

SEP 05 2017DEPT OF WATER RESOURCES
SOUTHERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION**

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Double Eagle Properties LLLP Phone 208-731-08672. **MAILING ADDRESS** 3173 N 4900 E City MurtaughState ID Zip 83344 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 45-14469

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.29 cubic feet per second and/or 97.3 acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	NW	SE	6	12S	20E	Cassia	Ground Water	
	4		NW	NW	6	12S	20E	Cassia	Ground Water	
X	4		NW	NW	6	12S	20E	Cassia	Ground Water	

*David Lunk***Amended**

RECEIVED

AUG 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

42-222 POD - 09/14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Darrell M. Funk and Patricia M. Funk Phone 208-731-0861
208-432-53862. **MAILING ADDRESS** 3173 North 4900 East City MurtaughState ID Zip 83344 Email _____

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 45-14469

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.29 cubic feet per second and/or 97.3 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	NW	SE	6	12S	20E	Cassia	Ground Water	
	~~4~~	~~SW~~	~~NW~~	~~SE~~	~~31~~	~~11S~~	~~20E~~	~~CASSIA~~ ~~Twin Falls~~	Ground Water	~~OLD WELLS~~
X	4	NE	NW	NW	6	12S	20E	Cassia	Ground Water	

6. 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:

New well, pump, pipes to dairy facility. Diverting works will be equipped with lockable controlling works and measuring device, if required.

- 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. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Samuel Funk
Signature of applicant or authorized agent

Darrell Funk
Print name and title if applicable

8-30-17
Date

Patricia Funk
Signature of applicant or authorized agent

Patricia Funk
Print name and title if applicable

8-30-17
Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by TF / DM Date 8-30-2017
Fee paid \$500 - Date 8-30-2017 Received by DM Receipt # 5036327

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

Current Water Right No.: 45-14469

Current Owner: DARRELL M FUNK
PATRICIA M FUNK

Priority Date: 10/25/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
COMMERCIAL	1 /1 to 12/31
STOCKWATER	1 /1 to 12/31
	<u>Total Diversion</u>

Tributary

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.29 CFS	97.3 AF
0.29 CFS	97.3 AF
0.29 CFS	97.3 AF

Location of Point(s) of Diversion

GROUND WATER
TWIN FALLS County

L4(SW1/4SW1/4) Sec. 31, Twp 11S, Rge 20E B.M.

GROUND WATER
CASSIA County

SW1/4NW1/4SE1/4 Sec. 6, Twp 12S, Rge 20E B.M.

Place of Use

COMMERCIAL Within CASSIA County

T12S R20E S6 NESW

T12S R20E S6 Lot 6 NWSW

STOCKWATER Within CASSIA County

T12S R20E S6 NESW

T12S R20E S6 Lot 6 NWSW

Conditions of Approval:

1. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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 diversions.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 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. 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.
8. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Decreed Date: 6/1/2010

QUITCLAIM DEED

For value received, Darrell M. and Patricia M. Funk, as grantor hereby quitclaims unto Double Eagle Properties, LLLP, the grantee whose current address is 3173 North 4900 East, Murtaugh, ID 83344, all of the grantor's right, title, and interest in and to the following described water rights or portions of water rights situated in Cassia County, Idaho, on record with the Idaho Department of Water Resources:

Water Right Nos.

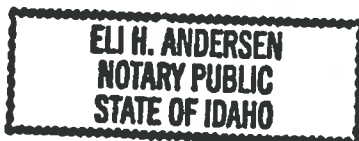
1-7072	45-10100*	45-13644	45-13916
45-2320	45-10200*	45-13910	45-13917
45-2326	45-10225*	45-13911	45-14320
45-2443	45-10228	45-13914	45-14322
45-4102	45-13642	45-13915	45-14469

Grantor has caused this quitclaim deed to be executed this 30 day of 8, 2017.

By: Darrell M Funk Patricia M Funk
Darrell M. Funk Patricia M. Funk

State of Idaho)
County of Twin Falls) S.S.

On this 30 day of August, in the year of 2017, before me, a Notary Public, personally appeared Pat & Darrell Funk, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

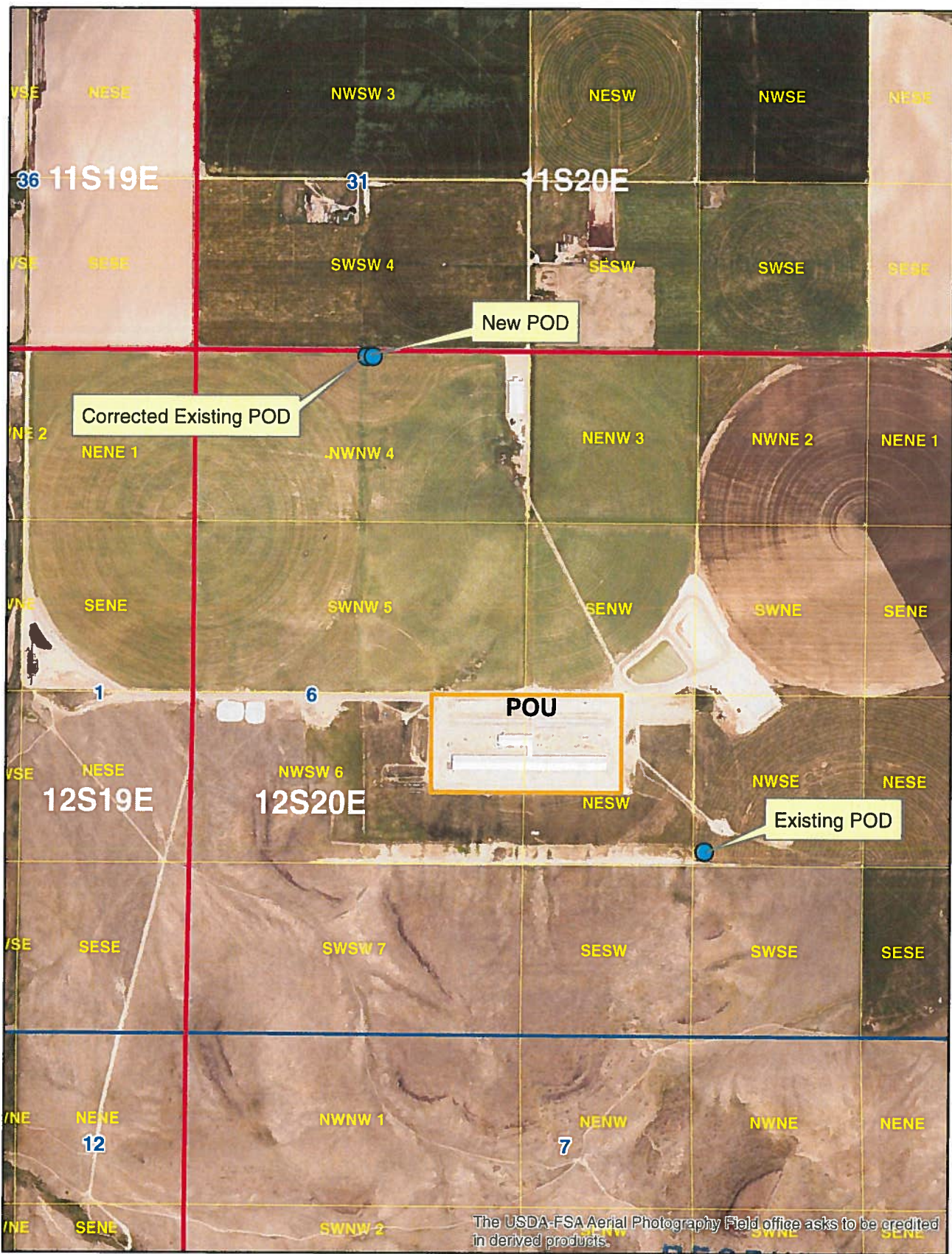


S
E
A
L

Eli H. Andersen
Notary Public
In and for said State and County

Dec 12, 2022
My Commission Expires on

Double Eagle Properties, LLLP - POD Transfer - 45-14469



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Legend

- Township/Range
- Sections
- QQ

TRANSFER
81885

0 0.1 0.2 0.4 Miles

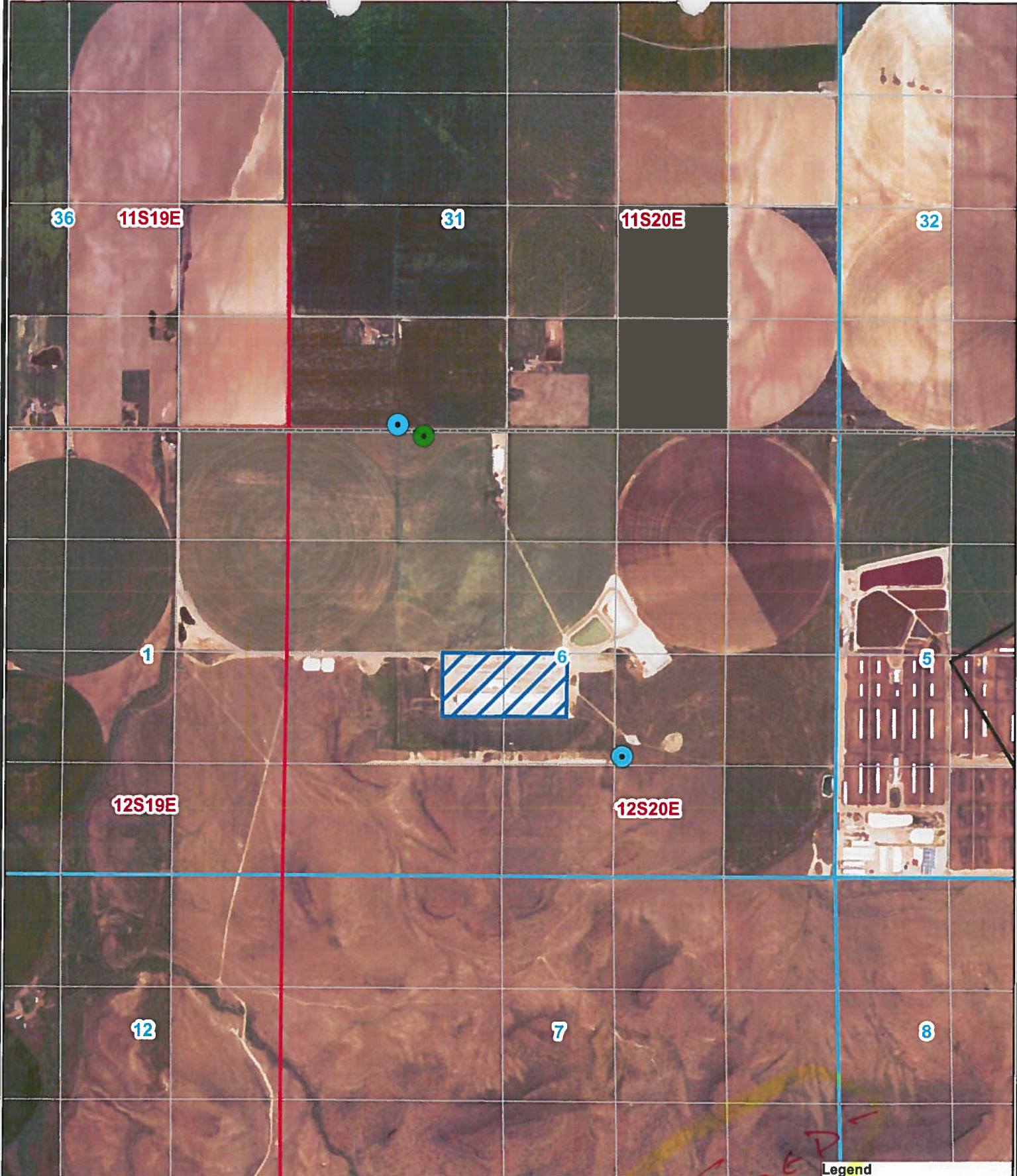
Daniel Link

RECEIVED
SEP 05 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Amended





0 0.1 0.2 0.4 Miles
 BROCKWAY ENGINEERING, PLLC.
 GEP - Date: 8/29/2017

DARRELL AND PATRICIA FUNK

ADD POD TO GROUND WATER
 RIGHT 45-14469
 NAIP 2015 AERIAL

Legend

- 45-14469 PROPOSED POD
- 45-14469 EXISTING PODs
- 45-14469 POU
- counties_NAD83
- ESPAM Boundary

SUPERSEDED

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. DOUBLE EAGLE PROPERTIES, LLLP DARRELL M FUNK 3173 N 4900 E MURTAUGH ID 83344		DARRELL M FUNK 3173 N 4900 E MURTAUGH ID 83344			
			3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	DOUBLE EAGLE MANAGEMENT COMPANY LLC	3173 N 4900 E	MURTAUGH	ID		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 81885

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 53941

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	154.50
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	154.50
Fax			
Section	Legals	Start/End Dates	09/21/2017 - 09/28/2017
SubSection		Insertions	2
Category	50 Legal	Size	100
Ad Key	53941-1	Salesperson(s)	Ruby Aufderheide
Keywords	Hagerman Wings Farm & Double Eagle Properties	Taken By	Ruby Aufderheide
Notes			

Ad Proof

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17116
HAGERMAN WINGS FARM LLC
 823 E 2700 S
 HAGERMAN, ID 83332
 Point of Diversion NESENE S15 T07S R13E GOODING County
 Source UNNAMED STREAM Tributary SINKS
 Use: DIVERSION TO STORAGE 01/01 to 12/31 2.5 CFS
 Use: WILDLIFE 01/01 to 12/31 2.5 CFS
 Use: WILDLIFE STORAGE 01/01 to 12/31 6.2 AF
 Total Diversion: 2.5 CFS
 Date Filed: 8/7/2017
 Place Of Use: WILDLIFE STORAGE
 T07S R13E S15 SENE
 Application proposes diverting 2.5 cfs of water from unnamed stream for wildlife storage use in a lined pond located approximately 0.5 mile west of the City of Hagerman. Evaporative and seepage losses will be mitigated from an existing irrigation water right.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81885
DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 81885 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14469. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (POD) and correct the currently described location of another POD for ground water right 45-14469 (0.29 cfs) used at an existing CAFO facility. The new well and correctly described existing well are located approximately 5.2 miles south and 0.2 mile west of Murtaugh and will be used with another well listed as a POD on right 45-14469 to provide water to the CAFO facility. Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 October 10, 2017. The protestant must also send a copy of the protest to the applicant.
 GARY SPACKMAN, Director
 PUBLISH: September 21 and 28, 2017

✓ OK DM
 9-14-2017
 (E-mail sent)

Proof of legal notice
received from Times News
9/14/2017 (2 total pgs)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 53941

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	154.50
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	154.50
Fax			
Section	Legals	Start/End Dates	09/21/2017 - 09/28/2017
SubSection		Insertions	2
Category	50 Legal	Size	100
Ad Key	53941-1	Salesperson(s)	Ruby Aufderheide
Keywords	Hagerman Wings Farm & Double Eagle Properties	Taken By	Ruby Aufderheide
Notes			

Ad Proof

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17116
HAGERMAN WINGS FARM LLC
 823 E 2700 S
 HAGERMAN, ID 83332
 Point of Diversion NESENE S15 T07S R13E GOODING County
 Source UNNAMED STREAM Tributary SINKS
 Use: DIVERSION TO STORAGE 01/01 to 12/31 2.5 CFS
 Use: WILDLIFE 01/01 to 12/31 2.5 CFS
 Use: WILDLIFE STORAGE 01/01 to 12/31 6.2 AF
 Total Diversion: 2.5 CFS
 Date Filed: 8/7/2017
 Place Of Use: WILDLIFE STORAGE
 T07S R13E S15 SENE
 Application proposes diverting 2.5 cfs of water from unnamed stream for wildlife storage use in a lined pond located approximately 0.5 mile west of the City of Hagerman. Evaporative and seepage losses will be mitigated from an existing irrigation water right.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81885
DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 81885 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14469. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (POD) and correct the currently described location of another POD for ground water right 45-14469 (0.29 cfs) used at an existing CAFO facility. The new well and correctly described existing well are located approximately 5.2 miles south and 0.2 mile west of Murtaugh and will be used with another well listed as a POD on right 45-14469 to provide water to the CAFO facility.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 October 10, 2017. The protestant must also send a copy of the protest to the applicant.

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

✓ DM



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

September 14, 2017

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

RE: Transfer No. 81885
Water Right No(s). 45-14469

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 9/21/2017 and 9/28/2017**. 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 **October 10, 2017**

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 14, 2017 9:57 AM
To: Brian Higgs (WD 140)
Subject: Comment Letter for Transfer 81885
Attachments: Comment Letter to WM140 for 81885.docx; Transfer 81885 (Double Eagle Properties).pdf

Hi Brian,

Attached is a copy of an application currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Please feel free to contact our office if you have any questions.

Have a good day,

Denise @ IDWR

*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

September 14, 2017

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

via e-mail

RE: Transfer No. 81885
Water Right No(s). 45-14469

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, September 14, 2017 9:28 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 September 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 in advance,

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

September 14, 2017

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 36-17116

RE: Transfer No. 81885
Water Right No(s): 45-14469

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 October 10, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17116

HAGERMAN WINGS FARM LLC

823 E 2700 S

HAGERMAN, ID 83332

Point of Diversion NESENE S15 T07S R13E GOODING County Source UNNAMED STREAM Tributary SINKS

Use: DIVERSION TO STORAGE 01/01 to 12/31 2.5 CFS

Use: WILDLIFE 01/01 to 12/31 2.5 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 6.2 AF

Total Diversion: 2.5 CFS

Date Filed: 8/7/2017

Place Of Use: WILDLIFE STORAGE

T07S R13E S15 SENE

Application proposes diverting 2.5 cfs of water from unnamed stream for wildlife storage use in a lined pond located approximately 0.5 mile west of the City of Hagerman. Evaporative and seepage losses will be mitigated from an existing irrigation water right.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81885**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 81885 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14469. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (POD) and correct the currently described location of another POD for ground water right 45-14469 (0.29 cfs) used at an existing CAFO facility. The new well and correctly described existing well are located approximately 5.2 miles south and 0.2 mile west of Murtaugh and will be used with another well listed as a POD on right 45-14469 to provide water to the CAFO facility.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **October 10, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 21st & 28th, 2017

TRANSFER SYNOPSIS

Date: September 6, 2017
To: Transfer 81885, Double Eagle Properties, LLLP
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to add a new point of diversion (POD) and correct the currently described location of another POD for ground water right 45-14469 (0.29 cfs) used at an existing CAFO facility. The new well and correctly described existing well are located approximately 5.2 miles south and 0.2 mile west of Murtaugh and will be used with another well listed as a POD on right 45-14469 to provide water to the CAFO facility.

The proposed changes are located within the Artesian City Critical Ground Water Area so the transfer will be advertised. In addition, the PODs are located within Water District 140, so watermaster comments will be solicited.

A change of ownership was filed for right 45-14469 at the same time this application for transfer was filed. The ownership change modified the ownership of the right from Darrell and Patricia Funk to Double Eagle Properties, LLLP. This made the name on the transfer application different from that on the water right, so Mr. Funk came in and signed an amended application with the applicant listed as Double Eagle Properties, LLLP. Darrell Funk is the registered agent for Double Eagle Properties, LLLP.

The amended application also clarified the correction of one of the two existing PODs from the SWSW, Lot 4, Section 31, T11S, R20E to the actual location in NWNW, Lot 4, Section 6, T12S, R20E.

FEE MEMORANDUM

Date: September 5, 2017
To: Double Eagle Properties, LLLP Transfer #81885
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

Transfer #81885 was filed on August 30, 2017 by Darrell Funk in the name of Double Eagle Properties, LLLP. The transfer proposes adding a point of diversion and changing a point of diversion, and since the entire flow rate of the right could be diverted through the new well, the full amount of flow rate will be used to ascertain the fee. The flow rate of the right is 0.29 cfs so the fee, from the fee schedule, is \$500.00, which was paid by check 1759 from Double Eagle Farms/Darrell M. or Patricia Funk.