

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81239

RECEIVED

SEP 21 2016

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) Steve and Barabra Hansen

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

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

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at 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 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: _____

WITHDRAWN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 21 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Steve and Barbara Hansen Phone 208-316-0120
Mailing address P.O. Box 356; Hagerman, Idaho 83332 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 Phone 208-736-8543
Mailing address 2016 Washington Street North #4; Twin Falls, Idaho 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.

[Signature]
Signature of Applicant or Authorized Representative

Steve Hansen OWNER
Print Name and Title if applicable

6/29/16
Date

Barbara Hansen
Signature of Applicant or Authorized Representative

Barbara Hansen OWNER
Print Name and Title if applicable

6/29/16
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 _____
- 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**.

Water right no. 36-80B was decreed in 2002. A house was built on the property in the last few years. A portion of the water right is being sold to Hagerman Wings Farm.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-80B	0.11 / --	Irrigation	2/15 to 11/30	Billingsley Creek & Snake
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.73 cfs and/or -- acre-feet.

2. Total amount of water proposed to be transferred or changed 0.11 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	
7S	13E	15			40	40	17	1.4	29	40	40	40	40	40	40	40	40	30	477.4
7S	13E	16				5.4									28			20	53.4
Total Acres (for irrigation use)																			530.8*

* Irrigation limited to 2.6 acres of irrigation within PPU

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:

Water from Billingsley Creek is diverted and measured into the Sands Ditch by the watermaster. The Sands Ditch delivers water to proposed place of use.

- b. Who owns the property at the point(s) of diversion? Unknown, existing POD - no change

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:

Current place of use was developed with a single residence. Area under hardscape will not be irrigated.

- 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:

Irrigation water rights at the proposed POU include 2-10338, 36-98, 36-15467, and 36-99. This transfer will add an additional 2.6 acres of irrigation, but will not be stacked with other irrigation water rights.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 36-80B

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Page 6 of

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

Current Water Right No.: 36-808

Current Owner: STEVE HANSEN
BARBARA HANSEN

Priority Date: 4/1/1885

Origin: Water Right

Status: Active

Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 2/15 to 11/30

0.73 CFS

STOCKWATER 1/01 to 12/31

0.02 CFS

Total Diversion

0.73 CFS

Location of Point(s) of Diversion

BILLINGSLEY CREEK

NW1/4SW1/4NE1/4

Sec. 11, Twp 07S, Rge 13E B.M.

GOODING County

Place of Use

IRRIGATION Within GOODING County

T07S R13E S11 SESW 17.00

Total Acres: 17

Place of Use: STOCKWATER same as IRRIGATION

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. THE APPROPRIATOR IS ENTITLED TO DIVERT UP TO 1.62 CFS AT THE FIELD HEADGATE TO MEET PEAK CROP DEMAND SO LONG AS (1) THE APPROPRIATOR IS ABLE TO MAKE THAT QUANTITY AVAILABLE THROUGH A VOLUNTARY ROTATION AGREEMENT AMONG SOME OR ALL OTHER USERS OF WATER FROM THE SAME SOURCE, (2) DIVERSION OF ANY QUANTITY ABOVE 0.73 CFS WILL NOT INJURE OTHER WATER RIGHTS, (3) ANY QUANTITY ABOVE 0.73 CFS WILL NOT BE SUBJECT TO A PRIORITY CALL BY THIS WATER RIGHT ON JUNIOR WATER RIGHTS, AND, (4) DIVERSION OF THAT QUANTITY DOES NOT CONSTITUTE WASTE.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. THIS QUANTITY IS DIVERTED AT THE HEADGATE OF THE SANDS DITCH. 0.02 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-07271.
5. F01 WATER IS DELIVERED THROUGH SANDS DITCH.
6. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 3/6/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ 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. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CH/DM Date 9-21-2016 Preliminary check by _____ Date _____

Fee paid \$200- Date 9-21-2016 Received by DM Receipt # SO35728

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

AGREEMENT REGARDING WATER RIGHT TRANSFER

This agreement is entered into this 4 day of July, 2016, between Hagerman Wings Farm, LLC and Steve Hansen and Barbara Hansen.

WHEREAS, Steve Hansen and Barbara Hansen own certain real estate and appurtenant water rights, including water right no. 36-80B with a place of use located in Section 11, Township 7 South, Range 13 East, Boise Meridian; and

WHEREAS, John Shaw is the manager of Hagerman Wings Farm, LLC, which owns a farm in Gooding County, Idaho, known as Hagerman Wings Farm; and

WHEREAS, Steven Hansen and Barbara Hansen are not currently using water right no. 36-80B to the fullest extent and John Shaw is willing to purchase part of said water right from Steve Hansen and Barbara Hansen as long as the water right is able to be transferred to Hagerman Wings Farm; and

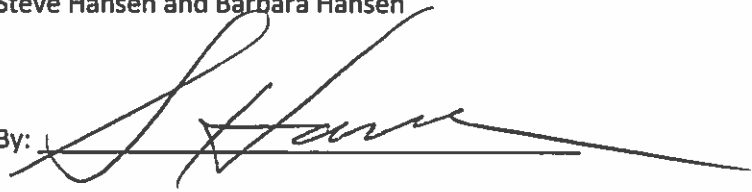
WHEREAS the transfer request of 0.11 cfs or 5.5 miner's inches of water which covers 2.6 acres of irrigation from Steve and Barbara Hansen to Hagerman Wings Farm, LLC has been filed with the Idaho Department of Water Resources; and

WHEREAS, the parties wish to enter into an agreement to compensate Steve Hansen and Barbara Hansen for the fair market value of said water right being transferred.

NOW, THEREFORE, for an in consideration of the covenants herein contained, the sufficiency of which is hereby acknowledged, the parties do hereby agree and covenant in the even the pending water right transfer from Steve Hansen and Barbara Hansen is approved by the Idaho Department of Water Resources, the parties agree that the water being transferred to Hagerman Wings Farm, LLC is worth \$5,200 (Five Thousand Two Hundred Dollars) calculated as follows: 2.6 acres of irrigation x \$2000 per acre.

Dated this 4 day of July, 2016.

Steve Hansen and Barbara Hansen

By: 

Steve Hansen

By: 

Barbara Hansen

Hagerman Wings Farm, LLC

By: 

John Shaw

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BROCKWAY ENGINEERING, PLLC.
GEP - JUNE 10, 2016

FIGURE 1
STEVE AND BARABRA HANSEN
T. 07S., R.13E. SECTION 11
NAIP 2015 AERIAL PHOTOGRAPH

Legend

-  WR POU 36-808
-  Acres No Longer Irrigated = 2.6 ac

No. W 17820		Due no later than Jan 31, 2015		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		Annual Report Form		DONALD PICA 3708 VISTA GRANDE LN TWIN FALLS 83301	
		1. Mailing Address: Correct in this box if needed. HAGERMAN GUN CLUB, LLC DONALD G PICA 3708 VISTA GRANDE LN TWIN FALLS ID 83301 USA		3. New Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MEMBER	DONALD PICA	3708 VISTA GRANDE LN	TWIN FALLS	ID	83301
5. Organized Under the Laws of: ID W 17820		6. Annual Report must be signed.* Signature: Donald G.Pica Name (type or print): Donald G.Pica Date: 11/17/2014 Title: sec-treasurer			
Processed 11/17/2014		* Electronically provided signatures are accepted as original signatures.			

No. W 42494		Due no later than Sep 30, 2016		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		Annual Report Form		JOHN SHAW 823 E 2700 S HAGERMAN ID 83332	
		1. Mailing Address: Correct in this box if needed. HAGERMAN WINGS FARM, LLC 823 E 2700 S HAGERMAN ID 83332		3. New Registered Agent Signature: *	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MEMBER	JOHN SHAW	1021 GRIDLEY DR	HAGERMAN	ID	83332
5. Organized Under the Laws of:		6. Annual Report must be signed. *			
ID W 42494		Signature: John Shaw		Date: 08/19/2016	
		Name (type or print): John Shaw		Title: Owner	
Processed 08/19/2016		* Electronically provided signatures are accepted as original signatures.			



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

October 19, 2016

STEVE HANSEN
BARBARA HANSEN
PO BOX 356
HAGERMAN ID 83332

Re: Withdrawal of Application for Transfer No. 81239
Water Right No. 36-80B

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application for transfer. No further action is required and the matter is now closed.

Please note, a refund request in the amount of \$200.00 has been submitted for processing. Upon approval, the refund will be sent to Brockway Engineering, as they paid the filing fee on September 21, 2016.

Please contact our office at 208-736-3033 if you have additional questions on this matter. Also, more information about water rights and other matters administered by this agency is available on our website at www.idwr.idaho.gov.

Sincerely,

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

Denise Maline
Administrative Assistant
Southern Region

cc: Brockway Engineering

Mills, William

From: Mills, William
Sent: Tuesday, October 18, 2016 8:10 AM
To: Marston, Sascha
Subject: Refund for Withdrawn Transfer
Attachments: Reciept S035728 Steve & Barbara Hansen.pdf

Sascha,

Brockway Engineering submitted a Transfer in the name of Steve & Barbara Hansen, Transfer #81239, that has been withdrawn prior to advertising. Could you please issue a refund check for \$200.00 to Brockway Engineering? A copy of receipt #S035728 with the check number and payee is attached.

Mailing address is:

Brockway Engineering PLLC
2016 North Washington Street STE 4
Twin Falls, ID 83301

Thanks,
Bill Mills

RECEIVED

OCT 17 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, STEVE HANSEN and BARBARA HANSEN,
(Applicant's Printed Name) (Applicant's Printed Name)

(Applicant's Printed Name) and _____
(Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 81239 of Water Right

No(s). 36-80B

Signed this 11 day of OCTOBER, 20 16.

[Signature]
(Signature/Title of Applicant)

STEVE & BARBARA HANSEN
PO BOX 356
HAGERMAN, ID 83332

[Signature]
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

✓ data entry done
10/18/2016



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

October 4, 2016

Erick Powell
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

Re: Application for Transfer #81239, Steve & Barbara Hansen

Dear Mr. Powell:

Recently the Department of Water Resources (Department) received an Application for Transfer that you submitted for Steve & Barbara Hansen. The application is seeking to transfer a 0.11 cfs, 2.6 acre portion of water right 36-80B. A review of the transfer application has revealed issues that need to be addressed before the application can be processed.

The first matter that needs to be addressed has to do with the proposed place of use where the 0.11 cfs, 2.6 acre portion of water right 36-80B is proposed to be transferred to. The application indicates that 2.6 acres of irrigation will be moved into a permissible place of use (PPU) but will not be stacked in with the water rights currently in use on the Hagerman Wings Farm and Hagerman Gun Club. However, the proposed PPU overlaps the place of use (POU) for water rights 2-10338, 36-98 and 36-15467, as well as the POU for water right 36-99. If the intent is not to stack this 2.6 acre portion of 36-80B with rights 2-10338, 36-98, 36-15467 and 36-99, then the POUs for these rights should be excluded from the PPU for the 2.6 acres proposed to be transferred. In addition, no "206 map" was provided indicating where those 2.6 acres will actually be utilized within the PPU.

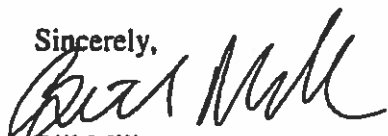
Additionally, the application proposes to create a 530.8 acre PPU that currently includes ponds, roads and buildings. Based on a 2009 IDWR guidance letter (a copy has been included for your convenience), the Department, within reason, expects the *"exclusion of lands that will not be irrigated in the foreseeable future due to water features, land with excessive slope, roadways and parking lots, or other obstacles that would prevent irrigation"* from a proposed PPU. The Department requests the PPU be modified to exclude ponds, roads, buildings and other areas that aren't likely to be irrigated from the PPU.

Review of the current place of use for water right 36-80B indicates that a 1.9 acre portion proposed to be "dried up" to accomplish this transfer may no longer be valid due to non-use. After reviewing satellite and aerial imagery, it appears the 1.4 acres where the house and driveway are located have not been irrigated since the construction of the home and driveway which are visible in 2009 imagery. In addition, the 0.5 acres proposed to be dried up on the northeast corner of the lot does not appear to have been irrigated since 2009 as well. Proceeding with the transfer as proposed will result in reviewing the validity of those acres, unless evidence can be presented to demonstrate the 1.9 acres identified and proposed to be transferred have actually been irrigated in the past five years. It is highly recommended that a different 1.9 acre portion that can be verified as irrigated within the last 5 years using aerial imagery be identified as part of the 2.6 acre portion of water right 36-80B proposed to be transferred.

As currently proposed, IDWR cannot determine the intent of the application with regards to the proposed place of use. In addition, IDWR cannot currently determine the extent of the validity of the portion of the water right proposed to be transferred. The Department will hold processing of the application for 30 days to allow for the submittal of the information necessary to process the transfer application. After that time, if adequate information is not received, the Department may initiate the issuance of an order rejecting the transfer application since the Department cannot ascertain the extent of the validity of the portion of the water right proposed to be transferred and whether or not enlargement in use will occur. As an alternative, you can withdraw the pending transfer application, #81239 by submitting the enclosed form, completed with a notarized signature, to our office. Including a written request, will allow us to initiate a refund of the \$200.00 filing fee to Brockway Engineering (paid via Brockway Engineering check # 13586 per IDWR receipt # S035728).

If you have any questions or concerns, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Mills", is written over the word "Sincerely,".

Bill Mills

Senior Water Resource Agent

cc: Steve & Barbara Hansen

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 10, 2009

CHARLES E BROCKWAY PHD PE
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON STREET SUITE 4
TWIN FALLS ID 83301

COPY

RE: Applications for Transfer – KBCP LLC (35-2172) and Salmon Falls Land
and Cattle (2-7249 and 2-7462)

Dear Mr. Brockway:

I have received your letter dated July 20, 2009 regarding the transfer applications referenced above. In your letter you raised questions about Department policy for permissible places of use (PPU) and injury analysis using combined ESPA model reaches as applied to the transfer applications.

Permissible Place of Use (PPU)

You are correct in your understanding that the Department does authorize water rights where the acreage that can be irrigated in one season is limited within a larger defined PPU. The Department has limited written policy on the use of PPU descriptions and the practice has evolved over time as water right enforcement has increased. The PPU concept was originally adopted with the goal to provide some flexibility to the water right owner and avoid the requirement to file a transfer every time a place-of-use change was anticipated within an area where crops would be rotated under their farming operation.

As more water districts have been established since SRBA decrees have been issued, expectations have been raised to administer water rights based on those decrees. Experience has shown that it can be difficult to confirm compliance with acre limits within a PPU unless the watermaster or Department staff is notified of the location where irrigation is anticipated within the PPU. This is especially true where a PPU is significantly larger than the acres authorized to be irrigated in one season under the right(s).

To continue to allow flexibility to the water user without diminishing the Department's or watermaster's ability to administer the rights, the Department has recently applied conditions requiring those larger PPU's to clearly identify the acres intended for irrigation within the PPU and to provide notice to the Department when changes are anticipated. The Department has used the following condition on approvals:

This right is limited to the irrigation of a specific <00.0 acres> within the <00.0 acre> place of use authorized by this right in a single irrigation season. The specific <00.0 acres> to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the <00.0 acres> to be irrigated within the <00.0 acre> place of use, the right holder shall submit a new land list and representative electronic shape file or map to the department prior to the irrigation season in which the change will occur.

Another situation where a PPU might be requested is when the specific location of irrigated acres has not been finally determined within a larger planned project where irrigation may not be the primary purpose of the project (e.g. a 2-acre picnic area within a large industrial complex that covers multiple 40-acre tracts). An application providing for some alternate locations (not the entire complex) could be processed using a PPU. If approvable, the Department will condition a transfer approval to require the water right owner to report the as-built location and provide for an update of the Department's records to limit the place of use to the reported location. For a permit, the Department will confirm the as-built location when conducting a beneficial use field exam and issue a license where the use has been developed.

In your letter you also requested clarification of the need for a PPU to be limited to irrigable acres. Applicants often propose creation of a PPU to include all lands under their ownership, whether irrigable or not. Although a PPU based on ownership boundaries may be easier to describe, experience has shown that such descriptions create ambiguities for compliance efforts and can create complications when ownership changes occur that would split the water right(s). The Department is not intending to require the applicant (or the Department) to make a determination of irrigable acres for all lands within the PPU; however, it is reasonable to expect exclusion of lands that will not be irrigated in the foreseeable future due to water features, lands with excessive slope, roadways and parking lots, or other obstacles that would prevent irrigation. For a permit, the Department will confirm the irrigation locations when conducting a beneficial use field exam and issue a license limiting any PPU to those lands that have actually been part of the irrigation rotation.

Combining Reaches in ESPA Transfer Analysis

Your letter also asked for clarification of the use of combined ESPA model reaches for transfer injury analysis. You noted that former Director Tuthill indicated that utilization of the combined Near Blackfoot to Minidoka reach for determining Snake River reach depletion should be considered for transfer 75147. Transfer 75147 proposed a change in point of diversion from a well located just south of the upper part of American Falls Reservoir to a well located near the river just below the dam at American Falls Reservoir. The combination of the Near Blackfoot to Neeley reach with the Neeley to Minidoka reach was considered acceptable for injury analysis using the ESPA model due to the proximity of the wells to the river, the distance of the move, and location of existing points of diversion and priority dates for rights from the Snake River

Mr. Brockway
August 10, 2009
Page 3 of 3

within the reaches. Similar circumstances for the KBCP LLC transfer justify the same consideration.

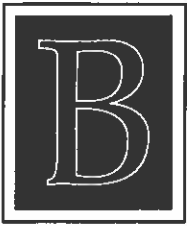
I hope this letter provides the clarification you need to submit the applications to the Department for processing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

Gary Spackman
Interim Director

cc: Lyle Swank - Eastern Region IDWR
Allen Merritt - Southern Region IDWR
Shelley Keen - IDWR State Office



BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

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SEP 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 20, 2016

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

Re: Hansen Transfer of 2.6 acres to Hagerman Wings Farm

Dear Corey,

Steve and Barbara Hansen own water right no. 36-80B, which allows for 17 acres of irrigation from Billingsley Creek delivered through the Sands Ditch. This water right was decreed in the SRBA in 2002. They have built a house within the authorize place of use and have agreed to sell 2.6 acres of irrigation from 36-80B to Hagerman Wings Farm. The enclosed transfer proposes to move 2.6 acres of irrigation from the Hansen's POU to be included within the PPU boundary of Hagerman Wings Farm. The irrigation limit of private water rights within the Hagerman Wings Farm PPU would then be 187.6 acres. Additional irrigation occurring within the PPU boundary is irrigation from shares of the Big Bend Ditch.

We have enclosed the transfer fee of \$200. If you have any questions, please do not hesitate to contact me.

Cordially,


G. Erick Powell, Ph.D., P.E.

enclosed

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

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

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