

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82026**

This is to certify that: **DOUBLE EAGLE PROPERTIES LLLP**
3173 N 4900 E
MURTAUGH, ID 83344

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
1-7072	WR/DECREED	8/2/1978	1.540 cfs	751.4 af	N/A	1647.0	SNAKE RIVER
45-13642	WR/DECREED	1/15/1958	6.780 cfs	3108.0 af	777.0	1582.0	GROUND WATER
45-13644	WR/DECREED	3/15/1958	4.920 cfs	N/A	N/A	1582.0	WASTE WATER
45-13910	WR/DECREED	8/19/1976	5.070 cfs	1108.0 af	N/A	277.0	GROUND WATER
45-13914	WR/DECREED	3/8/1948	2.570 cfs	560.0 af	140.0	343.0	GROUND WATER
45-2320	WR/DECREED	2/9/1954	2.340 cfs	1141.7 af	808.0	1582.0	GROUND WATER
45-2326	WR/DECREED	4/14/1950	4.120 cfs	N/A	206.0	343.0	UNNAMED STREAM
45-2443	WR/DECREED	4/24/1953	2.580 cfs	740.0 af	185.0	343.0	GROUND WATER
45-4102	WR/DECREED	3/15/1962	0.840 cfs	138.0 af	34.5	343.0	GROUND WATER

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2746	WR/DECREED	5/9/1966	2.000 cfs	798.5 af	214.3	1874.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
1-7072	NO	NO	YES	NO	NO	NO
45-13642	NO	NO	YES	NO	NO	NO
45-13644	NO	NO	YES	NO	NO	NO
45-13910	NO	NO	YES	NO	NO	NO
45-13914	NO	NO	YES	NO	NO	NO
45-2320	NO	NO	YES	NO	NO	NO
45-2326	NO	NO	YES	NO	NO	NO
45-2443	NO	NO	YES	NO	NO	NO
45-4102	NO	NO	YES	NO	NO	NO

SUPPORT DATA

Transfer No. 82026

IN FILE # 01-7072

SCANNED

JAN 26 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82026

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
1-7072	1-7072	1.540 cfs	751.4 af	1647.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-13642	45-13642	6.780 cfs	3108.0 af	777.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-13644	45-13644	4.920 cfs	N/A	1582.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-13910	45-13910	5.070 cfs	1108.0 af	277.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-13914	45-13914	2.570 cfs	560.0 af	140.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-2320	45-2320	2.340 cfs	1141.7 af	805.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-2326	45-2326	4.120 cfs	N/A	206.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-2443	45-2443	2.580 cfs	740.0 af	185.0	4130.0	N/A	N/A	N/A	N/A	N/A
45-4102	45-4102	0.840 cfs	138.0 af	34.5	4130.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		30.760 cfs	N/A	2254.7	4130.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 25th day of January, 2018.



Southern Region Manager

WATER RIGHT NO. 45-2326

As Modified by Transfer No. 82026

In accordance with the approval of Transfer No. 82026, Water Right No. 45-2326 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 4/14/1950

Source: UNNAMED STREAM

Tributary: MURTAUGH LAKE

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
4.120 cfs
4.120 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM NWSWNE Sec 22 Twp 11S Rge 20E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 206.0
POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 206 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2326 and 45-2443 when combined shall not exceed the irrigation of 206 acres.
3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.

Transfer No. 82026

WATER RIGHT NO. 45-2326
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

4. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-2320**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-2320 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 2/9/1954

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
2.340 cfs
2.340 cfs

Diversion Volume
1141.7 af
1141.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNWSE	Sec 10 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSE	Sec 10 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NESW	Sec 14 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 23 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESW	Sec 23 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 805.0
POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 805 acres within the place of use described above in a single irrigation season.
2. Rights 45-2320 and 45-13642 when combined shall not exceed a total diversion rate of 9.12 cfs and a total annual maximum diversion volume of 4249.7 af at the field headgate.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.

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WATER RIGHT NO. 45-2320

As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

4. Rights 01-7072, 45-2320, 45-13642, and 45-13644 when combined shall not exceed a total annual maximum diversion volume of 6538.8 af and the irrigation of 1634.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
6. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversions.
9. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 45-2320
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

12. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-13642 **As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-13642 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
 3173 N 4900 E
 MURTAUGH, ID 83344

Priority Date: 1/15/1958

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
 6.780 cfs
 6.780 cfs

Diversion Volume
 3108.0 af
 3108.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNWSE	Sec 10 Twp 11S Rge 20E TWIN FALLS County
GROUND WATER	SWSWSE	Sec 10 Twp 11S Rge 20E TWIN FALLS County
GROUND WATER	NESW	Sec 14 Twp 11S Rge 20E TWIN FALLS County
GROUND WATER	SENE	Sec 23 Twp 11S Rge 20E TWIN FALLS County
GROUND WATER	SESW	Sec 23 Twp 11S Rge 20E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 777.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 777 acres within the place of use described above in a single irrigation season.
2. Rights 45-2320 and 45-13642 when combined shall not exceed a total diversion rate of 9.12 cfs and a total annual maximum diversion volume of 4249.7 af at the field headgate.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.

Transfer No. 82026

WATER RIGHT NO. 45-13642
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

4. Rights 01-7072, 45-2320, 45-13642, and 45-13644 when combined shall not exceed a total annual maximum diversion volume of 6538.8 af and the irrigation of 1634.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
6. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversions.
9. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 45-13642
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

12. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-13644
As Modified by Transfer No. 82026

In accordance with the approval of Transfer No. 82026, Water Right No. 45-13644 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
 3173 N 4900 E
 MURTAUGH, ID 83344

Priority Date: 3/15/1958

Source: WASTE WATER

Tributary: MURTAUGH LAKE

BENEFICIAL USE
 IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
 4.920 cfs
 4.920 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER SWNWSW Sec 10 Twp 11S Rge 20E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 1582.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. This right is limited to the irrigation of 1582 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.

Transfer No. 82026

WATER RIGHT NO. 45-13644

As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

4. Rights 01-7072, 45-2320, 45-13642, and 45-13644 when combined shall not exceed a total annual maximum diversion volume of 6538.8 af and the irrigation of 1634.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
6. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. Pursuant to Transfer approval 71316, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 45-13644
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

14. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-13910**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-13910 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 8/19/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

5.070 cfs

5.070 cfs

Diversion Volume

1108.0 af

1108.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWSWNW

Sec 5 Twp 12S Rge 21E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0				40.0	40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 277.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

- Right 45-13910 is used for mitigation purposes for right 45-13911 under Transfer approval No. 71968. The irrigation use is limited to the following schedule of allowed diversion rate, diversion volume and number of irrigated acres. The right holder shall file a notice of intent with the Department prior to increasing the diversion rate, diversion volume and number of acres irrigated at the time an increase according to the schedule is sought.

- Years 2007 through 2020 the right is limited to 4.69 cfs, 1024 afa, and irrigation of 256 acres. (21 acres left unirrigated).

- Years 2021 and beyond the right is limited to 5.07 cfs, 1108 afa, and irrigation of 277 acres. (No acres required to be unirrigated).

Transfer No. 82026

WATER RIGHT NO. 45-13910
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

2. The model used to calculate depletion effects and mitigation for Devils Washbowl to Buhl reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval No. 71968. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
3. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
4. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 45-13910
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-13914**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-13914 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 3/8/1948

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.570 cfs

2.570 cfs

Diversion Volume

560.0 af

560.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 140.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.

Transfer No. 82026

WATER RIGHT NO. 45-13914
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
4. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversions.
8. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 45-13914

As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

11. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-2443**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-2443 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 4/24/1953

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.580 cfs

2.580 cfs

Diversion Volume

740.0 af

740.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSNW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 185.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443 and 45-2326 when combined shall not exceed the irrigation of 206 acres.

Transfer No. 82026

WATER RIGHT NO. 45-2443
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

3. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.
4. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
6. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversions.
9. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 45-2443

As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

12. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
14. This right does not grant any right-of-way or easement across the land of another.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-4102**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-4102 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 3/15/1962

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.840 cfs

0.840 cfs

Diversion Volume

138.0 af

138.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0					40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 34.5

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34.5 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.

Transfer No. 82026

WATER RIGHT NO. 45-4102
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
4. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.
5. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversions.
8. Prior to the diversion and use of water under Transfer approval 82026, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 45-4102
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

11. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 1-7072**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 1-7072 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 8/2/1978

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.540 cfs

1.540 cfs

Diversion Volume

751.4 af

751.4 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SESE

Sec 29 Twp 10S Rge 21E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	396.0
11S	20E	14			10.0	31.0					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	361.0
11S	20E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S	20E	24	40.0	40.0	40.0	40.0	16.0	17.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.0
11S	20E	25	40.0	40.0	40.0	40.0													160.0
11S	21E	19	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0		41.0	40.0		40.0	23.0		40.0	514.0
11S	21E	30	40.0	40.0	40.0	40.0	40.0	45.0	45.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	658.0
11S	21E	31	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0				40.0	40.0	40.0	40.0	40.0	488.0
11S	21E	32					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Right Acre Limit: 1647.0

POU Total Acres: 4130.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1647 acres within the authorized place of use in a single irrigation season.
2. Rights 01-7072, 45-2320, 45-13642, and 45-13644 when combined shall not exceed a total annual maximum diversion volume of 6538.8 af and the irrigation of 1634.7 acres.
3. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.38 cfs and the irrigation of 2233.7 acres. From the year 2021 and beyond rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910, and 45-13914 when combined shall not exceed a total diversion rate of 30.76 cfs and the irrigation of 2254.7 acres.

Transfer No. 82026

WATER RIGHT NO. 1-7072

As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

4. From the years 2018 to 2020 rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2233.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. From the year 2021 and beyond, rights 01-7072, 45-2320, 45-2326, 45-2443, 45-4102, 45-13642, 45-13644, 45-13910 and 45-13914 are limited to the irrigation of a specific 2254.7 acres within the 4130 acre place of use authorized by this right in a single irrigation season. The specific 2233.7 acres to be irrigated from 2018 to 2020 are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2233.7 acres from 2018 to 2020 and/or the 2254.7 acres from 2021 and beyond to be irrigated within the 4130 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-2746**As Modified by Transfer No. 82026**

In accordance with the approval of Transfer No. 82026, Water Right No. 45-2746 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O JAMES B ALDERMAN 1099 W FRONT STPO BOX 27
BOISE, ID 83707-0027

Priority Date: 5/9/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2,000 cfs	798.5 af
			2,000 cfs	798.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 29 Twp 10S Rge 21E	CASSIA County	(R)
GROUND WATER	L2 (SWNE)	Sec 19 Twp 10S Rge 23E	CASSIA County	(I)
GROUND WATER	SENWSW	Sec 20 Twp 10S Rge 23E	CASSIA County	
GROUND WATER	SWNWSW	Sec.20 Twp 10S Rge 23E	CASSIA County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13			13.0	12.0			30.0	31.0	40.0	40.0	32.0	39.0	39.0	40.0	32.0	32.0	380.0
11S	20E	14			8.0	27.0					34.0	33.0	32.0	32.0	40.0	40.0	32.0	32.0	310.0
11S	20E	23	33.0	34.0	33.0	32.0	33.0	33.0	33.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	528.0
11S	20E	24	32.0	32.0	33.0	32.0	32.0	31.0	32.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	521.0
11S	20E	25	34.0	34.0	34.0	33.0													135.0

Right Acre Limit: 214.3

POU Total Acres: 1874.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
A totalizing measuring device of a type acceptable to the Department shall be maintained at both points of diversion as well as the point of re-diversion from Milner Low Lift Canal.
Rediversion of water via the Milner Low Lift Canal is subject to a 5.5% conveyance loss or as may be determined by the watermaster.
Approval of transfer 3960 in no way confirms use of water under claim No. 45-04167.
Right Nos. 45-02746 and 45-04167 when combined shall not exceed the irrigation of 385.6 acres within the place of use described above in a single irrigation season.
Two points of diversion are located within the NWSW, S20, T10S, R23E.

WATER RIGHT NO. 45-2746

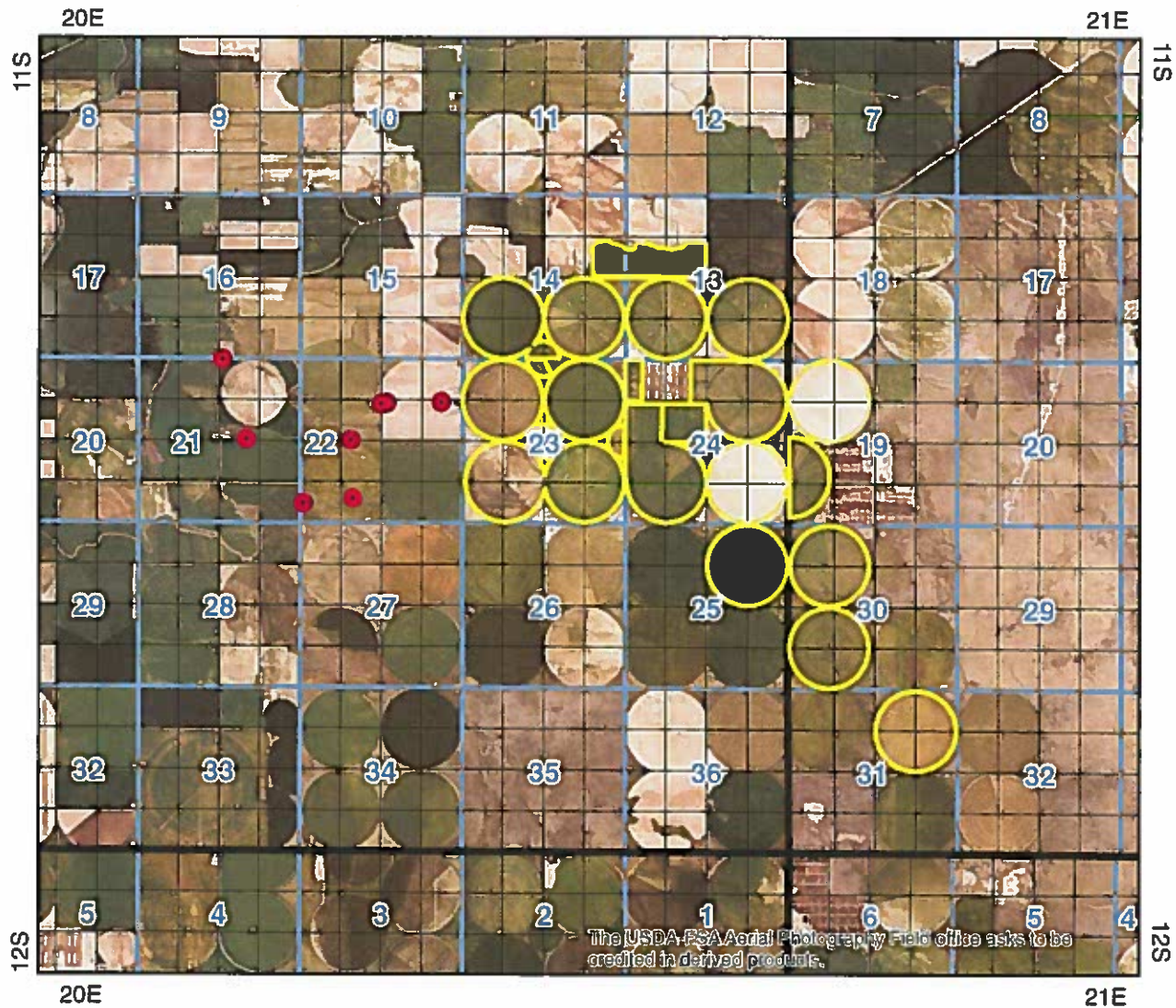
As Modified by Transfer No. 82026

CONDITIONS OF APPROVAL

2. Failure of the right holder to comply with the conditions of transfer 3960 is cause for the Director to rescind approval of the transfer.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4 AF PER ACRE FOR THE LANDS LISTED.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. The right holder shall accomplish the change authorized by transfer 3960 within one (1) year of 6/28/1996.
6. Approval of transfer 3960 does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Water is injected into the Snake River and delivered through the Milner Low Lift Canal delivery system.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 214.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
10. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
45-2443, 45-4102, and 45-13914

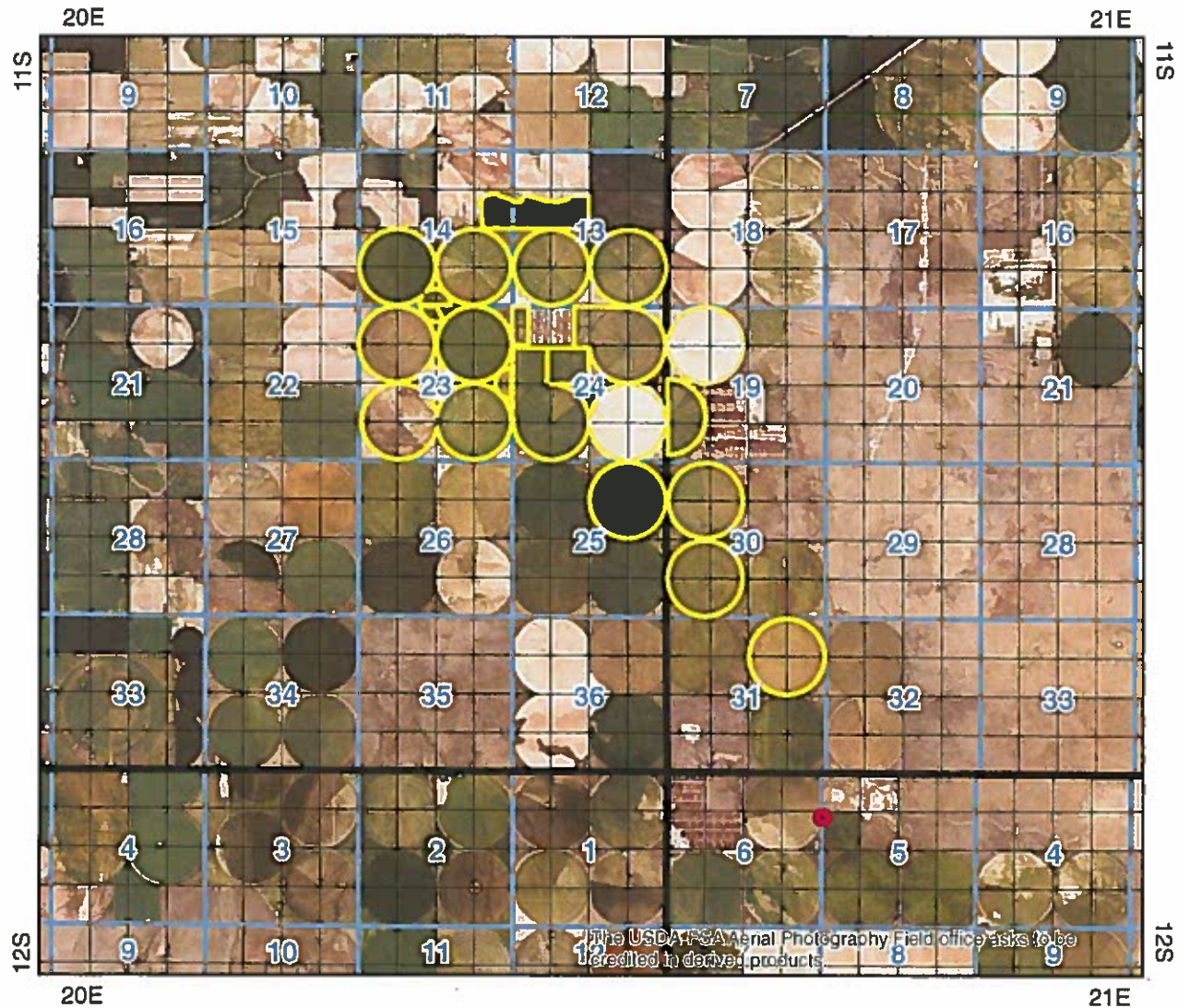
This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

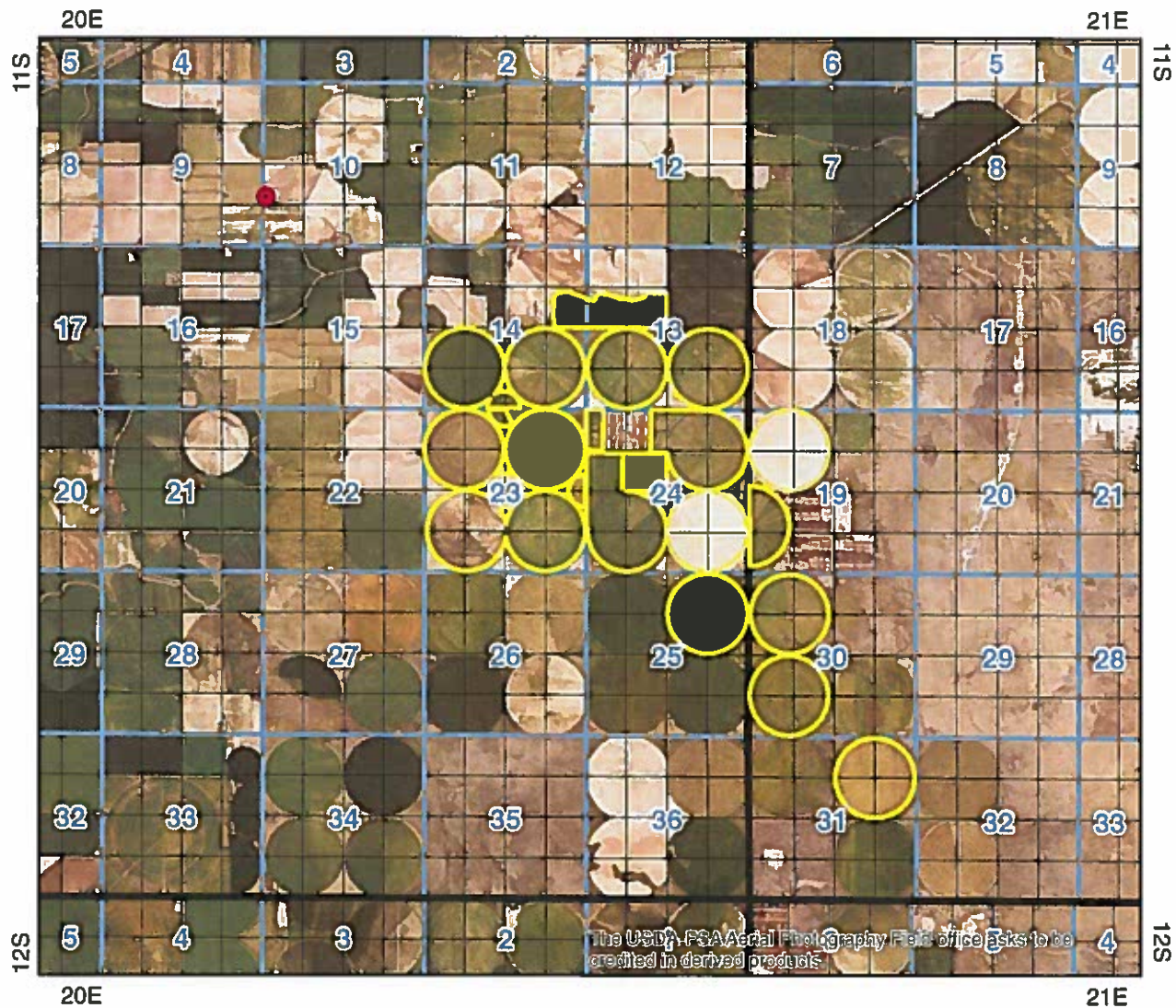
State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
45-13910

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



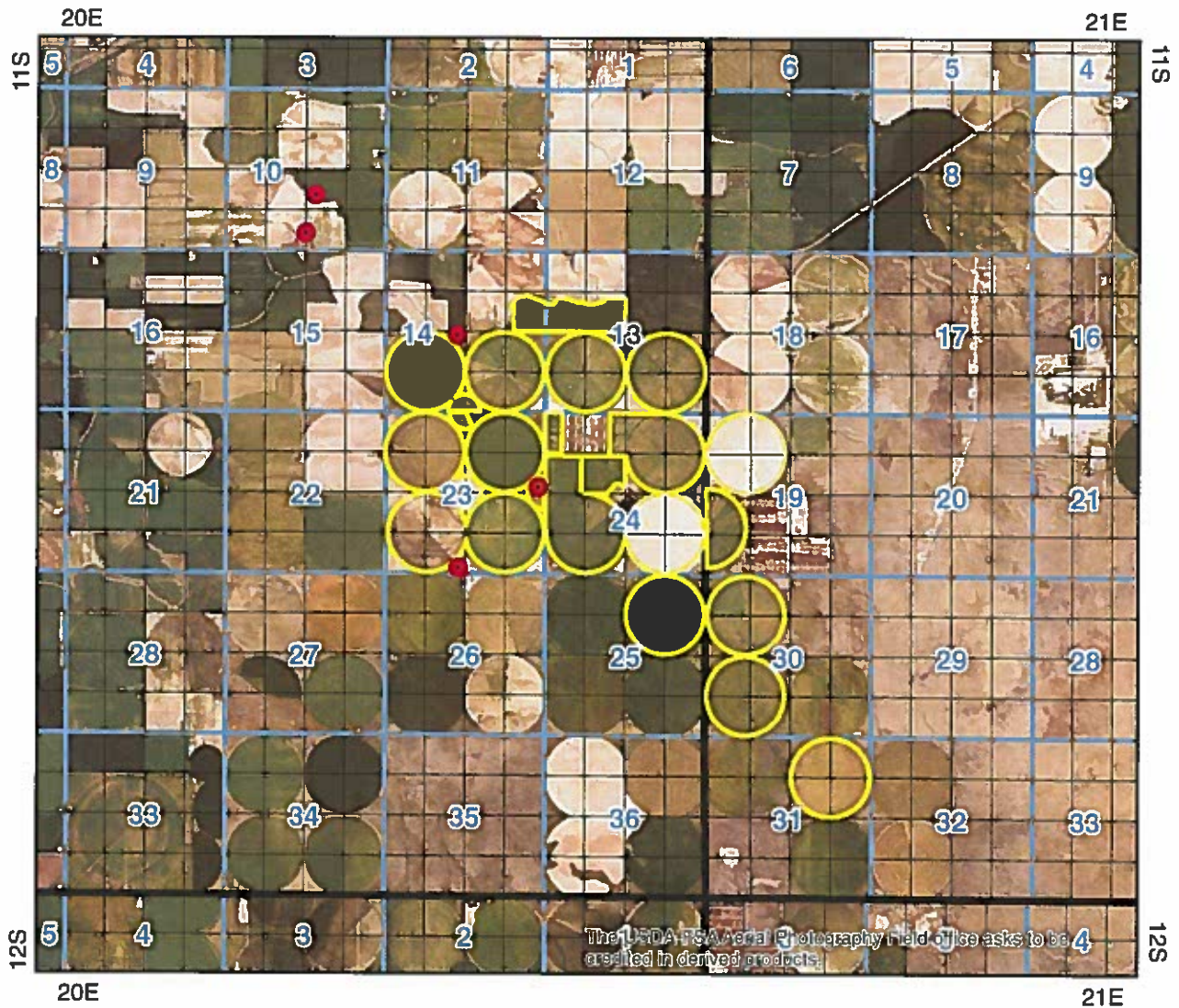
State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
45-13644

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
45-2320 & 45-13642

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



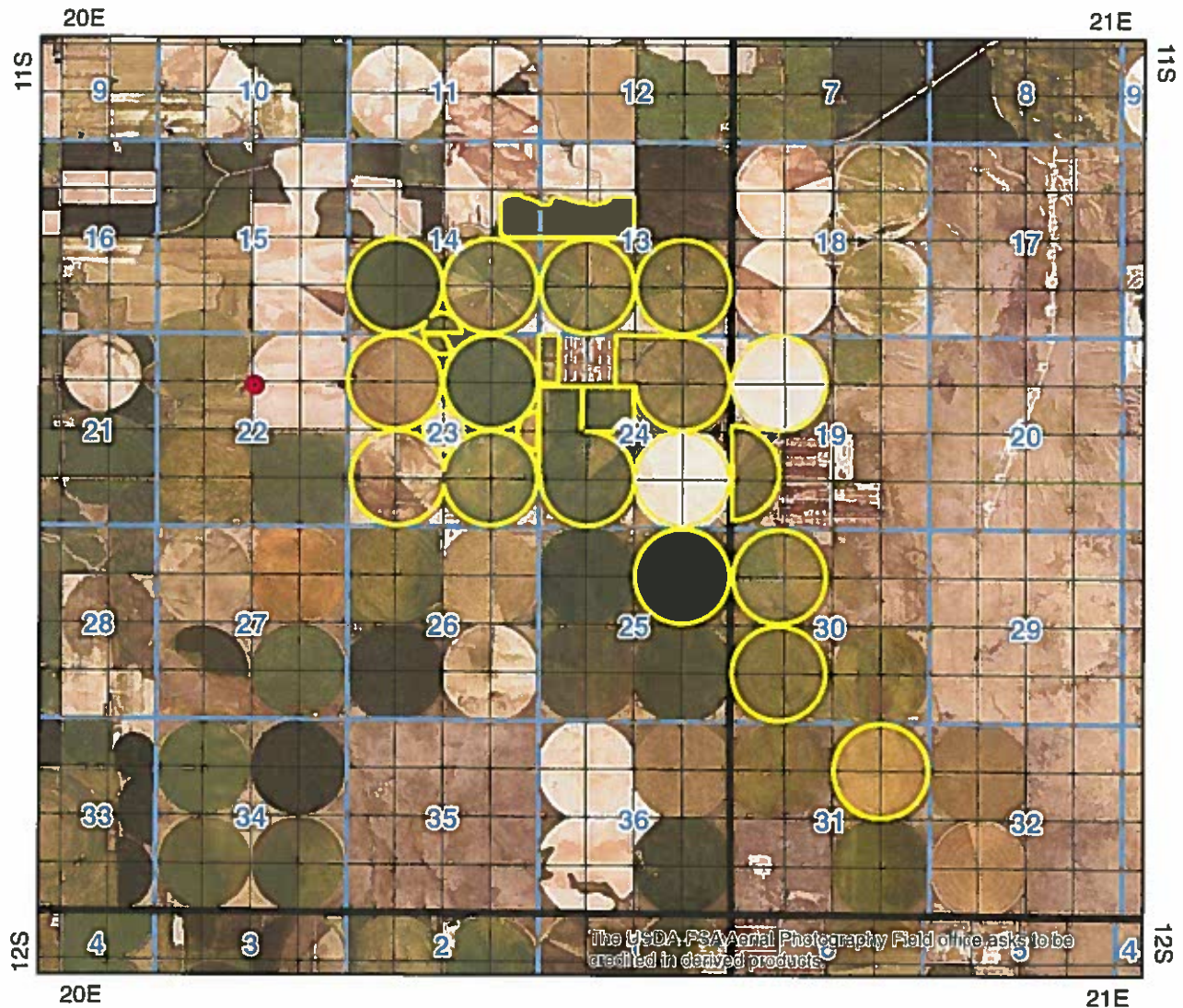
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
45-2326

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

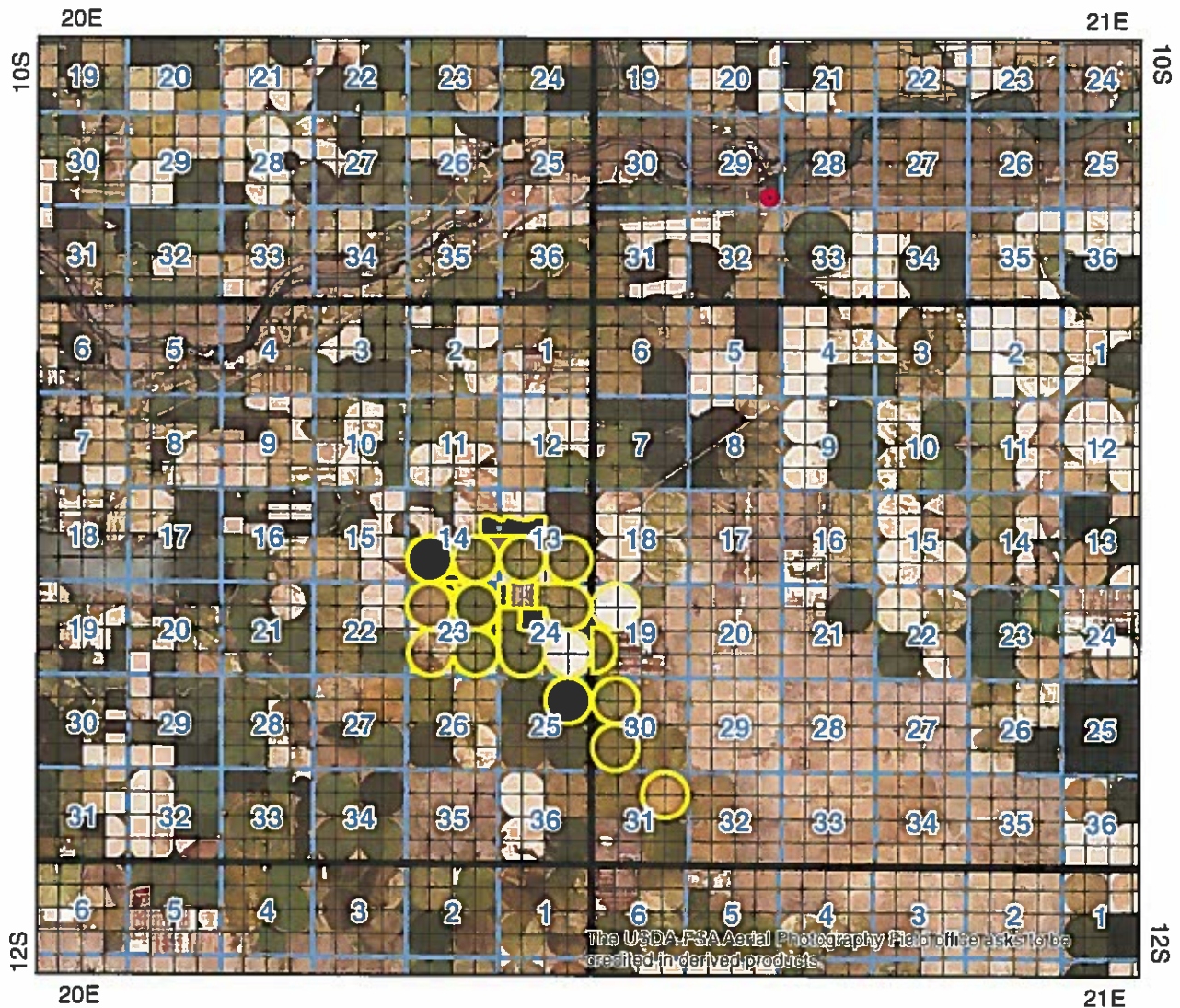


- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Attachment to Transfer # 82026
01-7072

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 26, 2018

DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH ID 83344

Re: Transfer No: 82026
Water Right No(s): 1-7072, 45-2320, 45-2326, 45-2443, 45-2746, 45-4102,
45-13642, 45-13644, 45-13910, 45-13914

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O ERICK POWELL
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

J R SIMPLOT CO
C/O JAMES B ALDERMAN
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

WATER DISTRICT 140
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

WATER DISTRICT 01
LYLE SWANK
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82026

**Water Right No(s): 1-7072, 45-2320, 45-2326, 45-2443, 45-2746, 45-4102,
45-13642, 45-13644, 45-13910, 45-13914**

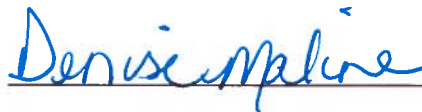
**DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH ID 83344**

**BROCKWAY ENGINEERING PLLC
C/O ERICK POWELL
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**J R SIMPLOT CO
C/O JAMES B ALDERMAN
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027**

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

**WATER DISTRICT 01 *via e-mail*
LYLE SWANK
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402**



**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: January 9, 2018
To: Transfer 82012 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creating a 4130 acre permissible place of use (PPU) for 6 irrigation ground water rights (45-2320; 45-2443; 45-4102; 45-13642; 45-13910 and 45-13914), one Snake River right (01-7072), one right diverted from an unnamed stream (45-2326) and one waste water right (45-13644) for a total 30.76 cfs that will be limited to the irrigation of 2233.7 acres from 2018 to 2020 and then limited to the irrigation of 2254.7 acres in 2021 and beyond. There will be no changes to the points of diversion (PODs). The Snake River right is diverted approximately 7.8 miles east and 1.9 miles north of Murtaugh. The PPU and remainder of PODs are located approximately 2.9 to 7.5 miles east and 0.6 to 5.2 miles south of Murtaugh.

The transferred rights overlap with water right 45-2746 owned by J.R. Simplot Co. whom withheld this water right when the land was sold to the current owner and they have yet to transfer it to new ground. The right is leased to the water supply bank until the end of 2021 and is not in use by the current land owner. Additionally, the east half of the PPU is within both the Oakley Canal Co. and Southwest Irrigation District's service areas. All but one of the PODs and the PPU are located in Water District 140. The other POD is located in Water District 01. Watermaster comments were solicited from both water districts. See email in file dated 12/26/2017 for Watermaster 01's comments regarding this transfer application.

The applicant's representative has provided an electronic shape file and a "206" map for the 2233.7 acres the applicant is seeking to irrigate within the 4130 acre PPU during the 2018 irrigation season.

- **Authority to File:** IDWR records indicate the applicant currently owns all water rights and properties involved in the transfer.
- **Water Right Validity:** Water rights 45-2320 and 45-2326 were decreed in the SRBA on 5/6/2005. Water Rights 45-13642, 45-13644 and 45-13910 were decreed in the SRBA on 5/13/2005. Water Rights 45-2443, 45-4102 and 45-13914 were decreed in the SRBA on 6/29/2005. Water right 01-7072 was decreed in the SRBA on 5/22/2013. Recent aerial photography indicates that the properties associated with this transfer appear irrigated.
- **Injury to Other Water Rights:**
None anticipated.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

**** Proof of Publication ****

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

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 59262

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 28 day of Dec. in the year of 2017 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Walter Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

PUBLISHED ON: 12/21/2017, 12/28/2017

TOTAL AD COST: 203.97
FILED ON: 12/28/2017

NOELLE R. SMITH
Notary Public
State of Idaho

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82026**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 82026 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 1-7072, 45-13642, 45-13644, 45-13910, 45-13914, 45-2320, 45-2326, 45-2443, 45-4102. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating a 4130 acre permissible place of use (PPU) for 6 irrigation ground water rights, one Snake River right, one right diverted from an unnamed stream, and one waste water right for a total 30.76 cfs that will be limited to the irrigation of 2233.7 acres from 2018 to 2020 and then limited to the irrigation of 2254.7 acres in 2021 and beyond. There will be no changes to the points of diversion (PODs). The Snake River right is diverted approximately 7.8 miles east and 1.9 miles north of Murtaugh. The PPU and remainder of PODs are located approximately 2.9 to 7.5 miles east and 0.6 to 5.2 miles south of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82032**

ALONZO B LEAVELL, PO BOX 54, GOODING, ID 83330; has filed Application No. 82032 for changes to the following water rights within GOODING County(s): Right No(s). 37-21717. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring 0.024 cfs (15.3 acre feet) portion from a commercial/stockwater ground water right and moving it to two existing wells and a new place of use (POU) at an existing dairy facility. Proposed points of diversion (PODs) and POU are located approximately 1.8 to 2.0 miles east and 4.2 to 4.5 miles south of the intersection of Main St and Lincoln Ave in Jerome. Current POD and POU are located approximately 0.3 to 0.5 miles west and 1.3 to 1.5 miles north of the intersection of Hwy 26 and Hwy 46 in Gooding.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82002**

NATURE RIDGE HOLDINGS LLC, 872 E PEBBLE DR, BURLEY, ID 83318; has filed Application No. 82002 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 (POU) and points of diversion (POD) for a 2.68 cfs, 226.6 acre portion of irrigation ground water right 43-13741 which currently irrigates 1388.0 acres within a 1390.0 place of use located approximately 15.5 to 17.5 miles east and 1.4 miles north to 0.3 miles south of the junction of Interstate Highways 84 and 86 east of Burley. The transferred portion will be moved into an existing 3469.7 acre permissible place of use (PPU) located approximately 2.5 to 6.2 miles east and 1.8 to 3.4 miles south of the I-84/86 junction. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to five wells associated with the proposed 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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 together with a protest fee of \$25.00 for each application on or before **January 8, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: December 21 and 28, 2017

RECEIVED

JAN 02 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK AM
1-4-2018

Maline, Denise

From: Swank, Lyle
Sent: Tuesday, December 26, 2017 9:24 AM
To: Maline, Denise
Subject: RE: Comment Letter for T#82026 - Double Eagle Properties

Denise,

Here are comments are submitted by the WD1 Watermaster and staff.

- 1) The PPU is crossing jurisdictional water district boundaries and is proposing to combine PPU of acres within both water districts. This type of PPU should not be allowed, because it creates conflicts between the varying limited water supplies which would go well beyond the supplemental purpose the water rights intended. PPU's would need to be limited to within the boundary of established water districts. In this case PPU's for two or three PPU's could be created with separate jurisdictions, but an all-compassing PPU as proposed would not work.
- 2) Only one of the nine water rights listed in Transfer #82026 is within WD1. Water Right 1-7072 is diverted at Milner Irrigation District with a flow rate of 1.54 cfs and a volume limitation of 751.4 AF to irrigate 1647 acres. The remaining eight water rights have varying places-of-use either groundwater or tributaries not regulated by WD01.
- 3) 1.54 cfs would be an insufficient water supply to provide 751.4 AF in many years and would be substantially below the amount of water needed to irrigate 1647 acres. The transfer does state the applicant has shares of Artesian and Palisades Water User storage, but the amount of shares or storage is not specified in the transfer. The amount of shares should be identified and assigned to the Milner Irrigation prior to completing the transfer.
- 4) The amount of shares of Artesian and Palisades Water User storage would need to be identified prior to the irrigation season in order to allow the WD1 watermaster to assign water. The identification of shares and number of shares would be required each and every year thereafter.
- 5) Transfer #82026 proposes a new permissible place-of-use (PPU) for water right 1-7072 and the other eight water rights expanded to 4,130 acres without changing the flow rate or volume limitations of 1-7072. A comment in the transfer application indicates the PPU area shall be limited to 2,233.7 acres in the years 2007-2020, and limited to 2,254.7 acres from the year 2021 thereafter. A list of acres being irrigated and a map should be submitted to the Watermaster of WD140 each year to ensure the correct acres are irrigated within that year's PPU.
- 6) An accurate magnetic meter and records of water delivered from surface water into a groundwater system would be required at every connection between surface and groundwater supplies. Daily diversion data records of water delivered from surface water supplies to groundwater diversions submitted by the applicant to the WD140 watermaster.
- 7) Mitigation of water calls between groundwater and surface water caused by a large combined PPU should be addressed prior to approval of this transfer.
- 8) Storage water used from Artesian or Palisades Water Users may be subject to a last-to-fill penalty in the following years.

Lyle

From: Maline, Denise
Sent: Thursday, December 14, 2017 1:41 PM
To: Swank, Lyle <Lyle.Swank@idwr.idaho.gov>
Subject: Comment Letter for T#82026 - Double Eagle Properties

Good afternoon Lyle,