

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-17064

Priority: February 22, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NE1/4SE1/4) Sec. 16, Twp 07S, Rge 13E, B.M.
GOODING County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 16																	X L3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2017**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of August, 2016.

FOR


GARY SPACKMAN, Director

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
36-17064

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

13E



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

0 0.035 0.07 0.14 Miles





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

August 22, 2016

HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332

RE: Permit No. 36-17064

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

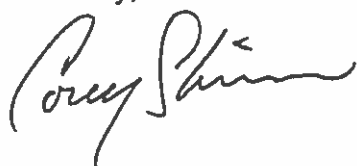
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC
NATHAN ERICKSON, WATER MASTER

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 36-17064

**HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN ID 83332**

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

**NATHAN ERICKSON WATER MASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301**

via e-mail

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

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

2 Insertions

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

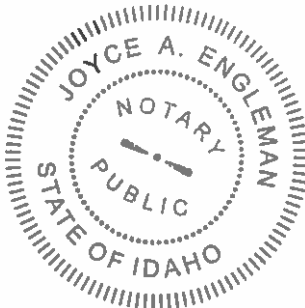
ORDER NUMBER 20171

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 24th day of March in the year of 2014 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Joyce A. Engleman
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6/28/19



PUBLISHED ON: 03/17/2016, 03/24/2016

RECEIVED

MAR 31 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

TOTAL AD COST: 250.53

FILED ON: 3/24/2016

RECEIVED

MAR 31 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

✓
36-17064
HAGERMAN WINGS FARM LLC
823 E 2700 S
HAGERMAN, ID 83332
Point of Diversion L3(NESE) S16 T07S R13E GOODING County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 2/22/2016
Place Of Use: DOMESTIC
T07S R13E S16 L3(NESE)

Application proposes diverting up to 0.04 cfs for domestic uses associated with a home. An existing well will service the home that is located approximately 1.5 miles west of the City of Hagerman.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80573**

✓
VANDERVEGT DAIRY LLC, 4098 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 80573 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving portions of two irrigation ground water rights for use in a new place of use using two existing wells on an existing farm located approximately 4.4 to 4.6 miles north and 6.3 to 6.9 miles west of Paul. The total allowed diversion for the moved portions will be 0.25 cfs for the irrigation of 14.5 acres. The current place of use and points of diversion are located approximately 3.8 to 4.8 miles north and 5.2 to 6.2 miles west of Paul.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80707**

✓
FRANK J SUCHAN, 931 W 500 N, PAUL, ID 83347; has filed Application No. 80707 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2357, 36-2574, 36-7629, 36-7828, 36-7839. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 716.0 acre Permissible Place of Use (PPU) consisting of five ground water rights totaling 8.02 cfs that allow for the irrigation of 396.0 acres. The rights are currently appurtenant to ground located approximately 5.3 to 6.0 miles north and 3.0 to 4.0 miles west of Paul. The proposed PPU will be located approximately 5.3 to 7.0 miles north and 3.0 to 4.0 miles west of Paul. The transfer will also identify two existing wells and a new well to be drilled as authorized points of diversion for the five rights with all three wells being located within the proposed PPU. The transfer proposes allowing for the irrigation of 396.0 acres within the proposed 716.0 acre PPU. Note that portions of some of the rights are currently enrolled in the Conservation Reserve Enhancement Program (CREP) and the Water Supply Bank resulting in 283.9 acres currently available to be irrigated within the proposed 716.0 acre PPU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80727**

✓
MICHAEL ZOBOTT and HATTIE ZOBOTT, 19950 HWY 30, BUHL, ID 83316; has filed Application No. 80727 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17654, 47-17655. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the authorized point of diversion of two ground water rights to a new well to be drilled located approximately 5.6 miles north and 3.5 miles west of the city of Buhl. The two water rights allow for the diversion of 0.04 cfs and 9.2 af for domestic, heating and recreation uses.

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 April 4, 2016. The protestant must also send a copy of the protest to the applicant, GARY SPACKMAN, Director.

Published on March 17th & 24th, 2016

✓ OK AM 4/4/2016

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

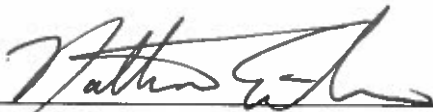
Water Right No: 36-17064
Applicant Name: Hagerman Wings Farm LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: March 18, 2016

Water District 130



Nathan Erickson, Watermaster

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 20171

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	250.53
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	250.53
Fax			
Section	Legals	Start/End Dates	03/17/2016 - 03/24/2016
SubSection		Insertions	2
Category	50 Legal	Size	166
Ad Key	20171-1	Salesperson(s)	Ruby Aufderheide
Keywords	1 application permit & 3 water transfers	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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Total Diversion: 0.04 CFS
Date Filed: 2/22/2016
Place Of Use: DOMESTIC
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Application proposes diverting up to 0.04 cfs for domestic uses associated with a home. An existing well will service the home that is located approximately 1.5 miles west of the City of Hagerman.

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✓ OK Am 3/15/2016
E-mail sent to
newspaper.

Proof of legal notice received
from Times News on 3/15/2016
(4 total pages)

Enhancement Program (CREP) and the Water Supply Bank resulting in 283.9 acres currently available to be irrigated within the proposed 716.0 acre PPU.

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✓ OK BM
3/15/2016

Customer Ad Proof

#Error

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
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