

APR 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80037

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Double Eagle Properties, LLLP

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: _____

RECEIVED

APR 24 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Double Eagle Properties, LLLP Phone 208-436-9888

Mailing address 3173 North 4900 East; Murtaugh, Idaho 83344 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Erick Powell 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.

Darrell Funk
Signature of Applicant or Authorized Representative

Darrell Funk
Print Name and Title if applicable

4-21-15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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**.
Move irrigation water rights to make room for new dairy facility.

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 ☒ ☐	45-2176	1.43 / 285	Irrigation	3/15 to 11/15	Groundwater
☒ ☐	45-2220	1.66 / 570	Irrigation	3/15 to 11/15	Groundwater
☒ ☐	45-2408	1.18 / 574.1	Irrigation	3/15 to 11/15	Groundwater
☒ ☐	45-2075	0.8 / --	Irrigation	3/15 to 11/15	Dry Creek & Snake River
☒ ☐	45-10107	1.05 / --	Irrigation	3/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.06 cfs and/or 998 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.19 cubic feet per second and/or 31 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	
12S	20E	6	38	39	39	39				30	11				39	39		28	302
Total Acres (for irrigation use)																			302

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:

The diversion system is already in place, and consists of wells, pumps, pipes, and sprinklers. The diversion points are in compliance with IDWR policy for measuring devices and lockable controlling works.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

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

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

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now irrigated will be converted to a dairy facility.

- 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:
These rights will be the only irrigation rights on the proposed land.

- 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:

Page 6 of _____

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

Current Water Right No.: 45-2176

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 10/11/1929

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.43 CFS

285 AF

Total Diversion

1.43 CFS

285 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4SE1/4

Sec. 5, Twp 12S, Rge 20E B.M.

CASSIA County

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 6, Twp 12S, Rge 20E B.M.

CASSIA County

GROUND WATER

SE1/4SE1/4SE1/4

Sec. 6, Twp 12S, Rge 20E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R20E S6	Lot 1	NENE	37.90	T12S R20E S6	Lot 2	NWNE	38.50
T12S R20E S6		SWNE	39.30	T12S R20E S6		SENE	38.90
T12S R20E S6		SENE	28.70	T12S R20E S6		NESW	19.10
T12S R20E S6		NESE	38.90	T12S R20E S6		NWSE	33.00
T12S R20E S6		SESE	27.90				

Total Acres: 302.2

Conditions of Approval:

1. 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.
2. X35 Rights 45-2075, 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 5.06 cfs and the irrigation of 302.2 acres.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. X35 Rights 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 4.26 cfs, a total annual maximum diversion volume of 998 af at the field headgate, and the irrigation of 302.2 acres.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. X27 This right is limited to the irrigation of 71.3 acres within the authorized place of use in a single irrigation season.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. K03 Right No. 45-10107 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
9. 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 6/24/2005

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

Current Water Right No.: 45-2220

Current Owner: DOUBLE EAGLE PROPERTIES LLLP
Priority Date: 5/10/1946
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.66 CFS	570 AF
	<u>Total Diversion</u>	1.66 CFS	570 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 5, Twp 12S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 6, Twp 12S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4SE1/4	Sec. 6, Twp 12S, Rge 20E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T12S R20E S6	Lot 1	NENE	37.90	T12S R20E S6	Lot 2	NWNE	38.50
T12S R20E S6		SWNE	39.30	T12S R20E S6		SENE	38.90
T12S R20E S6		SENE	28.70	T12S R20E S6		NESW	19.10
T12S R20E S6		NESE	38.90	T12S R20E S6		NWSE	33.00
T12S R20E S6		SESE	27.90				

Total Acres: 302.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 142.6 acres within the authorized place of use in a single Irrigation season.
2. 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.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. X35 Rights 45-2075, 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 5.06 cfs and the irrigation of 302.2 acres.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. X35 Rights 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 4.26 cfs, a total annual maximum diversion volume of 998af at the field headgate, and the irrigation of 302.2 acres.
8. K03 Right No. 45-10107 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
9. 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.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Decreed Date: 6/24/2005

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

Current Water Right No.: 45-2408

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 2/20/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.18 CFS	574.1 AF
	<u>Total Diversion</u>	1.18 CFS	574.1 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SE1/4	Sec. 6, Twp 12S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 6, Twp 12S, Rge 20E B.M.
CASSIA County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 5, Twp 12S, Rge 20E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T12S R20E S6	Lot 1	NENE	37.90	T12S R20E S6	Lot 2	NWNE	38.50
T12S R20E S6		SWNE	39.30	T12S R20E S6		SENE	38.90
T12S R20E S6		SENE	28.70	T12S R20E S6		NESW	19.10
T12S R20E S6		NESE	38.90	T12S R20E S6		NWSE	33.00
T12S R20E S6		SESE	27.90				

Total Acres: 302.2

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. X35 Rights 45-2075, 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 5.06 cfs and the irrigation of 302.2 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
4. 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.
5. X27 This right is limited to the irrigation of 214 acres within the authorized place of use in a single irrigation season.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. K03 Right No. 45-10107 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
8. 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.
9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. X35 Rights 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 4.26 cfs, a total annual maximum diversion volume of 998 af at the field headgate, and the irrigation of 302.2 acres.

Decreed Date: 6/24/2005

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

Current Water Right No.: 45-2075

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 2/2/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

DRY CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.8 CFS

Annual Volume

Total Diversion

0.8 CFS

Location of Point(s) of Diversion

DRY CREEK

NW1/4NW1/4NE1/4

Sec. 12, Twp 12S, Rge 19E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R20E S6	Lot 1	NENE	37.90	T12S R20E S6	Lot 2	NWNE	38.50
T12S R20E S6		SWNE	39.30	T12S R20E S6		SENE	38.90
T12S R20E S6		SENE	28.70	T12S R20E S6		NESW	19.10
T12S R20E S6		NESE	38.90	T12S R20E S6		NWSE	33.00
T12S R20E S6		SESE	27.90				

Total Acres: 302.2

Conditions of Approval:

1. X35 Rights 45-2075, 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 5.06 cfs and the irrigation of 302.2 acres.
2. 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. 45N.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.

Decreed Date: 6/24/2005

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

Current Water Right No.: 45-10107

Current Owner: DOUBLE EAGLE PROPERTIES LLLP

Priority Date: 6/30/1985

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.05 CFS

Total Diversion

1.05 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 6, Twp 12S, Rge 20E B.M.

CASSIA County

GROUND WATER

SE1/4SE1/4SE1/4

Sec. 6, Twp 12S, Rge 20E B.M.

CASSIA County

GROUND WATER

SE1/4NW1/4SE1/4

Sec. 5, Twp 12S, Rge 20E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R20E S6	Lot 1	NENE	37.90	T12S R20E S6	Lot 2	NWNE	38.50
T12S R20E S6		SWNE	39.30	T12S R20E S6		SENE	38.90
T12S R20E S6		SENE	28.70	T12S R20E S6		NESW	19.10
T12S R20E S6		NESE	38.90	T12S R20E S6		NWSE	33.00
T12S R20E S6		SESE	27.90				

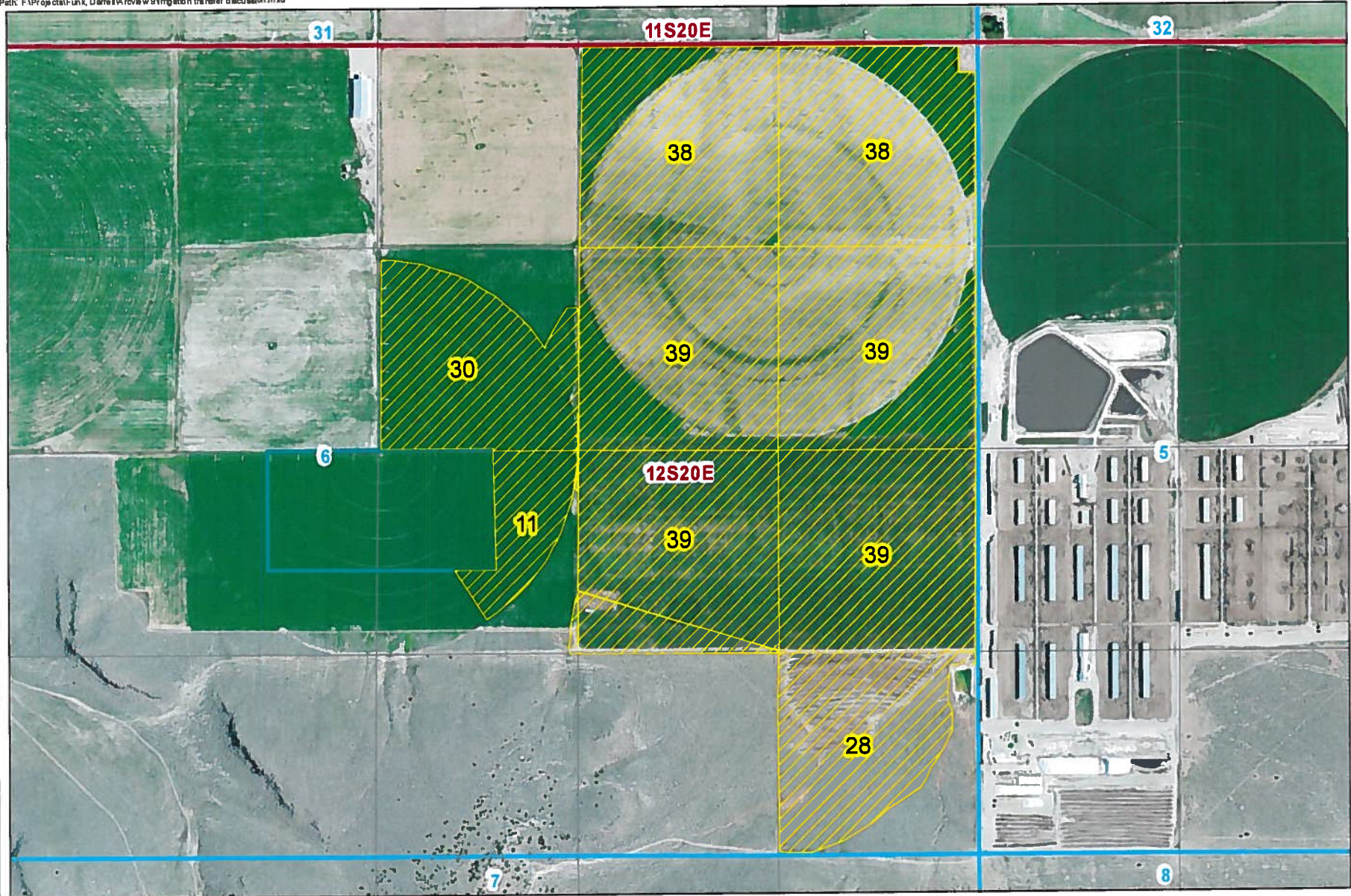
Total Acres: 302.2

Conditions of Approval:

1. X35 Rights 45-2075, 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 5.06 cfs and the irrigation of 302.2 acres.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. X35 Rights 45-2176, 45-2220, 45-2408 and 45-10107 when combined shall not exceed a total diversion rate of 4.26 cfs, a total annual maximum diversion volume of 998 af at the field headgate, and the irrigation of 302.2 acres.
7. X27 This right is limited to the irrigation of 52.6 acres within the authorized place of use in a single irrigation season.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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.
10. K04 This right is an expansion of Right Nos. 45-2176, 45-2220 and 45-2408 pursuant to Section 42-1416B, Idaho Code.

Decreed Date: 6/24/2005

Path: F:\Project\Funk, Darrell\A review of irrigation transfer discussion.mxd



TRANSFER 80037



0 650 1,300 2,600 Feet
BROCKWAY ENGINEERING, PLLC.
GEP - Date: 4/20/2015

**DARRELL M. FUNK
WATER RIGHT TRANSFER
NAIP 2013 AERIAL PHOTO**

Legend

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 Dairy POU

FILED EFFECTIVE



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

2014 DEC -5 PM 2:41

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Double Eagle Farms, LLC

2. The complete street and mailing addresses of the initial designated office:

3173 North 4900 East, Murtaugh, Idaho 83344

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Darrell M. Funk

(Name)

3173 North 4900 East, Murtaugh, Idaho 83344

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name**Address**Darrell M. Funk3173 North 4900 East, Murtaugh, Idaho 83344

5. Mailing address for future correspondence (annual report notices):

3173 North 4900 East, Murtaugh, Idaho 83344

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Darrell M. FunkTyped Name: Darrell M. Funk, President and Director

Secretary of State use only

Signature _____

Typed Name: _____

IDAHO SECRETARY OF STATE

12/05/2014 05:00

CK:9227 CT:85549 BH:1451890

1@ 100.00 = 100.00 ORGAN LLC #2

cert_org_llc Rev 07/2010

W145079

Case No. 65643SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

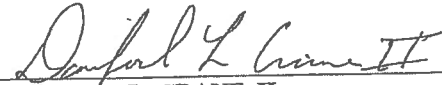
WARRANTY DEED

FOR VALUE RECEIVED **DANFORD L. CRANE, II, and SHAUNNA CRANE**, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **DOUBLE EAGLE PROPERTIES, LLLP**, a Limited Liability Limited Partnership hereinafter called Grantee, whose address is: 3173 N. 4900 E. Murtaugh, Idaho 83344, the following described premises in Cassia County, Idaho; to-wit:

Township 12 South, Range 20 East of the Boise Meridian, Cassia County, Idaho
Section 6: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, and Lot 6

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 8, 2015



DANFORD L. CRANE, II



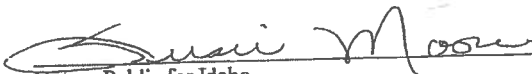
SHAUNNA CRANE

* * * * *

STATE OF IDAHO
County of Twin Falls

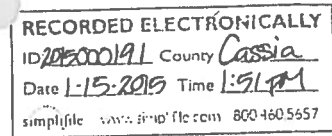
On this 8th day of January, 2015, before me, a Notary Public in and for said State, personally appeared **DANFORD L. CRANE, II and SHAUNNA CRANE**, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2020





Case No. 65643SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

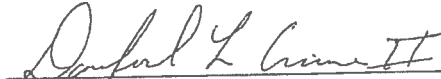
WARRANTY DEED

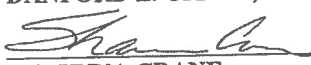
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Dated: January 8, 2015



DANFORD L. CRANE, II


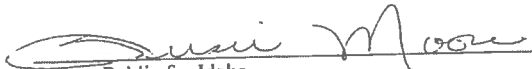
SHAUNNA CRANE

* * * * *

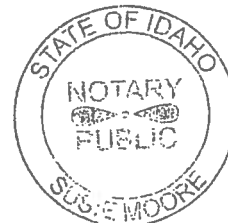
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County of Twin Falls

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Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2020



TRANSFER 80037



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

May 29, 2015

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

RE: Transfer No. 80037
Water Right No(s). 45-10107, 45-2075, 45-2176, 45-2220, 45-2408

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 6/4/2015 and 6/11/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 22, 2015**).

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2015 3:15 PM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News Cover Letter.docx; Times News Ad.doc; A&B Mitigation Plan Ad.docx

Attached please find **(2)** legal notice being submitted for publication on June 4th & 11th, 2015. 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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 80037
Water Right No(s): 45-10107, 45-2075, 45-2176, 45-2220, 45-2408

RE: Transfer No. 80038
Water Right No(s): 45-14464

RE: Notice of Mitigation Plan Submitted by A&B Irrigation District

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 June 22, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80037**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 80037 for changes to the following water rights within CASSIA County(s): Right No(s). 45-10107, 45-2075, 45-2176, 45-2220, 45-2408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes rearranging the authorized place of use for approximately 8.4 acres from four irrigation ground water rights and one Dry Creek water right that when combined authorize a total diversion of 5.06 cfs and 302 acres of irrigation. All acres will remain within currently authorized tracts for the water rights. Place of use is located 5.2 to 6.2 miles south and 0.1 mile to 0.8 miles east of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80038**

DARRELL M FUNK and PATRICIA M FUNK, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 80038 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-14464. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use; point of diversion; place of use and period of use for a 0.29 cfs and 97.3 acre foot portion of an irrigation ground water right. Irrigation use will be changed to commercial/stockwater use at a proposed dairy facility. The application indicates that the primary point of diversion is an existing well that isn't currently in use and the secondary well is a proposed well to be drilled. PODs and POU are located approximately 4.8 to 5.9 miles south and 0.8 miles west to 0.9 miles east of Murtaugh.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 22, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 4th & 11th, 2015

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 28, 2015 4:15 PM
To: 'Brian Higgs'
Subject: Comment Letters - transfers 80037 & 80038
Attachments: Comment Letter to WM140 for 80037 & 80038.docx; Transfer 80037.pdf; Transfer 80038.pdf

Hi Brian,

Attached is a cover letter, recommendation forms and copy of applications for transfer 80037 & 80038. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

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

Via e-mail

RE: Transfer No. 80037
Water Right No(s): 45-10107, 45-2075, 45-2176, 45-2220, 45-2408

RE: Transfer No. 80038
Water Right No(s): 45-14464

Dear Mr. Higgs:

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: May 21, 2015
To: Transfer 80037 & 80038 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer applications #80037 & 80038 were based on the on the current transfer fee schedule and included \$500.00 for the 0.290 cfs portion being transferred and a \$250.00 change in nature of use fee for transfer #80038 and \$200.00 for the 0.19 cfs portion being moved in transfer #80037; for a total of \$950.00 (Receipt Nos.S034714 & S034724).

MEMORANDUM

Date: May 18, 2015
To: Transfer 80037
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes rearranging the authorized place of use for four irrigation ground water rights (45-2176; 45-2220; 45-2408 and 45-10107) and one Dry Creek water right (45-2075) and moving approximately 8.4 acres to new ground. The place of use is being rearranged in order to move the irrigation rights off of grounds proposed for a new dairy site. All of the new acres proposed are within QQ's currently authorized under the rights and the new acres are on property owned by the water right owner. Points of diversion remain unchanged on all water rights. Place of use is located 5.2 to 6.2 miles south and 0.1 mile to 0.8 miles east of Murtaugh. Note that the 8.4 acre change includes an overall reduction in the place of use by 0.2 acres resulting from rounding of tenths of acres to whole numbers in the transfer application.

There is a companion transfer application filed with this transfer application that is seeking to change the nature of use; point of diversion; place of use and period of use for 0.29 cfs and 97.3 acre foot portion of an irrigation water right 45-14464. Irrigation use is proposed to be changed to commercial/stockwater for use at the proposed dairy facility. Right 45-14464 is not associated with the rights in this transfer.

Overlap analysis indicates there are no other irrigation water rights appurtenant to the proposed POU. The POU is located in the Southwest Irrigation District service area.

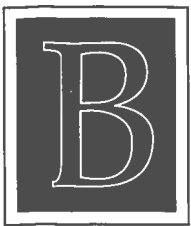
All points of diversion (POD) at the current and proposed POU are within the Artesian City Critical Ground Water Area and Water District 140. Watermaster comments will be solicited.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water rights and all properties involved in the transfer.
- **Water Right Validity:**
All rights in this transfer were decreed on 6/24/2005. Recent aerial photography indicates that the property associated with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial uses 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 of this application.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

April 20, 2015

Mr. Allen Merritt
Idaho Department of Water Resources
650 Addison Ave West, Suite 500
Twin Falls, Idaho 83301

Re: Transfer of Water Right for proposed Dairy for Darrell Funk
Project No. 280-06-2015

Dear Allen,

Enclosed are two transfers for Darrell Funk. The first transfer proposes to change the nature of use of irrigation right no. 45-14464 to stockwater and commercial for a new dairy for Darrell Funk. The second transfer will move irrigation water rights (45-2176, 45-2220, 45-2408, 45-2075, and 45-10107) to land dried up by the dairy transfer. The fee included is \$650 (\$450 for the first transfer and \$200 for the second). The owner of the second transfer is Double Eagle Properties, LLLP, which is a business registered with the state of Idaho and Darrell M. Funk is the registered agent and member of the business.

Please do not hesitate to contact me if you have any questions.

Sincerely,


G. Erick Powell, P.E.

enclosed

cc: Darrell Funk

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506