

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83466**RECEIVED****JUL 15 2019**DEPT OF WATER RESOURCES
SOUTHERN REGION

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) Double Eagle Properties LLLP

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 15 2019

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Double Eagle Properties LLLP Phone 2084369888
Mailing address 3173 N 4900 E MURTAUGH, ID 83344-5359 Email _____

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

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

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.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.

Darrell Fink *Darrell Fink* *7-5-19*
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. 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**.

3. 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**.

This transfer proposes to update the place of use and to add one point of diversion to the current water rights. No
ESPA model analysis has been performed for this transfer because the proposed third well is located in the same
ESPA model cell or an adjacent model cell to the two existing wells.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	45-10228	0.06/14.6	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	45-13657	0.06/14.6	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	45-13911	.04/5.0	Commercial	1/01 to 12/31	Ground Water
☐ ☐		0.64/85.8	Stockwater	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.70 cfs and/or 100.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.70 cubic feet per second and/or 100.4 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	NE	NE	24	11S	20E	Cassia	Ground Water	
		SE	SE	SE	24	11S	20E	Cassia	Ground Water	
		NW	NW	NE	30	11S	21E	Cassia	Ground Water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	19	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	S,C	
		30						S	S						S				
		31						S	S										
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

Existing wells and mainlines. New mainlines will be installed to connect the new well to the system.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached Statement of Consent.

- 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: N/A

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

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

If yes, ☐ complete Attachment WSB.

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

N/A

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

None

- 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:

Page 6 of _____

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

Current Water Right No.: 45-10228

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 5/31/1966
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.06 CFS	14.6 AF
	<u>Total Diversion</u>	0.06 CFS	14.6 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4SE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		

Place of Use

STOCKWATER Within CASSIA County

T11S R21E S19	SENE	T11S R21E S19	NENW
T11S R21E S19	NESW	T11S R21E S19	Lot 3 NWSW
T11S R21E S19	Lot 4 SWSW	T11S R21E S19	SESW
T11S R21E S30	Lot 1 NWNW	T11S R21E S30	Lot 2 SWNW
T11S R21E S30	NESE	T11S R21E S31	Lot 1 NWNW
T11S R21E S31	Lot 2 SWNW		

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 45-10228 and 45-13657 when combined shall not exceed a total diversion rate of 0.06 cfs, nor a daily diversion of 13,000 gallons per day.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. X36 Rights 45-13657 and 45-13911 are also diverted through the point(s) of diversion described above.
7. Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
8. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. 115 Prior to the diversion and use of water under Transfer approval 71968, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Decreed Date: 7/24/1998

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

Current Water Right No.: 45-13657

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 1/1/1983
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.06 CFS	14.6 AF
	<u>Total Diversion</u>	0.06 CFS	14.6 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4SE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		

Place of Use

STOCKWATER Within CASSIA County

T11S R21E S19	SENE	T11S R21E S19	NENW
T11S R21E S19	NESW	T11S R21E S19	Lot 3 NWSW
T11S R21E S19	Lot 4 SWSW	T11S R21E S19	SESW
T11S R21E S30	Lot 1 NWNW	T11S R21E S30	Lot 2 SWNW
T11S R21E S30	NESE	T11S R21E S31	Lot 1 NWNW
T11S R21E S31	Lot 2 SWNW		

Conditions of Approval:

1. Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X36 Rights 45-10228 and 45-13911 are also diverted through the point(s) of diversion described above.
4. X35 Rights 45-10228 and 45-13657 when combined shall not exceed a total diversion rate of 0.06 cfs, nor a daily diversion of 13,000 gallons per day.
5. 115 Prior to the diversion and use of water under Transfer approval 71968, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-13911

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 8/19/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	5 AF
STOCKWATER	01/01 to 12/31	0.64 CFS	85.8 AF
	<u>Total Diversion</u>	0.64 CFS	85.8 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4SE1/4	Sec. 24, Twp 11S, Rge 20E B.M.
CASSIA County		

Place of Use

STOCKWATER Within CASSIA County

T11S R21E S19	SENE	T11S R21E S19	NENW
T11S R21E S19	NESW	T11S R21E S19 Lot 3	NWSW
T11S R21E S19 Lot 4	SWSW	T11S R21E S19	SESW
T11S R21E S30 Lot 1	NWNW	T11S R21E S30 Lot 2	SWNW
T11S R21E S30	NESE	T11S R21E S31 Lot 1	NWNW
T11S R21E S31 Lot 2	SWNW		

COMMERCIAL Within CASSIA County

T11S R21E S19	NESW	T11S R21E S19 Lot 3	NWSW
T11S R21E S19 Lot 4	SWSW	T11S R21E S19	SESW

Conditions of Approval:

1. X36 Rights 45-10228 and 45-13657 are also diverted through the point(s) of diversion described above.
2. 116 The water right holder shall maintain control of the necessary portion of right 45-13910 for mitigation purposes under Transfer approval No. 71968. If the necessary portion of the mitigation right is sold, transferred, leased, used on any place of use, or is not deliverable due to a priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
3. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Commercial use is for a feedlot operation.
6. X35 Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 115 Prior to the diversion and use of water under Transfer approval 71968, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 5/13/2005

STATEMENT OF CONSENT

To Whom It May Concern,

I Darrell Funk give permission to Double Eagle Properties LLLP to utilize property that I own for stockwater and commercial water use under water rights 45-10228, 45-13657 and 45-13911.

Two wells are located on parcel RP11S20E240000 located in Section 24 of 11 South 20 East. The third well is located on parcel RP11S21E300000 located in Section 30 of Township 11 South Range 21 East.

The stockwater and commercial place of use will be located on parcels RP11S21E190000, RP11S21E193600, RP11S21E197200, RP11S21E300000 RP11S21E304800 and RP11S21E312400 which are located in Section 19, Section 30 and Section 31 in Township 11 South Range 21 East.

I formally give my consent to allow Double Eagle Properties LLLP to utilize my property and divert water from these three wells for the beneficial use of stockwater and commercial water use. The ownership of the water rights will remain in the name of Double Eagle Properties LLLP.

Darrell Funk:



Title: Property Owner

Date: 7-2-19



0003370844



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003370844

Date Filed: 12/13/2018 9:51:44 AM

Entity Name and Mailing Address:

DOUBLE EAGLE PROPERTIES, LLLP

The file number of this entity on the records of the Idaho Secretary of State is: 0000036879

Address 3173 N 4900 E
MURTAUGH, ID 83344-5359

Entity Details:

Entity Status Active-Current

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: L7066

The registered agent on record is:

Registered Agent **DARRELL M FUNK**
Registered Agent
Physical Address
3173 N 4900 E
MURTAUGH, ID 83344
Mailing Address

Limited Partnership General Partners

Name of individual or organization	Address
DOUBLE EAGLE MANAGEMENT COMPANY LLC	3173 N 4900 E MURTAUGH, ID 83344

The annual report must be signed by an authorized signer of the entity.

Darrell Funk

Sign Here

Signer's Capacity: Registered Agent

12/13/2018

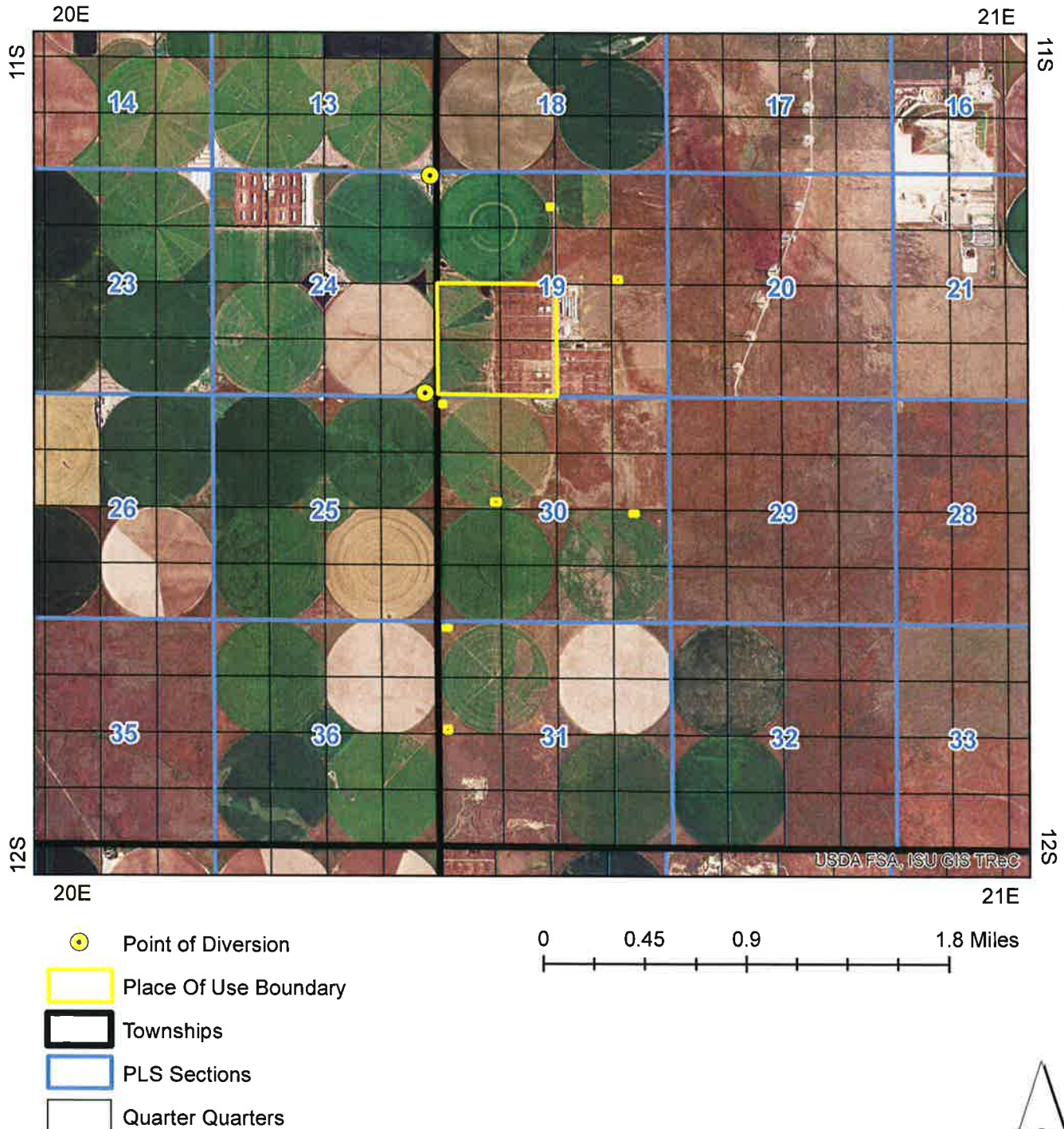
Date

B0120-0424 12/13/2018 9:51 AM Received by ID Secretary of State Lawrence Denney

State of Idaho
Department of Water Resources
Water Right
45-10228, 45-13657 and 45-13911

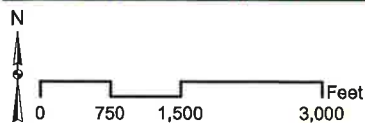
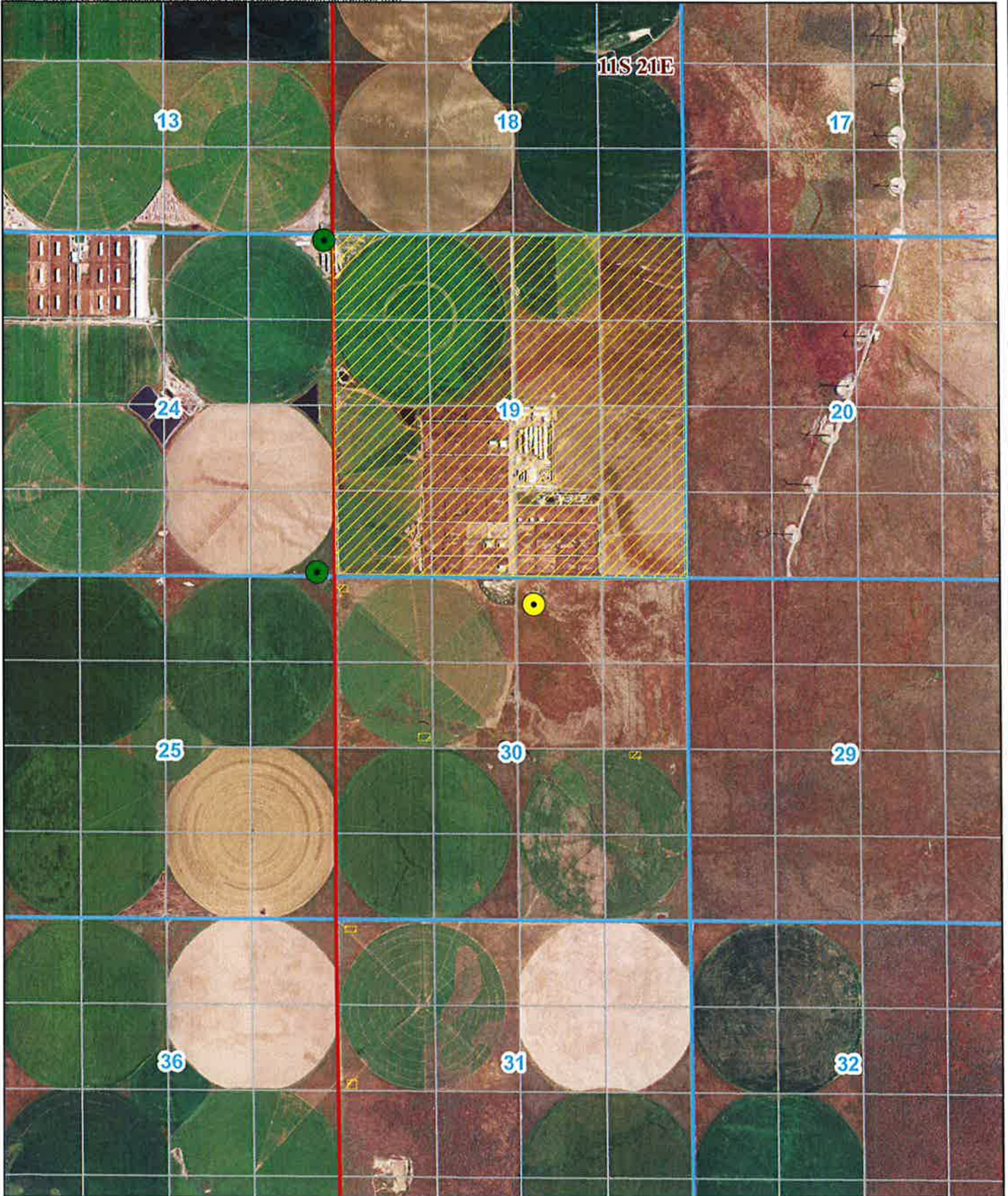
STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



TRANSFER 83466





BROCKWAY ENGINEERING, PLLC.
GWS - Date: 6/26/2019

DARREL FUNK

TRANSFER APPLICATION FOR WATER RIGHTS

45-10228, 45-13657, & 45-13911

TRANSFER 83466 NAIP 2017 AERIAL

Legend

- Existing POD
- Proposed POD
- Proposed POU



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

RE: Transfer No. 83466
Water Right No(s). 45-10228, 45-13657, 45-13911

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 8/15/2019 and 8/22/2019**. 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 **September 3, 2019**.

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,

A handwritten signature in blue ink that reads "Denise Maline". The signature is fluid and cursive, with the first name "Denise" and last name "Maline" clearly distinguishable.

Denise Maline
Administrative Assistant

c: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 08, 2019 4:33 PM
To: Brian Higgs (WD 140)
Subject: Comment Letter for Double Eagle Properties Transfer 83466
Attachments: Comment letter to WD140 for 83466.docx; Transfer 83466 Double Eagle Properties (Funk).pdf

Good afternoon Brian,

Attached is an application for transfer currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days.

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

WATER DISTRICT #140 *via e-mail*
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

RE: Transfer No. 83466
Water Right No(s). 45-10228, 45-13657, 45-13911

Dear Brian:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 water master, 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's regional offices 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
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 08, 2019 2:40 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find **(1)** legal notice being submitted for publication on August 15th & 22nd, 2019. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 83450

Water Right No(s): 47-12349, 47-17284, 47-17555, 47-17560, 47-17565, 47-7103

RE: Transfer No. 83505

Water Right No(s): 36-7356C, 37-10425

RE: Transfer No. 83466

Water Right No(s): 45-10228, 45-13657, 45-13911

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 September 3, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83450**

WILLIAM BOKMA DAIRY LLC, 3374 N 3100 E, TWIN FALLS, ID 83301-0336; has filed Application No. 83450 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-12349, 47-17284, 47-17555, 47-17560, 47-17565, 47-7103. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 3.3 acre portion (0.06 cfs) of three groundwater irrigation rights from a farm located approximately 7.2 to 8.0 miles south and 0.75 to 1.5 miles west of Kimberly to commercial and stockwater use at an existing dairy located 2.7 to 2.9 miles west and 3.2 to 3.4 miles south of Kimberly. The application also proposes adding existing wells as authorized diversion points for the domestic and stockwater rights currently utilized at the dairy site. The transferred portion (0.06 cfs) and the existing domestic and stockwater rights (0.12 cfs) for a total of 0.18 cfs, will be diverted from three existing wells at the dairy site.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83505**

3 STRING CATTLE OF IDAHO LLC, PO BOX 675, HEYBURN, ID 83336-0675; has filed Application No. 83505 for changes to the following water rights within LINCOLN, MINIDOKA County(s): Right No(s). 36-7356C, 37-10425. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 19.7 acre portion, 0.16 cfs and 65.1 af, of a groundwater irrigation right from a farm located approximately 0.6 to 1.0 miles north and 0.5 to 0.9 miles east of Minidoka for commercial and stockwater use at an existing CAFO located 1.0 to 2.2 miles west and 6.5 to 7.0 miles north of Shoshone. The application also proposes adding new well as an authorized diversion point for the domestic and stockwater right currently utilized at the CAFO site. The transferred portion (0.16 cfs) and the existing domestic and stockwater right (0.17 cfs) for a total of 0.33 cfs, will be diverted from two wells, one existing and one to be drilled, at the CAFO site.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83466**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344-5359; has filed Application No. 83466 for changes to the following water rights within CASSIA County(s): Right No(s). 45-10228, 45-13657, 45-13911. 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 (POU) and add a point of diversion (POD) to three ground water rights, with a combined flow rate of 0.70 cfs, which are appurtenant to a CAFO and associated stockwater use located approximately 5.8 to 6.8 miles east and 2.2 to 4.7 miles south of Murtaugh. The new POD will be an existing well located approximately 3.2 miles south and 6.3 miles east of Murtaugh. The transfer also proposes to modify the POU to include adjacent property.

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 research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. 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 **September 3, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 15th & 22nd, 2019



BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

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AUG 07 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

August 5, 2019

Jim Bitzenburg
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Double Eagle Properties LLLP

Dear Mr. Bitzenburg r:

In response to your July 31, 2019 letter, Double Eagle Properties LLLP at this time is submitting a check for \$125.00 to update the use of the current well from domestic to stock and commercial water use.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Darrell Funk

Enc: Brockway Engineering Check # 15464 for \$125.00

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 31, 2019

DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH ID 83344-5359

Re: Well Construction fee

Dear Transfer Applicant,

Idaho Department of Water Resources is in the process of reviewing transfer application 83466 for water rights 45-10228, 45-13657, and 45-13911. This water right transfer proposes adding a new point of diversion (well), located in the NWNWNE of Section 30, T11S, R21E to the above rights. The proposed point of diversion was originally drilled as a domestic well (Tag D0065130 in January 2014) under drilling permit number 871013. Specified in section 42-235, Idaho Code, if the well is to be used for other than domestic or monitoring purposes, the charge for the permit shall be two hundred dollars (\$200). The requirement is further explained in the well construction rules:

IDAPA 37.03.09 - Rule 45.05.b. The difference between the drilling permit fee required by Section 42-235 Idaho Code as applicable, must be paid when an existing well constructed on or after July 1, 1987, for which the lower drilling permit fee was paid, is authorized by the Director for a use which would require the larger drilling permit fee.

Because the well was originally permitted only for domestic purposes, the drilling permit fee was \$75.00. The transfer increases the use of the well to stockwater and commercial, which also increases the permit fee to \$200.00. At this time, the Department requests that the difference of \$125.00 be paid to the department to appropriately match the use.

If you have any questions, please call me at 736-3033.

Sincerely,

Jim Bitzenburg
Sr. Water Resource Agent
IDWR Southern Region

CC: Greg Sullivan, Brockway Engineering

TRANSFER SYNOPSIS

Date: July 22, 2019
To: Transfer #83466, Double Eagle Properties, LLLP Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the place of use (POU) and add a point of diversion (POD) to three ground water rights, with a combined flow rate of 0.70 cfs, which are appurtenant to a CAFO and associated stockwater use located approximately 5.8 to 6.8 miles east and 2.2 to 4.7 miles south of Murtaugh. The new POD will be an existing well located approximately 3.2 miles south and 6.3 miles east of Murtaugh. The transfer also proposes to modify the POU to include adjacent property.

ESPA model analysis is not necessary as the new well is in the same model cell as one existing POD, and in the adjacent cell to the other existing POD.

The transfer will be advertised because it adds a POD in the West Oakley Fan Critical Ground Water Management Area.

The proposed transfer is in Water District 140 and Watermaster comments will be solicited.

The water rights in the transfer are 45-10228 (0.06 cfs, stockwater), 45-13657 (0.06 cfs, stockwater), and 45-13911 (0.64 cfs, stockwater and commercial). A Statement of Consent is included with the transfer to clarify water right ownership, because the water rights and the property are owned by two separate entities.

FEE MEMORANDUM

Date: July 22, 2019
To: Double Eagle Properties, LLLP Transfer #83466 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on July 15, 2019 and is changing the place of use of, and adding a point of diversion to, three ground water rights which are appurtenant to a CAFO near Murtaugh. Because all three rights can be diverted through the new POD, it is appropriate that their combined diversion rate of 0.70 cfs is the basis for the fee. From the transfer fee schedule, the fee for 0.70 cfs is \$500.00, which was paid with check #15422 from Brockway Engineering at the time the application was filed. The receipt number is S037433.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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JUL 15 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 11, 2019

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

Re: Double Eagle Properties LLLP

Dear Mr. Skinner:

Double Eagle Properties LLLP desires to update the stockwater and commercial water place of use and add one point of diversion for water rights 45-10228, 45-13657 and 45-13911. The ownership and period of use will not be changing with this transfer. The additional point of diversion has already been drilled.

Currently the property is owned by Darrell Funk and the ownership of the water rights is Double Eagle Properties LLLP. Darrell has given permission (see the attached statement of consent) for Double Eagle Properties LLLP to transfer water rights 45-10228, 45-13657 and 45-13911 to property owned he owns. Double Eagle Properties LLLP will also have access to the three wells that will be authorized PODs.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Darrell Funk

Enc: Aerial Map, Statement of Consent, Brockway Engineering Check #15422 for \$500.00

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

CHARLES G.
BROCKWAY,
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