

RECEIVED

NOV 15 2017

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

Transfer No.

82026

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 www.idwr.idaho.gov.

Name of Applicant(s) Double Eagle Properties, LLLPCheck 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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 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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
NOV 15 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Darrell M. Funk and Patricia M. Funk Phone 208-432-5386

Mailing address 3173 North 4900 East, Murtaugh, ID 83344 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 Erick Powell Brockway Engineering Phone 208-736-8543

Mailing address 2016 Washington Street North, #4, Twin Falls, ID 83301 Email erick.powell@brockwayeng.co

- ☐ 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 M. Funk *Darrell M. Funk owner* *6-24-16*
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☒ Other Create PPU
- 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.2**.
The purpose of this transfer is to create a permissible place of use for all contiguous water rights owned by Darrell Funk east of 4900 East Road, Twin Falls County.

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.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☐	See	Attached	Table	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights 26.64 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed * 30.76 ~~26.64~~ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
See	Attac	hed T	able																
Total Acres (for irrigation use)																			

** correction per email dated 12/14/2017*

Part 1.B.1: WATER RIGHTS INCLUDED IN PPU

DARRELL M. FUNK

WATER RIGHT TRANSFER

BROCKWAY ENGINEERING, PLLC

GEP - AUGUST 12, 2017

All or Part	Water Right No.	Amount (CFS / ACFT)	Nature of Use	Period of Use	Source / Tributary
X	1-7072	1.54 / 751.4	Irrigation	15-Mar to 15-Nov	Snake River / Columbia River
X	45-2320	2.34 / 1141.7	Irrigation	15-Mar to 15-Nov	Groundwater
X	45-13642	6.78 / 3108	Irrigation	15-Mar to 15-Nov	Groundwater
X	45-13644	4.92 / --	Irrigation	15-Mar to 15-Nov	Waste Water / Murtaugh Lake
X	45-13910	5.07 / 1108	Irrigation	15-Mar to 15-Nov	Groundwater
X	45-13914	2.57 / 560	Irrigation	1-Apr to 31-Oct	Groundwater
X	45-2326	4.12 / --	Irrigation	15-Mar to 15-Nov	Unnamed Stream / Murtaugh Lake
X	45-2443	2.58 / 740	Irrigation	1-Apr to 31-Oct	Groundwater
X	45-4102	0.84 / 138	Irrigation	1-Apr to 31-Oct	Groundwater
Total		~~26.64~~ / --			

* 30.76

* per email dated 12/14/2017

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:

No changes to the Points of diversions. All points of diversion have measuring devices and lockable controlling works, if they are required. Water is distributed throughout PPU through mainlines, laterals, and connectors.

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

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

Not applicable

- 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:

Applicant has Artesian Irrigation shares and Palisades storage water. Applicant also has land application permit for waste management.

- 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:

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

Current Water Right No.: 1-7072

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 8/2/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/15 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
1.54 CFS	751.4 AF
1.54 CFS	751.4 AF

Location of Point(s) of Diversion

SNAKE RIVER
TWIN FALLS County

SE1/4SE1/4 Sec. 29, Twp 10S, Rge 21E B.M.

Place of Use

IRRIGATION Within CASSIA County

T11S R20E S13	SWNW	28.00	T11S R20E S13	SENE	30.00
T11S R20E S13	NESW	32.00	T11S R20E S13	NWSW	32.00
T11S R20E S13	SWSW	32.00	T11S R20E S13	SESW	32.00
T11S R20E S13	NESE	32.00	T11S R20E S13	NWSE	32.00
T11S R20E S13	SWSE	32.00	T11S R20E S13	SESE	32.00
T11S R20E S14	SENE	23.00	T11S R20E S14	NESW	34.00
T11S R20E S14	NWSW	33.00	T11S R20E S14	SWSW	32.00
T11S R20E S14	SESW	32.00	T11S R20E S14	NESE	32.00
T11S R20E S14	NWSE	34.00	T11S R20E S14	SWSE	32.00
T11S R20E S14	SESE	32.00	T11S R20E S23	NENE	33.00
T11S R20E S23	NWNE	34.00	T11S R20E S23	SWNE	33.00
T11S R20E S23	SENE	32.00	T11S R20E S23	NENW	33.00
T11S R20E S23	NWNW	33.00	T11S R20E S23	SWNW	33.00
T11S R20E S23	SENE	33.00	T11S R20E S23	NESW	34.00
T11S R20E S23	NWSW	33.00	T11S R20E S23	SWSW	32.00
T11S R20E S23	SESW	33.00	T11S R20E S23	NESE	33.00
T11S R20E S23	NWSE	34.00	T11S R20E S23	SWSE	33.00
T11S R20E S23	SESE	32.00	T11S R20E S24	NENE	32.00
T11S R20E S24	NWNE	32.00	T11S R20E S24	SWNE	33.00
T11S R20E S24	SENE	32.00	T11S R20E S24	NENW	32.00
T11S R20E S24	NWNW	31.00	T11S R20E S24	SWNW	32.00
T11S R20E S24	SENE	33.00	T11S R20E S24	NESW	34.00
T11S R20E S24	NWSW	33.00	T11S R20E S24	SWSW	32.00
T11S R20E S24	SESW	33.00	T11S R20E S24	NESE	33.00
T11S R20E S24	NWSE	34.00	T11S R20E S24	SWSE	33.00
T11S R20E S24	SESE	32.00			

Total Acres: 1647

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. X35 Rights 01-7072, 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, and 45-13645 when combined shall not exceed the irrigation of 1874 acres.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
6. WB7 This right when combined with 45-2320, 45-2746, 45-13642, and 45-13644 shall not exceed a combined annual maximum diversion volume of 7496 af at the field headgate.
7. R64 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.

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Decreed Date: 5/22/2013

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

Current Water Right No.: 45-2320

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 2/9/1954
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>
IRRIGATION	03/15 to 11/15	2.34 CFS	1141.7 AF
	<u>Total Diversion</u>	2.34 CFS	1141.7 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec. 10,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 10,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NE1/4SW1/4	Sec. 14,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4NE1/4	Sec. 23,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4SW1/4	Sec. 23,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				

Place of Use

IRRIGATION Within CASSIA County

T11S R20E S13	SWNW	28.00	T11S R20E S13	SENE	30.00
T11S R20E S13	NESW	32.00	T11S R20E S13	NWSW	32.00
T11S R20E S13	SWSW	32.00	T11S R20E S13	SESW	32.00
T11S R20E S13	NESE	32.00	T11S R20E S13	NWSE	32.00
T11S R20E S13	SWSE	32.00	T11S R20E S13	SESE	32.00
T11S R20E S14	SENE	23.00	T11S R20E S14	NESW	34.00
T11S R20E S14	NWSW	33.00	T11S R20E S14	SWSW	32.00
T11S R20E S14	SESW	32.00	T11S R20E S14	NESE	32.00
T11S R20E S14	NWSE	34.00	T11S R20E S14	SWSE	32.00
T11S R20E S14	SESE	32.00	T11S R20E S23	NENE	33.00
T11S R20E S23	NWNE	34.00	T11S R20E S23	SWNE	33.00
T11S R20E S23	SENE	32.00	T11S R20E S23	NENW	33.00
T11S R20E S23	NWNW	33.00	T11S R20E S23	SWNW	33.00
T11S R20E S23	SENE	33.00	T11S R20E S23	NESW	34.00
T11S R20E S23	NWSW	33.00	T11S R20E S23	SWSW	32.00
T11S R20E S23	SESW	33.00	T11S R20E S23	NESE	33.00
T11S R20E S23	NWSE	34.00	T11S R20E S23	SWSE	33.00
T11S R20E S23	SESE	32.00	T11S R20E S24	NENE	32.00
T11S R20E S24	NWNE	32.00	T11S R20E S24	SWNE	33.00
T11S R20E S24	SENE	32.00	T11S R20E S24	NENW	32.00
T11S R20E S24	NWNW	31.00	T11S R20E S24	SWNW	32.00
T11S R20E S24	SENE	33.00	T11S R20E S24	NESW	34.00
T11S R20E S24	NWSW	33.00	T11S R20E S24	SWSW	32.00
T11S R20E S24	SESW	33.00	T11S R20E S24	NESE	33.00
T11S R20E S24	NWSE	34.00			

Total Acres: 1582

Conditions of Approval:

1. 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.
2. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
4. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. 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.
6. 115 Prior to the diversion and use of water under 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, in accordance with Department specifications.
7. R64 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.
8. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.
9. R02 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
11. 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.
12. X27 This right is limited to the irrigation of 805 acres within the place of use described above in a single irrigation season.
13. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. X35 Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
15. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-13642

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 1/15/1958
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>
IRRIGATION	03/15 to 11/15	6.78 CFS	3108 AF
	<u>Total Diversion</u>	6.78 CFS	3108 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec. 10, Twp 11S, Rge 20E B.M.
TWIN FALLS County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 10, Twp 11S, Rge 20E B.M.
TWIN FALLS County		
GROUND WATER	NE1/4SW1/4	Sec. 14, Twp 11S, Rge 20E B.M.
TWIN FALLS County		
GROUND WATER	SE1/4NE1/4	Sec. 23, Twp 11S, Rge 20E B.M.
TWIN FALLS County		
GROUND WATER	SE1/4SW1/4	Sec. 23, Twp 11S, Rge 20E B.M.
TWIN FALLS County		

Place of Use

IRRIGATION Within CASSIA County

T11S R20E S13	SWNW	28.00	T11S R20E S13	SENE	30.00
T11S R20E S13	NESW	32.00	T11S R20E S13	NWSW	32.00
T11S R20E S13	SWSW	32.00	T11S R20E S13	SESW	32.00
T11S R20E S13	NESE	32.00	T11S R20E S13	NWSE	32.00
T11S R20E S13	SWSE	32.00	T11S R20E S13	SESE	32.00
T11S R20E S14	SENE	23.00	T11S R20E S14	NESW	34.00
T11S R20E S14	NWSW	33.00	T11S R20E S14	SWSW	32.00
T11S R20E S14	SESW	32.00	T11S R20E S14	NESE	32.00
T11S R20E S14	NWSE	34.00	T11S R20E S14	SWSE	32.00
T11S R20E S14	SESE	32.00	T11S R20E S23	NENE	33.00
T11S R20E S23	NWNE	34.00	T11S R20E S23	SWNE	33.00
T11S R20E S23	SENE	32.00	T11S R20E S23	NENW	33.00
T11S R20E S23	NWNW	33.00	T11S R20E S23	SWNW	33.00
T11S R20E S23	SENE	33.00	T11S R20E S23	NESW	34.00
T11S R20E S23	NWSW	33.00	T11S R20E S23	SWSW	32.00
T11S R20E S23	SESW	33.00	T11S R20E S23	NESE	33.00
T11S R20E S23	NWSE	34.00	T11S R20E S23	SWSE	33.00
T11S R20E S23	SESE	32.00	T11S R20E S24	NENE	32.00
T11S R20E S24	NWNE	32.00	T11S R20E S24	SWNE	33.00
T11S R20E S24	SENE	32.00	T11S R20E S24	NENW	32.00
T11S R20E S24	NWNW	31.00	T11S R20E S24	SWNW	32.00
T11S R20E S24	SENE	33.00	T11S R20E S24	NESW	34.00
T11S R20E S24	NWSW	33.00	T11S R20E S24	SWSW	32.00
T11S R20E S24	SESW	33.00	T11S R20E S24	NESE	33.00
T11S R20E S24	NWSE	34.00			

Total Acres: 1582

Conditions of Approval:

1. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. X35 Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
4. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. 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.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. 115 Prior to the diversion and use of water under 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, in accordance with Department specifications.
9. R02 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
11. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. R64 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.
14. 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.
15. X27 This right is limited to the irrigation of 777 acres within the place of use described above in a single irrigation season.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-13644

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 3/15/1958

Origin: Water Right

Status: Active

Basis: Decreed

Source

WASTE WATER

Tributary

MURTAUGH LAKE

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

4.92 CFS

Annual Volume

Total Diversion

4.92 CFS

Location of Point(s) of Diversion

WASTE WATER

TWIN FALLS County

SW1/4NW1/4SW1/4

Sec. 10, Twp 11S, Rge 20E B.M.

Place of Use

IRRIGATION Within CASSIA County

T11S R20E S13	SWNW	28.00	T11S R20E S13	SENE	30.00
T11S R20E S13	NESW	32.00	T11S R20E S13	NWSW	32.00
T11S R20E S13	SWSW	32.00	T11S R20E S13	SESW	32.00
T11S R20E S13	NESE	32.00	T11S R20E S13	NWSE	32.00
T11S R20E S13	SWSE	32.00	T11S R20E S13	SESE	32.00
T11S R20E S14	SENE	23.00	T11S R20E S14	NESW	34.00
T11S R20E S14	NWSW	33.00	T11S R20E S14	SWSW	32.00
T11S R20E S14	SESW	32.00	T11S R20E S14	NESE	32.00
T11S R20E S14	NWSE	34.00	T11S R20E S14	SWSE	32.00
T11S R20E S14	SESE	32.00	T11S R20E S23	NENE	33.00
T11S R20E S23	NWNE	34.00	T11S R20E S23	SWNE	33.00
T11S R20E S23	SENE	32.00	T11S R20E S23	NENW	33.00
T11S R20E S23	NWNW	33.00	T11S R20E S23	SWNW	33.00
T11S R20E S23	SENE	33.00	T11S R20E S23	NESW	34.00
T11S R20E S23	NWSW	33.00	T11S R20E S23	SWSW	32.00
T11S R20E S23	SESW	33.00	T11S R20E S23	NESE	33.00
T11S R20E S23	NWSE	34.00	T11S R20E S23	SWSE	33.00
T11S R20E S23	SESE	32.00	T11S R20E S24	NENE	32.00
T11S R20E S24	NWNE	32.00	T11S R20E S24	SWNE	33.00
T11S R20E S24	SENE	32.00	T11S R20E S24	NENW	32.00
T11S R20E S24	NWNW	31.00	T11S R20E S24	SWNW	32.00
T11S R20E S24	SENE	33.00	T11S R20E S24	NESW	34.00
T11S R20E S24	NWSW	33.00	T11S R20E S24	SWSW	32.00
T11S R20E S24	SESW	33.00	T11S R20E S24	NESE	33.00
T11S R20E S24	NWSE	34.00			

Total Acres: 1582

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
2. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.
3. X35 Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
4. 131 Prior to the diversion and use of water under 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
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. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. This 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.
9. R02 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.
10. R64 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. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-13910

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 8/19/1976

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>
IRRIGATION	03/15 to 11/15	5.07 CFS	1108 AF
	<u>Total Diversion</u>	5.07 CFS	1108 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NW1/4	Sec. 5,	Twp 12S,	Rge 21E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T11S R21E S31	NENE	32.00	T11S R21E S31	NWNE	33.00
T11S R21E S31	SWNE	33.00	T11S R21E S31	SENE	32.00
T11S R21E S31	NESE	40.00	T11S R21E S31	NWSE	33.00
T11S R21E S31	SWSE	37.00	T11S R21E S31	SESE	37.00

Total Acres: 277

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. 114 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. 113 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).

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-13914

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 3/8/1948

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>
IRRIGATION	04/01 to 10/31	2.57 CFS	560 AF
	<u>Total Diversion</u>	2.57 CFS	560 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4SW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SE1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				

Place of Use

IRRIGATION Within CASSIA County

T11S R21E S19	NENW	26.20	T11S R21E S19	Lot 1	NWNW	35.70	
T11S R21E S19	Lot 2	SWNW	35.80	T11S R21E S19	SENW	24.20	
T11S R21E S19	Lot 3	NWSW	34.30	T11S R21E S19	Lot 4	SWSW	23.80
T11S R21E S30	NENW	7.50	T11S R21E S30	Lot 1	NWNW	34.50	
T11S R21E S30	NESW	25.10	T11S R21E S30	Lot 3	NWSW	35.60	
T11S R21E S30	Lot 4	SWSW	35.50	T11S R21E S30	SESW	24.80	

Total Acres: 343

Conditions of Approval:

1. X27 This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. 214 Prior to the diversion and use of water under Transfer approval 80682, 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.
3. X35 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. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
6. R64 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.
7. 104 If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 213 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. X35 Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
12. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.140.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
14. X61 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.

Decreed Date: 6/29/2005

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

Current Water Right No.: 45-2326

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 4/14/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

UNNAMED STREAM

Tributary

MURTAUGH LAKE

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

4.12 CFS

4.12 CFS

Annual Volume

Location of Point(s) of Diversion

UNNAMED STREAM

TWIN FALLS County

NW1/4SW1/4NE1/4

Sec. 22, Twp 11S, Rge 20E B.M.

Place of Use

IRRIGATION Within CASSIA County

T11S R21E S19		NENW	26.20	T11S R21E S19	Lot 1	NWNW	35.70
T11S R21E S19	Lot 2	SWNW	35.80	T11S R21E S19		SENW	24.20
T11S R21E S19	Lot 3	NWSW	34.30	T11S R21E S19	Lot 4	SWSW	23.80
T11S R21E S30		NENW	7.50	T11S R21E S30	Lot 1	NWNW	34.50
T11S R21E S30		NESW	25.10	T11S R21E S30	Lot 3	NWSW	35.60
T11S R21E S30	Lot 4	SWSW	35.50	T11S R21E S30		SESW	24.80

Total Acres: 343

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Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R64 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.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. X27 This right is limited to the irrigation of 206 acres within the authorized place of use in a single irrigation season.
5. 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.
6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
7. X35 Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
9. X35 Rights 45-2326 and 45-2443 when combined shall not exceed the irrigation of 206 acres.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-2443

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 4/24/1953
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>
IRRIGATION	04/01 to 10/31	2.58 CFS	740 AF
	<u>Total Diversion</u>	2.58 CFS	740 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4NW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SE1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4SW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				

Place of Use

IRRIGATION Within CASSIA County

T11S R21E S19		NENW	26.20	T11S R21E S19	Lot 1	NWNW	35.70
T11S R21E S19	Lot 2	SWNW	35.80	T11S R21E S19		SENW	24.20
T11S R21E S19	Lot 3	NWSW	34.30	T11S R21E S19	Lot 4	SWSW	23.80
T11S R21E S30		NENW	7.50	T11S R21E S30	Lot 1	NWNW	34.50
T11S R21E S30		NESW	25.10	T11S R21E S30	Lot 3	NWSW	35.60
T11S R21E S30	Lot 4	SWSW	35.50	T11S R21E S30		SESW	24.80

Total Acres: 343

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R64 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.
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. X35 Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
5. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
6. X35 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.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
8. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. X27 This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
10. X61 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.
11. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
12. 214 Prior to the diversion and use of water under Transfer approval 80682, 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.
13. 213 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.
14. X35 Rights 45-2443 and 45-2326 when combined shall not exceed the irrigation of 206 acres.
15. 104 If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Decreed Date: 6/29/2005

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

Current Water Right No.: 45-4102

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
 Priority Date: 3/15/1962
 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>
IRRIGATION	04/01 to 10/31	0.84 CFS	138 AF
	<u>Total Diversion</u>	0.84 CFS	138 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4NW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	NW1/4SE1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4SW1/4NE1/4	Sec. 21,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				
GROUND WATER	SE1/4NE1/4	Sec. 22,	Twp 11S,	Rge 20E B.M.
TWIN FALLS County				

Place of Use**IRRIGATION Within CASSIA County**

T11S R21E S19		NENW	26.20	T11S R21E S19	Lot 1	NWNW	35.70
T11S R21E S19	Lot 2	SWNW	35.80	T11S R21E S19		SENW	24.20
T11S R21E S19	Lot 3	NWSW	34.30	T11S R21E S19	Lot 4	SWSW	23.80
T11S R21E S30		NENW	7.50	T11S R21E S30	Lot 1	NWNW	34.50
T11S R21E S30		NESW	25.10	T11S R21E S30	Lot 3	NWSW	35.60
T11S R21E S30	Lot 4	SWSW	35.50	T11S R21E S30		SESW	24.80

Total Acres: 343

Conditions of Approval:

1. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. X27 This right is limited to the irrigation of 34.5 acres within the authorized place of use in a single irrigation season.
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. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. R64 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.
6. 214 Prior to the diversion and use of water under Transfer approval 80682, 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.
7. X61 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 213 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. 104 If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. X35 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.
12. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
13. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
14. X35 Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.

Decreed Date: 6/29/2005

Part 1.B.4: Place of Use: (if irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

DARRELL M. FUNK

WATER RIGHT TRANSFER

BROCKWAY ENGINEERING, PLLC

GEP - AUGUST 12, 2017

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	13							40	36	40	40	40	40	40	40	40	40	396
11S	20E	14			10	31					40	40	40	40	40	40	40	40	361
11S	20E	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
11S	20E	24	40	40	40	40	16	17	40	40	40	40	40	40	40	40	40	40	593
11S	20E	25	40	40	40	40													160
11S	21E	19	40	40	40	40	40	45	45	40		41	40		40	23		40	514
11S	21E	30	40	40	40	40	40	45	45	40	40	44	44	40	40	40	40	40	658
11S	21E	31	40	40	40	40	40	44	44	40					40	40	40	40	488
11S	21E	32					40	40	40	40	40	40	40	40					320
Total Acres (for irrigation use)																			4130*

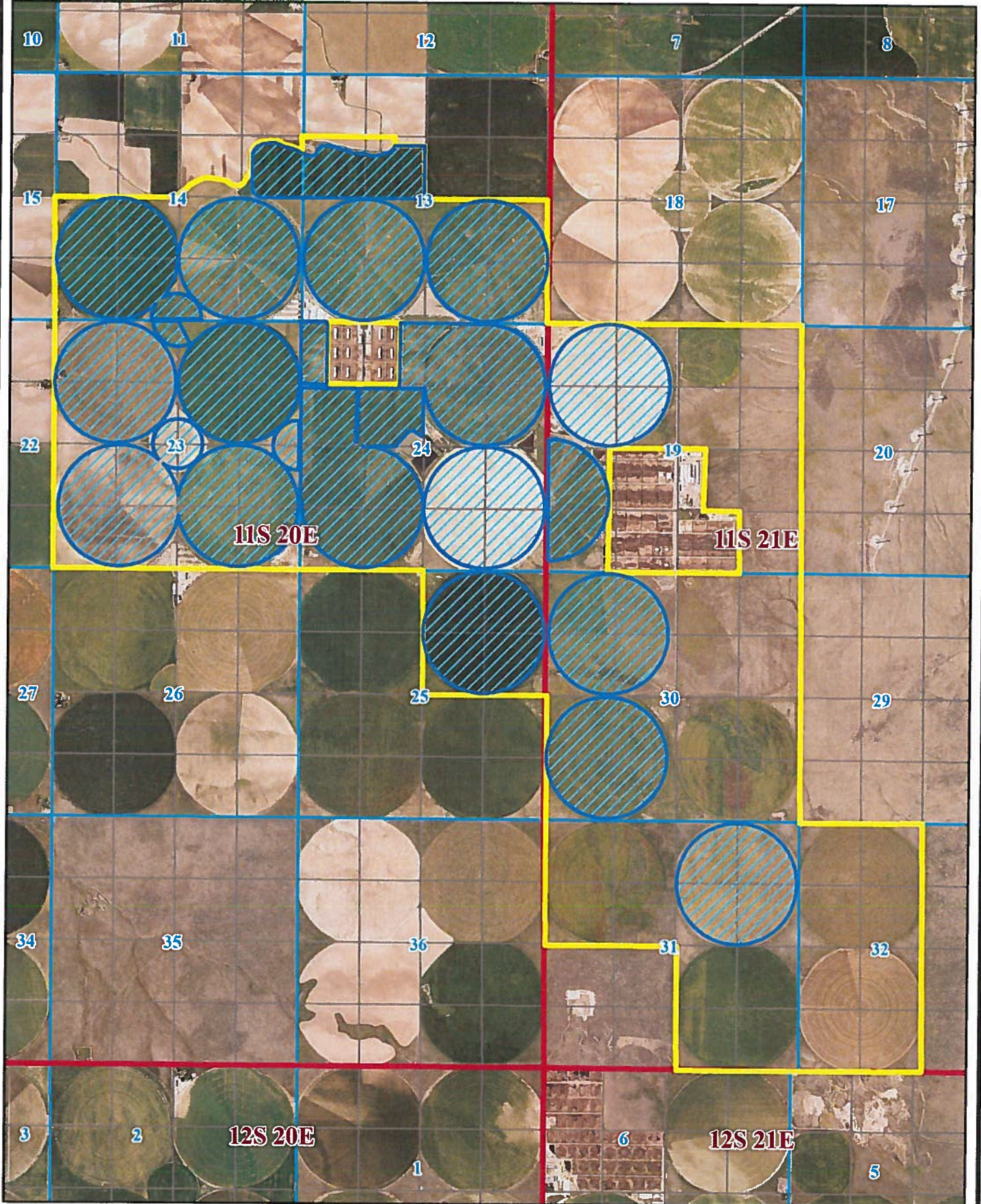
* PPU Area limited to 2,233.7 acres (2007 - 2020) and 2,254.7 (2021+)



0 0.225 0.45 0.9 Miles
BROCKWAY ENGINEERING, PLLC.
GEP - Date: 11/21/2017

DARREL FUNK
PROPOSED PERMISSIBLE PLACE OF USE
NAIP 2015 AERIAL

Legend
[Yellow hatched box] Proposed PPU Shape



0 0.25 0.5 1 Miles
BROCKWAY ENGINEERING, PLLC.
GWS - Date: 12/13/2017

DARREL FUNK
PERMISSIBLE PLACE OF USE
IRRIGATION PLACE OF USE
NAIP 2015 AERIAL

Legend
IRR_POU
Proposed PPU Shape



No. L 7066	Due no later than Dec 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		DARRELL M FUNK 3173 N 4900 E MURTAUGH ID 83344		
	DOUBLE EAGLE PROPERTIES, LLLP DARRELL M FUNK 3173 N 4900 E MURTAUGH ID 83344		3. <u>New</u> Registered Agent Signature:*		
Office Held GENERAL PARTNER	Name DOUBLE EAGLE MANAGEMENT COMPANY LLC	Street or PO Address 3173 N 4900 E	City MURTAUGH	State ID	Country Postal Code 83344
5. Organized Under the Laws of: ID L 7066	6. Annual Report must be signed.* Signature: Darrell M Funk Name (type or print): Darrell M Funk Date: 12/27/2016 Title: Registered Agent				
Processed 12/27/2016		* Electronically provided signatures are accepted as original signatures.			

TRANSFER 82026

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 59262

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	203.97
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	203.97
Fax			
Section	Legals	Start/End Dates	12/21/2017 - 12/28/2017
SubSection		Insertions	2
Category	50 Legal	Size	134
Ad Key	59262-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 82026, 82032 & 82002	Taken By	Ruby Aufderheide
Notes			
Ad Proof			

Proof of legal notice received from
Times News 12/15/2017 (2 pages)

✓ OK DM 12/15/2017
E-mail sent to newspaper.

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 59262

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



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

December 14, 2017

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

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 12/21/2017 and 12/28/2017**. 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 **January 8, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

cc: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, December 14, 2017 1:40 PM
To: Brian Higgs (WD 140)
Subject: Comment Letter - Double Eagle Properties T# 82026
Attachments: Transfer 82026 - Double Eagle Properties.pdf; Comment Letter to WM140 for 82026.docx

Good afternoon Brian,

Attached is an application for transfer currently being processed, within your district. Please review the information and provide any necessary comments within (21) days.

Please contact our office if you have any questions.

Thank you,

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



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

December 14, 2017

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

via e-mail

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

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, December 14, 2017 1:41 PM
To: Lyle Swank (WD01)
Subject: Comment Letter for T#82026 - Double Eagle Properties
Attachments: Transfer 82026 - Double Eagle Properties.pdf; Comment Letter to WM01 for 82026.docx

Good afternoon Lyle,

Attached is an application for transfer currently being processed, within your district. Please review the information and provide any necessary comments within (21) days.

Please contact our office if you have any questions.

Thank you,

Denise @ Southern

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 14, 2017

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

via e-mail

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

Dear Lyle:

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, December 14, 2017 9:51 AM
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 December 21st & 28th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you & Happy Holidays!

*Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 14, 2017

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 82026

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

RE: Transfer No. 82032

Water Right No(s): 37-21717

RE: Transfer No. 82002

Water Right No(s): 43-13741

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before January 8, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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
Published on December 21st & 28th, 2017

Mills, William

From: Erick Powell <erick.powell@brockwayeng.com>
Sent: Thursday, December 14, 2017 8:42 AM
To: Mills, William
Subject: RE: Transfer 82026 Double Eagle Properties

Hi Bill,

Sorry for any confusion, and I appreciate you looking at this in detail. I agree that the combination involving water right no. 45-2326 is the cluster that we are discussing. There are three GW rights (2443, 4102, and 13914) that have additive values of 5.99 cfs and 1438 acft, and combined limits of 5.99 cfs and 1372 ac-ft. Then there is another combined acre limit with right 45-2326 to 343 acres, which states that they can only use 1-inch per acre. I think that I lumped those conditions together, but you are correct that the addition of the surface water right does not limit the diversion of all four rights to 5.99 cfs.

So, I'm fine with adjusting the total diversion rate up to 30.76 cfs.

Thanks again,
Erick

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Thursday, December 14, 2017 8:12 AM
To: Erick Powell
Subject: RE: Transfer 82026 Double Eagle Properties

Erick,
After reviewing the combined limits, unless I'm missing something, all flow rates appear to be additive. Could you point me to the limits that reduce the flow rate from 30.76 to 26.64 which is a reduction of 4.12 cfs, which just happens to be the flow rate under 45-2326.
Thanks,
Bill

From: Erick Powell [mailto:erick.powell@brockwayeng.com]
Sent: Thursday, December 14, 2017 8:06 AM
To: Mills, William <William.Mills@idwr.idaho.gov>
Subject: RE: Transfer 82026 Double Eagle Properties

Hi Bill,
That is a good question, as the face value of all of the rights is indeed 30.76 cfs, but there are combined limits on the rights, so that the actual total authorized diversion rate is 26.64 cfs. If there is a combined limit, then I don't see how the fees would be based on the face value?

Thanks,
ERick

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Wednesday, December 13, 2017 4:36 PM
To: Erick Powell
Subject: Transfer 82026 Double Eagle Properties

Erick,

On the application for transfer, water right attachment and cover letter you indicate the transfer flow rate is 26.64 cfs. Our review indicates it is actually 30.76 cfs and that is also what the fees were based on. Did we miss something? If we didn't could you send me an email indicating that the 30.76 cfs is correct and that we should make corrections to the application, so we can proceed with advertising?

Thanks,
Bill



Virus-free. www.avg.com

MEMORANDUM

Date: December 12, 2017
To: Transfer 82026 File
From: Bill Mills
Re: Transfer Proposal

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 will be solicited from both water districts.

MEMORANDUM

Date: December 12, 2017
To: Transfer 82026 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #82026 were based on the on the current transfer fee schedule. There is 30.76 cfs being transferred in the application which makes the fee \$2460.00 under the current fee schedule (\$1960.00 paid under receipt #S036467; \$500.00 paid under receipt #S035568).

Mills, William

From: Erick Powell <erick.powell@brockwayeng.com>
Sent: Wednesday, December 06, 2017 2:36 PM
To: Mills, William
Subject: RE: Request to apply fees

Hi Bill,

Sorry, I thought that I had sent this to you, but I guess I had turkey on the mind.

Please apply the credit to the Double Eagle Transfer application as outlined below.

Regards,

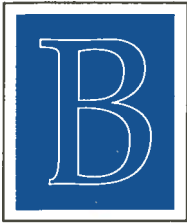
Erick

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Tuesday, November 21, 2017 11:03 AM
To: Erick Powell
Subject: Request to apply fees

Erick,
Could you send me a separate email requesting that we apply the \$500.00 dollar credit from the returned Darrell & Patricia Funk transfer application, receipt #SO35568, check #13452, to the Double Eagle transfer application for the file?
Thanks,
Bill



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SOUTHERN REGION

November 13, 2017

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Re: Application for Transfer of Irrigation Water Rights For Double Eagle
Properties
Project No. 280-07-2015

Dear Corey,

Tim Luke approached Darrell Funk regarding the use of irrigation water on his property. Mr. Funk holds numerous irrigation water right and also gets water from surface water sources, Twin Falls Canal Company, Artesia Irrigation Company, Southwest Irrigation District, Murtaugh Irrigation Company, Palisades storage water, and water bank rental.

In 2016, we submitted a transfer to create a Permissible Place of Use for all of the Funk water rights east of 4900 East road. However, there was a problem with one of the water rights and its decree in the SRBA. The Funks have been waiting for this to be resolved through legal avenues, but no resolution has occurred yet. Therefore, we are resubmitting this transfer with the omission of that water right.

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

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

It is proposed that all pivots will have their end guns removed, to reduce the marginal irrigated land. The Permissible Place of Use will be 4,027 acres in size. The irrigated area is 2,824.8 acres. The water rights authorize the irrigation of 2,233.7 acres (2007 – 2020) and 2,254.7 acres (2021+). The remaining acres are covered by the combination of Artesia, SWID, Palisades, and water bank.

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FAX: 736•8506

There are no changes proposed to the points of diversion. The entire farm is connected and water diverted from any POD can be applied within the proposed PPU boundary. This PPU will allow the applicant to have the flexibility to change pivot locations, change aspects of the CAFO, and adjust water application (if rental water is not available, for example).

We were not sure about the fee that should be included with this transfer. The irrigation water right flow rate is ~~26.64~~ cfs, which seems like a high transfer

*30.7c

*per email dated 12/14/2017



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fee, when the change is adjusting the place of use. I called and spoke with the agent of the day, and the recommendation was made to submit the transfer for determination of the transfer fee and then processing can occur when the fee has been received. Therefore, we have not included a transfer fee, but request to have the fee determined and we will then submit the appropriate fee ASAP.

If you have any questions, please do not hesitate to contact me.

Sincerely,



G. Erick Powell, P.E.

enclosed

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

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

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