of Parks and

Recreation that executed the said instrument, and acknowledged to me that such Idaho Department of Parks and Recreation executed the same.

IN WITNESS HEREOF, I have set my hand and seal on this 20th
day of October in the year 2021.



Notary Public

Residence

Commission Expires

CITY OF HAGERMAN, IDAHO

Alan Jay
By Alan Jay, Mayor, City of Hagerman, Idaho

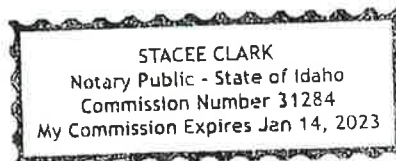
State of Idaho)
) ss
County of Gooding)

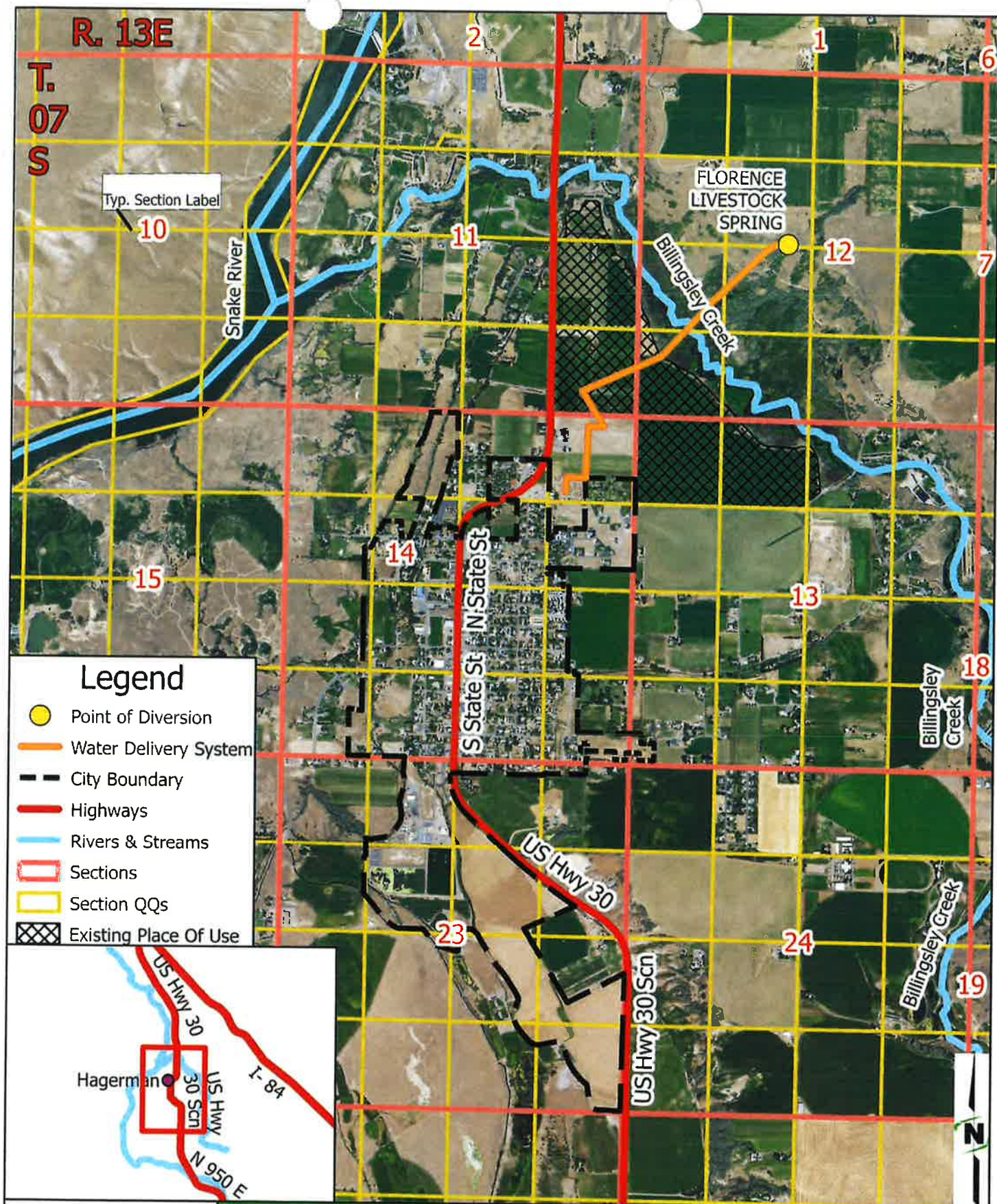
On this 13th day of October in the year 2021, before me, Alan Jay, known or identified to me, to be the Mayor of the City of Hagerman, Idaho, that executed the said instrument, and acknowledged to me that such City of Hagerman executed the same.

IN WITNESS HEREOF, I have set my hand and seal on this 13th
day of October in the year 2021.

Stacey Clark
Notary Public STACEE CLARK

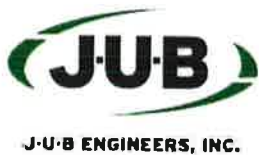
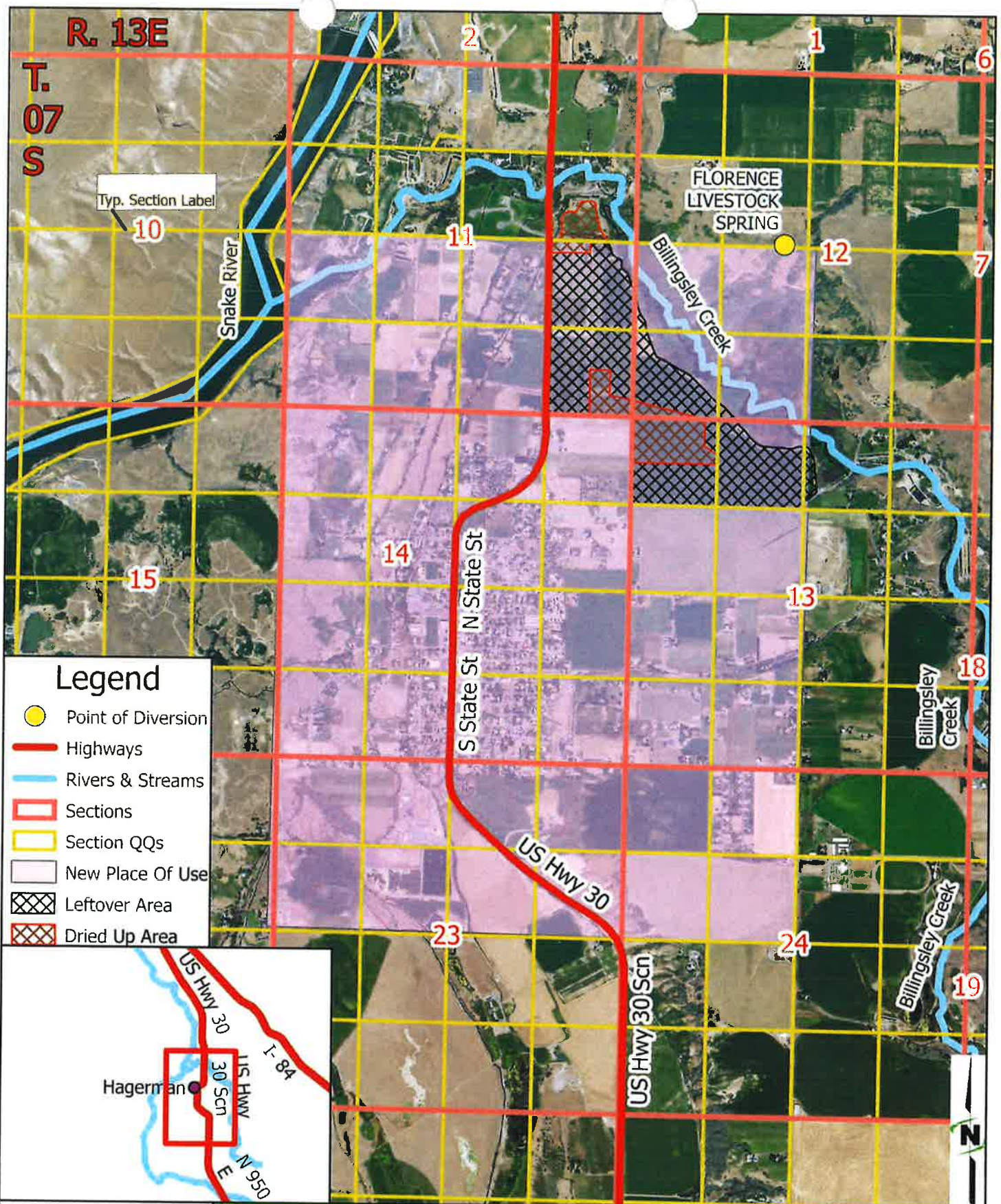
Residence Hagerman, ID Commission Expires 1-14-2023





Hagerman Water Rights Transfer Attachment #7a

0 1000 2000
1 inch = 2000 Feet



Hagerman Water Rights Transfer Attachment #7b

City of Hagerman Water Rights Transfer - Attachment #8a Water Balance

Unit	Alfalfa Irrigation Requirement Source: Frank C. Erwin (See Attachment Part 3B - Affidavit)				
Consumptive Irrigation Req., CIR (ac-ft/ac/yr)	4.86				
Total POU Consumption (ac-ft/yr) [4.86*178.5]	868				
Water Rights Area Allocation					
Total Area (ac)	178.5		WR 36-48A	WR 36-15538	WR 36-49
Transferrable Div. Rate (cfs/ac)	0.026	Acre Limit	104	50	178.5
Transferred Flow (cfs)	1.0	Acres Available	104	50	24.5
Required Area (ac) [1/0.026]	38.5	Acres Dried Up	0	14	38.5
Volume Limitation (ac-ft/yr) [4.86*38.5]	187	% Dried Up	0	28	21.6
		Div. Rate (cfs)	1.1	0.5	6.58
		Split Div. Rate (cfs) [% Dried*Div. Rate]	0	0.14	1.42
		IDPR - Remaining Div. Rate (cfs)	1.1	0.36	5.16
		IDPR - Remaining Area (ac)	104	36	140
		CITY - Gained Div. Rate (cfs)	0	0	1.0

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RECEIVED

NOV 24 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

Recommendation:

- a) X 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 24 day of November, 2021

Dept of Fish & Game

Bradley Dawson
Signature

Bradley Dawson
Printed Name

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 121937

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES
Address 1 650 ADDISON AVE W, STE 500
Address 2
City St Zip TWIN FALLS ID 83301
Phone 2087363033
Fax

Section Legals
SubSection
Category 50 Legal

Ad Key 121937-1
Keywords NTC/IDAHO AGRI INVESTMENTS

Notes

Ad Proof

PO Number
Rate Legal Notice
Order Price 185.06
Amount Paid 0.00
Amount Due 185.06
Start/End Dates 12/02/2021 - 12/09/2021
Insertions 2
Size 121
Salesperson(s) Legal Notices
Taken By Seana Chapman

*Proof of legal notice received
from Times News 11/24/2021*

✓ dm 11-24-2021

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 121937

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

✓ *bm*



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

November 24, 2021

CITY OF HAGERMAN
PO BOX 158
HAGERMAN, ID 83332

RE: Transfer No. 85491
Water Right No(s). 36-15538, 36-49

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 12/2/2021 and 12/9/2021**. 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 **December 20, 2021**.

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: J-U-B Engineers Inc.



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

November 24, 2021

WATER DISTRICT 36A
MATTHEW DOPERALSKI
PO BOX 1880
EAGLE ID 83616-9108

RE: Transfer No. 85491 (City of Hagerman)

Dear Matthew:

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: Wednesday, November 24, 2021 12:31 PM
To: Dawson,Bradley
Subject: Comment Letter for Transfer No. 85491 - City of Hagerman
Attachments: Comment letter to F&G for 85491.docx; App. for Transfer No. 85491 City of Hagerman.pdf

Good afternoon,

Attached is an application for transfer 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 at (208) 736-3033.

Thank you in advance & Happy Thanksgiving,

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

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

Governor Brad Little

Director Gary Spackman

November 24, 2021

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

RE: Water Right Transfer No. 85491 (City of Hagerman)

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 December 20, 2021**).

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: Wednesday, November 24, 2021 10:14 AM
To: Times News
Subject: LEGAL NOTICE for 12/2 & 12/9
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on December 2nd & 9th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please reference the information below when publishing this ad:

Idaho Dept of Water Resources Account #60002276
Denise Maline
650 Addison Ave W, Ste 500
Twin Falls ID 83301-5858

Thank you in advance & Happy Thanksgiving,

Denise Maline @ 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
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

November 24, 2021

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

RE: Transfer No. 85284
Water Right No(s). 47-17487, 47-2666, 47-2667, 47-8236

RE: Transfer No. 85491
Water Right No(s). 36-15538, 36-49

RE: Transfer No. 85418
Water Right No(s). 43-13741

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 December 20, 2021. Your cooperation is appreciated.

Sincerely,
Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85284**

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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

MEMORANDUM

Date: November 22, 2021
To: Transfer 85491
From: William Mills
Re: Transfer Proposal

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. Current and proposed PODs and the place of use are located in Water District 36A and Watermaster comments will be solicited.

M E M O R A N D U M

Date: November 22, 2021

To: Transfer 85491

From: Bill Mills

Re: Fee Evaluation

Filing fees charged for transfer application #85491 were based on the on the current transfer fee schedule and included \$580.00 for the 1.42 cfs reduction in the water right being transferred and an additional \$250.00 for the change in nature of use processing, for a total of \$830.00 (Receipt Nos.S038458 & S038897).



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

J-U-B FAMILY OF COMPANIES

October 25, 2021

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

RECEIVED

OCT 26 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: City of Hagerman Application for Water Rights Transfer

Dear Mr. Skinner,

Enclosed please find an Application for Transfer on behalf of the City of Hagerman (the City). As described in the narrative explanation submitted with the application, the City is filing this application to transfer a portion of Water Right 36-0049, owned by the Idaho Department of Parks & Recreation (IDPR), to add 1.0 cfs to their system for municipal use from Water Right 36-0049 based on the City and IDPR's Memorandum of Agreement. Pertinent maps, consumptive use calculations, and ownership documentation are included with this application as required. A form for change of ownership of the new water right split from 36-0049 will be submitted upon approval of this transfer application.

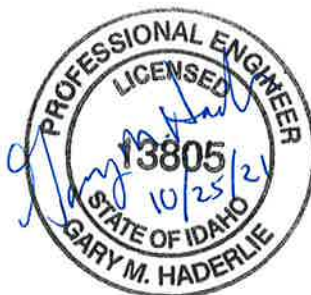
Along with the previously submitted application fee of \$750 for a transfer of 1.0 cfs and a change in nature of use, an additional \$80 fee is being submitted with this letter as requested by the Idaho Department of Water Resources (IDWR). Previous requests were submitted for an extension and to not return the \$750 fee. The fee for the change of ownership form will be submitted with the form upon approval of this transfer application.

To address the limitations of splitting Water Right 36-0049, as stated in your response letter, changes have been made to this application in order to propose a partial transfer of the conjunctive Water Right 36-15538. The memorandum of agreement between IDPR and the City has been amended to authorize changes to Water Right 36-15538 and to clarify certain details of the proposed transfer. As specified by the water balance shown in Attachment #8a, changes to this conjunctive water right will result in a reduction of the diversion rate for Water Right 36-15538, and the City will only gain 1.0 cfs from Water Right 36-0049.

With regard to the other items listed in your response letter, J-U-B Engineers and the City have come to the following conclusion. Based on a review of historical water users in the area, IDPR and the City believe there will be no injury to junior water rights owners by changing the period of use from 2/15-11/30 to year-round use and would like to request that IDWR allow this application to be processed and published to the public based on that understanding. The affidavit from Frank C. Erwin referencing the historical consumptive water use on this land is considered an accurate and defensible legal document by the City and will continue to be used as the standard for the consumptive irrigation requirement at this place of use.

Sincerely,

Gary Haderlie, P.E.
J-U-B ENGINEERS, Inc.



Cc: Alan Jay, Mayor, City of Hagerman
Steve Bland, Council President, City of Hagerman
Justin Hulme, City Superintendent, City of Hagerman
Frank Erwin, Florence Livestock Spring Users association
Erik Bush, Idaho Department of Parks & Recreation



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 8, 2021

Gary Haderlie
JUB Engineers Inc.
2114 Village Park Ave
Suite 100
Twin Falls, ID 83301

Dear Mr. Haderlie:

Please find enclosed a water right transfer application in the name of the City of Hagerman that you recently filed with our office. The application proposes changing the nature of use, period of use, and place of use of water right 36-49. In general, the application proposes changing a 38.5 acre portion of an irrigation right currently owned by the Idaho Department of Parks and Recreation to municipal use in the City of Hagerman's service area. Because of unique conditions on water right 36-49, no more than 0.026 cfs per acre of the right can be transferred. This results in a 38.5 acre (approximately 21.5%) portion corresponding to 1.42 cfs being reduced from the irrigation right in order to obtain 1.00 cfs through a transfer. After consultation with IDWR's state office. It was determined that the filing fee should be based on the higher amount (1.42 cfs) rather than the lower amount (1.00 cfs). This results in an \$830.00 filing fee rather than the submitted \$750.00 filing fee (IDWR receipt #S038458) when accounting for the \$250.00 change in nature of use fee. In addition, examination of the submitted application reveals several items of concern relating to possible enlargement issues. Note that IDWR cannot approve a transfer application that results in an enlargement in use.

Irrigation water right 36-49 is considered partially stacked with irrigation water rights 36-48A and 36-36-15538. Right 36-49 allows for the irrigation of 178.5 acres, water right 36-48A allows for the irrigation of 104.0 acres within the same 178.5 acres, and water right 36-15538 allows for the irrigation of 50.0 acres within the same 178.5 acres. Conditions on all three rights limit the total diversion rate to 7.68 cfs and the irrigation of 178.5 total acres when all three rights are combined. There are no additional conditions on rights 36-48A and 36-15538 further limiting the amount of irrigated acres. Therefore, they are considered additive and can irrigate up to 154.0 acres when combined (104.0 + 50.0). If 38.5 acres of water right 36-48A are to be transferred, some of these 38.5 acres will overlap with some combination of rights 36-48A &/or 36-15538 ($178.5 - 154.0 = 24.5 < 38.5$ acres). In order to transfer 38.5 acres of right 36-48A, at least a 14.0 acre portion of some combination of rights 36-48A &/or 36-15538 will have to be included in the transfer, and the Memorandum of Agreement with the Idaho Department of Parks and Recreation will have to be modified accordingly. Please note that an application for transfer proposing to "unstack" one or more water rights used for irrigation or other use, without changing all the rights for the same use, is presumed to enlarge the water right.

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Haderlie/ City of Hagerman Transfer Letter
April 8, 2021

The application proposes changing the period of use from the irrigation season (2/15 to 11/30) to year round use (1/1 to 12/31). A transfer that proposes a change to an increased period of use for a surface water right is presumed to be an enlargement and would cause injury where there are junior priority rights that rely on surface water during the time period outside of the historic period of use for the right proposed to be changed.

The application proposes converting a 38.5 acre portion of irrigation right 36-49 to 187 acre-feet of municipal use. Note that this provides a conversion factor of 4.86 acre-feet per acre. This is an extremely high value for an irrigation conversion factor. An affidavit provided with the application indicated that alfalfa had been grown on the property involved with the transfer. ETIdaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) indicates that the growing season precipitation deficit value (net irrigation requirement) for alfalfa (frequent cuttings) in the Hagerman area is 3.79 acre-feet per acre.

The Department will allow you 30 days to submit a replacement application addressing the items outlined in this letter. If a replacement application is not received within 30 days, a refund of your filing fee will be initiated. As an alternative, if you decide not to refile the application, you may request a refund of your filing fee at an earlier date.

If you have any question, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Corey Skinner', is written over a horizontal line.

Corey Skinner, PE
IDWR Southern Region Manager

Enclosure

cc: City of Hagerman (w/o enclosure)