

RECEIVED

AUG 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81129MINIMUM 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) Flying Triangle Inc.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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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

Name of Applicant(s) Flying Triangle Inc. Phone 208-837-4926Mailing address PO Box 180 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 RepresentativeName of Representative Greg Sullivan Phone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Flying Triangle, Inc.
Aaron L Brailsford
Signature of Applicant or Authorized Representative

Flying Triangle, Inc.
W.N. Brailsford
Signature of Applicant or Authorized Representative

Flying Triangle, Inc.
Aaron L Brailsford
Print Name and Title if applicable

FLYING TRIANGLE, INC.
W.N. Brailsford
Print Name and Title if applicable

8-16-16
Date

8-16-16
Date

A. PURPOSE OF TRANSFER

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

2. 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**.

This transfer proposes to create a permissible place of use and to update the current place of use of the irrigation portion of these water rights.

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 ☒ ☐	36-30	8.0	Irrigation	2/15 to 11/30	Len Lewis Spring&Riley Cr
☐ ☐		0.14	Stockwater	1/01 to 12/31	Len Lewis Spring&Riley Cr
☒ ☐	36-11142	1.58	Irrigation	2/15 to 11/30	Weatherby Sp&Billingsley
☐ ☐		0.22	Stockwater	12/01 to 2/14	Weatherby Sp&Billingsley
☐ ☐		0.14	Stockwater	2/15 to 11/30	Weatherby Sp&Billingsley
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 9.58 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 9.58 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 #
		SE	NE	SW	30	14E	07S	Gooding	Weatherby Springs	
		SE	SW	NE	6	08S	14E	Gooding	Len Lewis Spring	

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	
07S	13E	25						40	39.1										79.1
		26	40.1	14.9	24.4	40									40	26.1			185.5
07S	13E	25						S	S										
		26	S	S	S	S									S	S			
Total Acres (for irrigation use)																			264.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing canal and piping for delivery. New pivots will be constructed after the transfer is approved.

- b. Who owns the property at the point(s) of diversion? Flying Triangle Inc.

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: N/A

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

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

If yes, ☐ complete Attachment WSB.

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

Adjustments will be made to relating to proposed transfer.

- 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:

Big Bend Irrigation Shares

- 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 RESOURCES**

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: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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

Current Water Right No.: 36-30

Current Owner: FLYING TRIANGLE INC

Priority Date: 9/1/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

LEN LEWIS SPRING

Tributary

RILEY CREEK

Beneficial Use

STOCKWATER

From To

1/01 to 12/31

IRRIGATION

2/15 to 11/30

Total Diversion

Diversion Rate

0.14 CFS

8 CFS

8 CFS

Annual Volume

Location of Point(s) of Diversion

LEN LEWIS SPRING

SE1/4SW1/4NE1/4

Sec. 6, Twp 08S, Rge 14E B.M.

GOODING County

Place of Use

IRRIGATION Within GOODING County

T07S R13E S25	NWNW	32.00	T07S R13E S25	SWNW	27.20
T07S R13E S26	NENE	36.50	T07S R13E S26	NWNE	1.00
T07S R13E S26	SWNE	8.00	T07S R13E S26	SENE	27.00

Total Acres: 131.7

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. WATER IS DELIVERED THROUGH BRAILSFORD DITCH.
STOCKWATER, 500 CATTLE; 5000 SHEEP
2. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
USE OF THIS RIGHT WITH RIGHT NOS. 36-00012, 36-00043A, 36-00084, 36-00104A AND 36-00104B FOR STOCKWATER OR OTHER NON-IRRIGATION PURPOSES OUTSIDE OF THE IRRIGATION SEASON SHALL BE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.0 CFS.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 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.
5. THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE STIPULATION DATED SEPTEMBER 11, 1996, AMONG THE UNITED STATES OF AMERICA AND THE CLAIMANTS UNDER THE BRAILSFORD DITCH, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER, GOODING CO, IDAHO.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-11142

Current Owner: FLYING TRIANGLE INC

Priority Date: 3/8/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

WEATHERBY SPRINGS

Tributary

BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	12/01 to 02/14	0.22 CFS	
STOCKWATER	02/15 to 11/30	0.14 CFS	
IRRIGATION	02/15 to 11/30	1.58 CFS	
	<u>Total Diversion</u>	1.58 CFS	

Location of Point(s) of Diversion

WEATHERBY SPRINGS

SE1/4NE1/4SW1/4

Sec. 30, Twp 07S, Rge 13E B.M.

GOODING County

Place of Use

STOCKWATER Within GOODING County

T07S R13E S26	NWNE	T07S R13E S26	SWNE
T07S R13E S26	NWSE		

IRRIGATION Within GOODING County

T07S R13E S25	SWNW	5.00	T07S R13E S26	SWNE	6.00
T07S R13E S26	SENE	1.70	T07S R13E S26	NWSE	6.00

Total Acres: 18.7

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.
STOCKWATER, 500 CATTLE; 5000 SHEEP
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page 9 of _____

Decreed Date: 8/27/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 DM Date 8-18-2016 Preliminary check by _____ Date _____

Fee paid \$1,220- Date 8-18-2016 Received by DM Receipt # 5035682

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

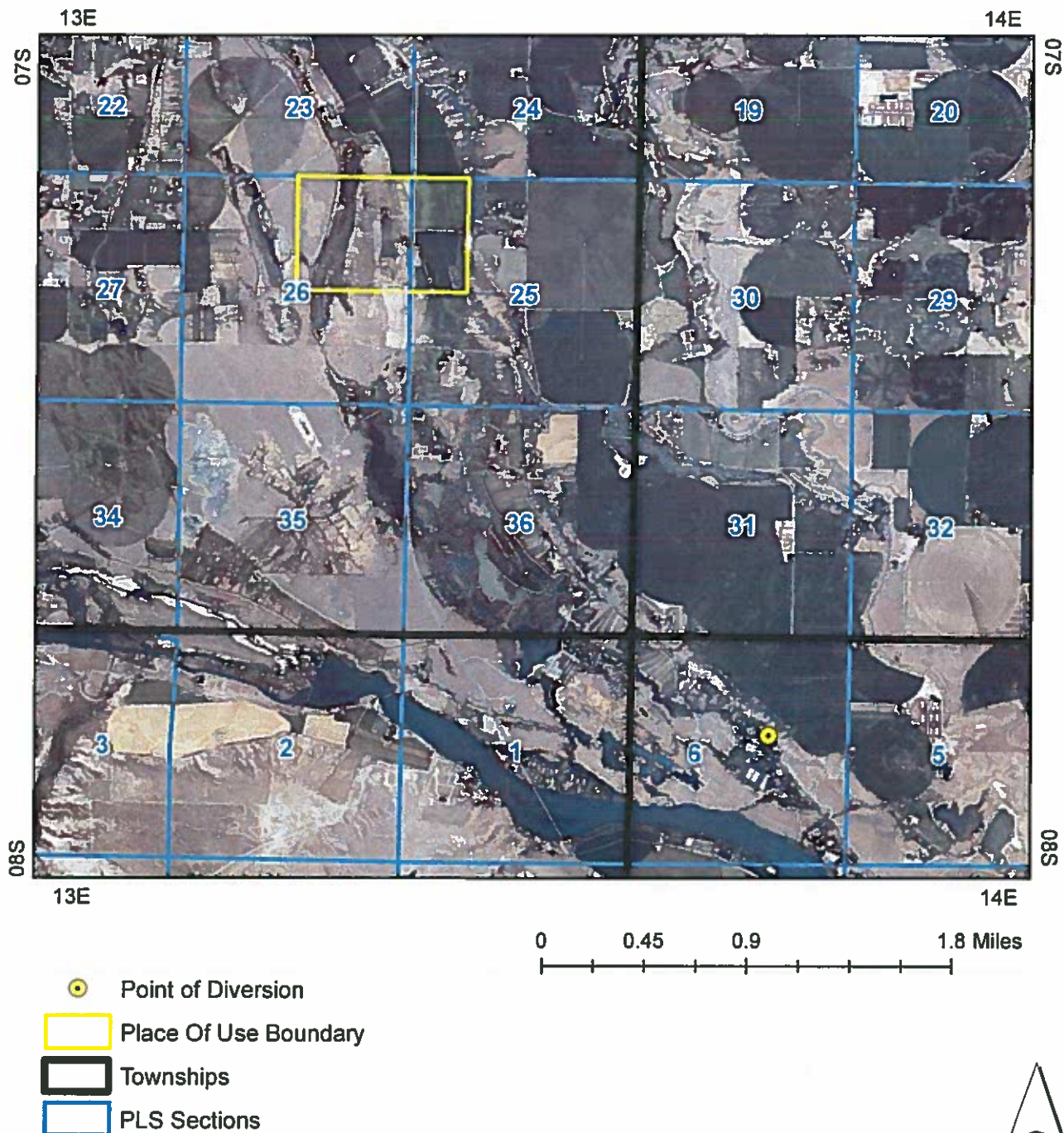
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

State of Idaho
Department of Water Resources

Water Right 36-30

IRRIGATION

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

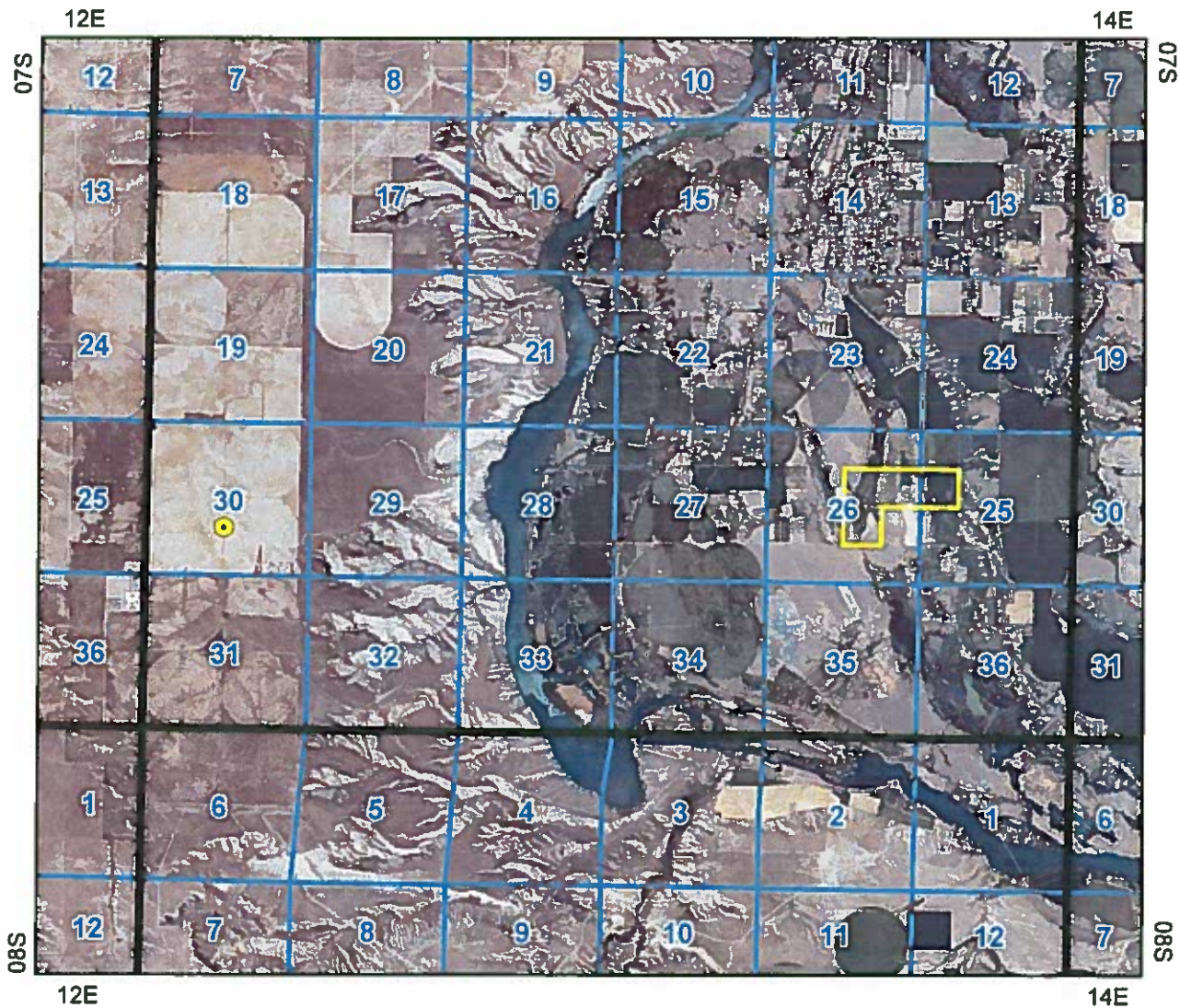


State of Idaho
Department of Water Resources

Water Right 36-11142

IRRIGATION

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



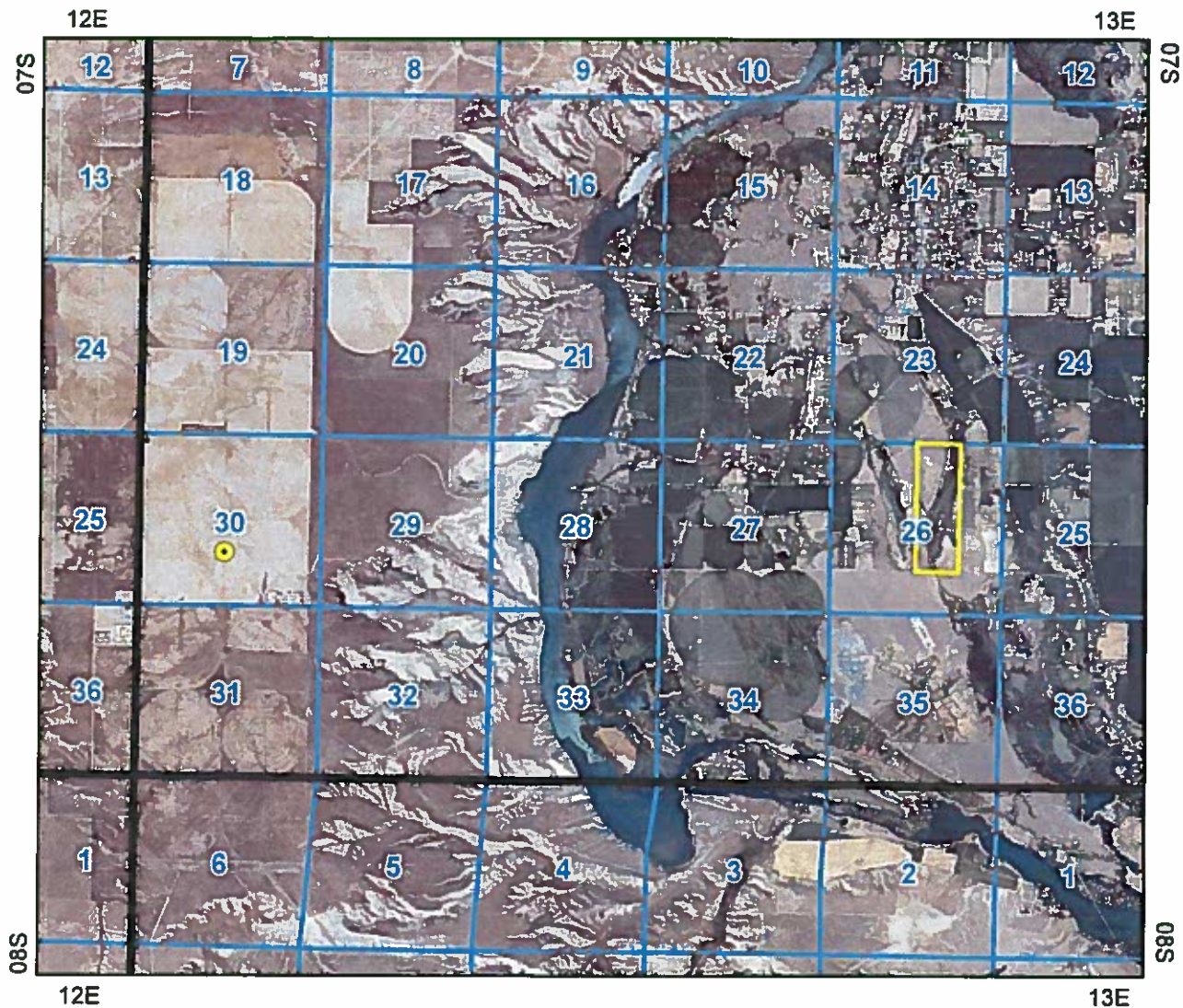
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

State of Idaho
Department of Water Resources

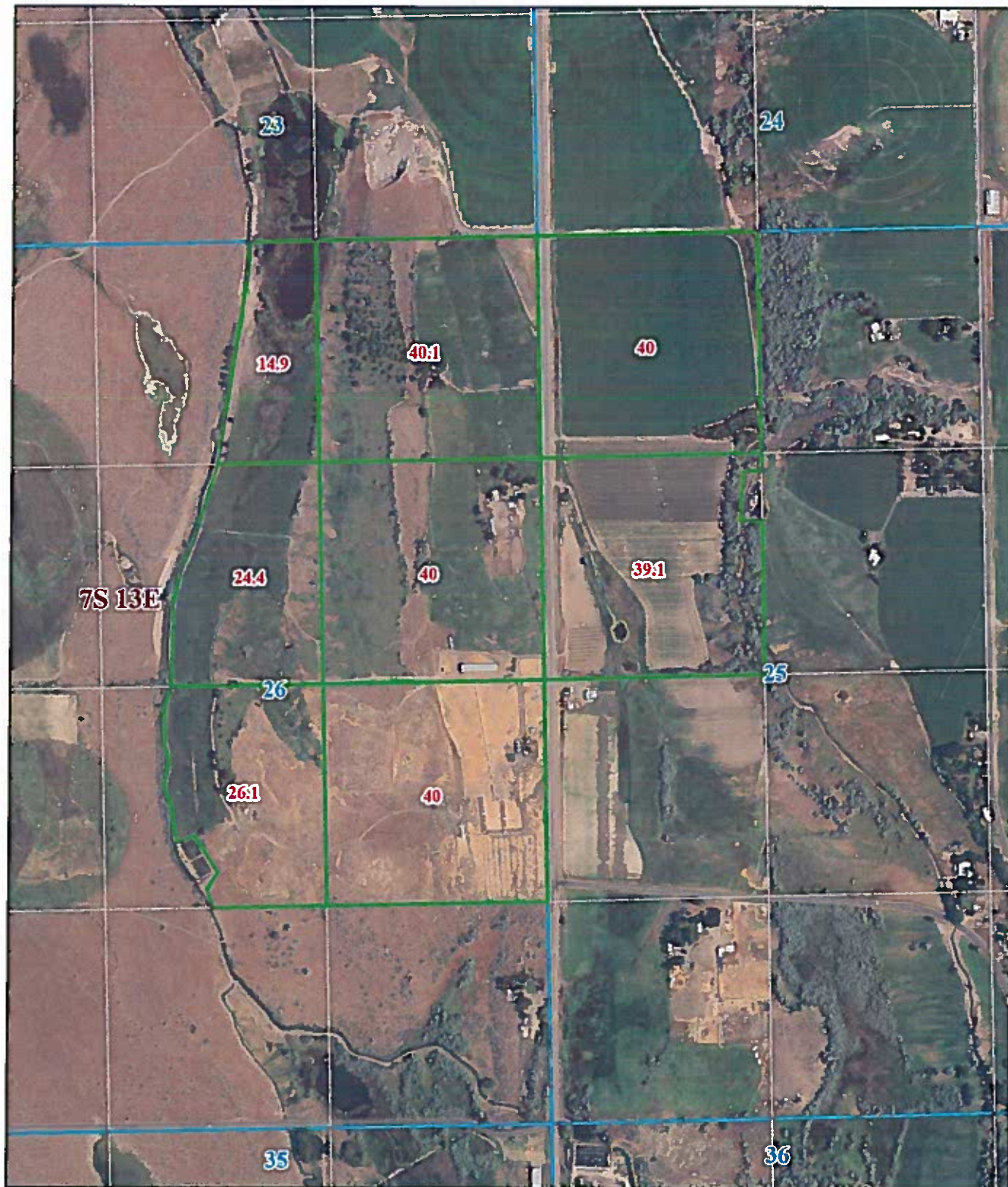
Water Right 36-11142

STOCKWATER

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



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



0 250 500 1,000 Feet

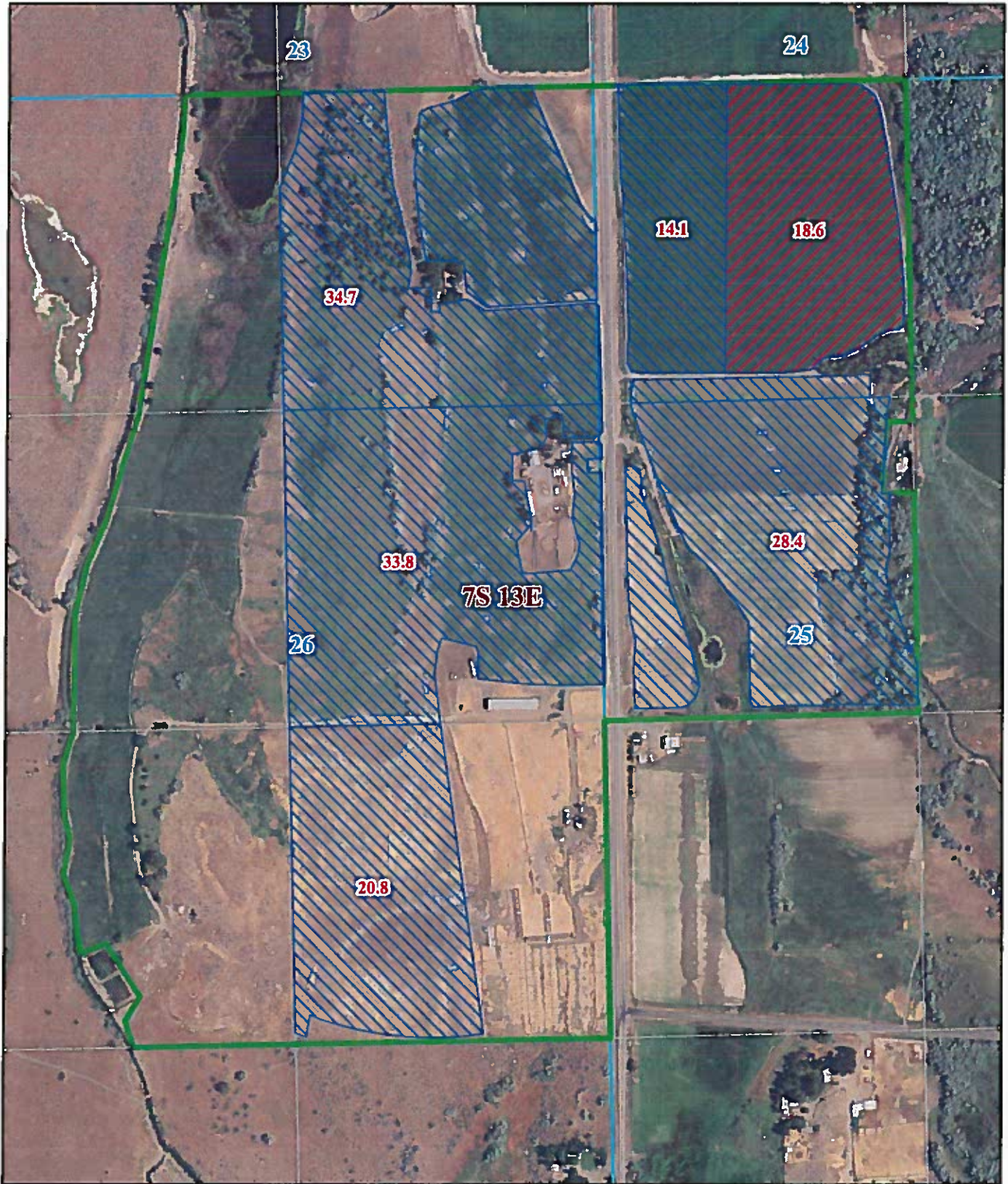
Flying Triangle Inc.

PROPOSED PPU
2015 NAIP AERIAL

Legend

Proposed_PPU_QQ

N



0 250 500 1,000 Feet

Flying Triangle Inc.
PROPOSED PPU
2015 NAIP AERIAL

Legend
36-30
WR 36-11142
PPU

BROCKWAY ENGINEERING, PLLC
GWS - Date: 8/16/2016



TRANSFER 81129

TRANSFER 81129



0 250 500 1,000 Feet

BROCKWAY ENGINEERING, PLLC
GWS - Date: 8/30/2016

FLYING TRIANGLE INC.
WATER RIGHT TRANSFER
36-11142 POD CORRECTION
NAIP IMAGERY 2015

- Water Right POD
- Water Right POU
- Township
- Section
- Quarter

N

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AUG 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

BIG BEND IRRIGATION AND MINING CO., LTD

P O BOX 334, HAGERMAN, ID 83332

July 22, 2016

Mr. William Brailsford, Flying Triangle, Inc. 18274 U S Highway 30, P O Box 180, Hagerman, ID 83332

Re: New Pivot

Dear Mr. Brailsford,

At a recent meeting of the Big Bend Directors, your proposed new pivot was discussed. The Directors are pleased that you are proposing a pivot to more efficiently irrigate your property.

This project will construct a new diversion from the Big Bend Ditch that will supply a pump pond to be constructed adjacent to the east side of the Big Bend Ditch. The pivot will be watered from the pump pond via a pipe line and pump. This new diversion will be the only diversion structure allowed to conduct your 87.5 shares of Big Bend water to your property.

The Director's require the following to be completed as a part of the project.

1. The type and design of the diversion structure shall be submitted to the Big Bend Directors for review and approval. With a lockable head-gate and a measuring device, the diversion structure shall accurately measure and allow your 87.5 shares to be piped to the pump pond. If the pump pond is down gradient from the ditch water levels, an automatic shut-down device shall be installed to prevent the pump pond from overflowing.
2. All existing diversions on your property leading from the Big Bend Ditch shall be terminated, including the diversion into the fish runs. The 18" (?) pipe from the northeast corner of the fish ponds leading to the ditch on the east side of the pasture shall be sealed off. All irrigation water shall be taken from the pump pond.
3. There is to be no watering of the west embankment slope or the dike along the east side of the Big Bend Ditch by the pivot.
4. It appears that the pivot swing will irrigate land outside of the Big Bend service area. If IDWR requires Big Bend to expand our service area to accommodate the pivot swing, you will be responsible to reimburse Big Bend for the costs incurred.

If you have any questions, please contact us. Thank you for your cooperation in this matter.

Sincerely,

Big Bend Board of Directors, Todd Crist, President



Cc: Frank Irwin, Water Master 36A; Tanner Butler, Sliman & Butler

TRANSFER 81129

No. C 40472	Due no later than Jan 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. FLYING TRIANGLE, INC. WILLIAM N BRAILSFORD P. O. BOX 180 HAGERMAN ID 83332		W. N. BRAILSFORD 18274 HIGHWAY 30 HAGERMAN ID 83332			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	AMANDA K. BRAILSFORD	6535 WEST PLANTATION DRIVE	BOISE	ID	USA	83703
DIRECTOR	HANCEY E HANSEN	P.O. BOX 761	HAGERMAN	ID	USA	83332
SECRETARY	WILLIAM N. BRAILSFORD	P.O. BOX 180	HAGERMAN	ID	USA	83332
PRESIDENT	AGNES L. BRAILSFORD	P.O. BOX 180	HAGERMAN	ID	USA	83332
5. Organized Under the Laws of: ID C 40472		6. Annual Report must be signed.* Signature: Agnes L Brailsford Name (type or print): Agnes L Brailsford Date: 11/30/2015 Title: president				
Processed 11/30/2015		* 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

September 14, 2016

WATER DISTRICT #36A
FRANK ERWIN
711 E AVE N
HAGERMAN ID 83332

RE: Transfer No. 81129
Water Right No(s). 36-30 & 36-11142

Dear Frank:

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 watermaster, 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)

MEMORANDUM

Date: September 13, 2016

To: Transfer 81129

From: William Mills

Re: Legal Notice Not Required

Since the application only modifies the place of use and corrects the legal description for a POD, and there is no actual hydrologic change, the transfer can be processed, and approved without advertising.

Legal Notice Not Required

9/13/2016

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: September 12, 2016
To: Transfer 81129 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creating a 264.6 acre permissible place of use (PPU) for two surface water rights, 37-30 (8.0 cfs of irrigation of 131.7 acres from Len Lewis Spring and 0.14 cfs stockwater) and 37-11142 (1.58 cfs for irrigation of 18.7 acres from Weatherby Springs; 0.140 cfs stockwater from 2/15 to 11/30 and 0.22 cfs stockwater from 12/1 to 2/14). Application also seeks to correct the legal description for the point of diversion (POD) for water right 37-11142 which apparently was decreed as located in Range 13E. Weatherby Springs is more accurately described as located in the SENESW of Sec. 30, Twp 7S, Rge 14E. Actual POD location was verified using ArcMap and from the legal description of other water rights diverted from the same POD.

Proposed PPU overlaps with the service area for Big Bend Irrigation and Mining Co. However, acres identified for irrigation under these water rights in the provided 206 map do not currently overlap with the Big Bend's service area. A letter from Big Bend Irrigation and Mining Co. was provided with the application indicating that proposed irrigation will not overlap their service area.

PODs are in Water District 36A and Watermaster comments will be solicited.

Since the application only modifies the place of use and corrects the legal description for a POD, and there is no actual hydrologic change, the transfer can be processed, and approved without advertising.

- **Authority to File:** IDWR records indicate the applicant currently owns the water rights and irrigated lands involved in this transfer.
- **Water Right Validity:** Water rights 36-30 and 36-11142 were decreed in the SRBA on 8/27/2001. Recent aerial and satellite imagery indicate the property involved with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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

MEMORANDUM

Date: September 12, 2016
To: Transfer 81129 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81129 were based on the on the current transfer fee schedule and included \$1220.00 for the full 9.58 cfs being transferred in the application (Receipt No.S035682).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 16, 2016

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

Re: Flying Triangle Inc.

Dear Mr. Skinner:

Flying Triangle Inc. desires to create a permissible place of use for water rights 36-30 and 36-11142. It is also requested that the POD description for water right 36-11142 be corrected. The POD description for 36-11142 identifies Range 13E but should identify Range 14E. The applicant also desires that IDWR removes a portion of 36-11142 conditions of approval that references "Bar S Ditch" because the Bar S Ditch does not exist.

The ownership, period of use, beneficial use and other POD characteristics will not be changing with this transfer.

Water rights 36-30 and 36-11142 cannot share the same POD because they have different water sources.

Water right 36-30 is allowed to irrigate 131.7 acres and water right 36-11142 is allowed to irrigate 18.7 acres. The stockwater POU's for these water rights will match the proposed PPU.

It is requested that this transfer is not advertised because the true locations of the PODs will not be changing and the ownership of the water rights involved in the transfer will not be changing.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Flying Triangle Inc.

Enc: Transfer Application, Aerial Map, Annual Report, Big Bend Irrigation and Mining Co.
Letter, Brockway Engineering Check # 13529 for \$1,220.00.

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

CHARLES G.
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