

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73742

This is to certify that: HAGERMAN WINGS FARM LLC
 823 E 2700 S
 HAGERMAN ID 83332
 (208) 837-9153

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-98	WR/Decreed	04/01/1895	7 cfs	N/A	91.0	202.0	BILLINGSLEY CREEK
36-15467	WR/Decreed	04/01/1905	2.95 cfs	N/A	91.0	202.0	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-98	NO	NO	NO	YES	NO	NO
36-15467	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-98	36-98	7.00 cfs	N/A	91.0	202.0		N/A	N/A	N/A	N/A
36-15467	36-15467	2.95 cfs	N/A	91.0	202.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		9.95 cfs	N/A	91.0	202.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of October, 20 08

 Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 36-98

WATER RIGHT NO. 36-15467
As Modified by Transfer No. 73742

In accordance with the approval of Transfer No. 73742, Water Right No. 36-15467 is now described as follows.

Right Holder: HAGERMAN WINGS FARM LLC
 823 E 2700 S
 HAGERMAN ID 83332

Priority Date: April 01, 1905

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	2.95 CFS
			2.95 CFS

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK	NWSWNE	Sec. 11 Twp 07S	Rge 13E	GOODING County
BILLINGSLEY CREEK (Rediversion)	L3 (NWNESE)	Sec. 16 Twp 07S	Rge 13E	GOODING County
BILLINGSLEY CREEK (Injection)	L3 (SWNESE)	Sec. 16 Twp 07S	Rge 13E	GOODING County

PLACE OF USE: IRRIGATION

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	15							28.0	37.0	23.0	40.0	40.0	11.0					179.0
									L 5										
07S	13E	16			3.0										20.0				23.0
															L 3				

Total Acres: 202

WATER RIGHT NO. 36-15467
As Modified by Transfer No. 73742

CONDITIONS OF APPROVAL

1. Re-diversion from the Snake River under Rights 36-98 and 36-15467 is limited to those times when at least 0.50 cfs of Billingsley Creek water is injected into the Snake River at the specified point of injection.
2. The portion of Rights 36-98 and 36-15467 re-diverted from the Snake River shall not exceed 0.50 cfs.
3. In order to provide for watermaster control of the alternate point of diversion on the Snake River, the right holder shall install a separate pump to deliver water under this right. The pump shall not deliver water under any other water rights, but may share a common mainline with other pumps delivering Snake River water under other water rights.
4. The right holder shall maintain a measuring device at the point of injection, and a measuring device and lockable controlling works at the point of re-diversion that will provide the watermaster suitable control of the re-diversion.
5. When consumptive rights from Billingsley Creek between the Sands Ditch and the mouth of Billingsley Creek are curtailed to supply water to senior priority water rights on Billingsley Creek, the right holder shall cease diverting water from the Snake River under this right unless the right holder can demonstrate (a) water could have been diverted under this water right at the head of the Sands Ditch, and (b) the water that could have been diverted under this water right is being passed through diversions from Billingsley Creek downstream of the Sands Ditch to the new point of diversion.
6. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 121.0 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
7. Rights 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 9.95 cfs, and the irrigation of 91.0 acres in a single irrigation season.
8. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 10.55 cfs, a total annual maximum diversion volume of 484.0 af at the field headgate, and the irrigation of 121 acres.
9. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. 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. 36-A.
11. 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.

WATER RIGHT NO. 36-15467
As Modified by Transfer No. 73742

CONDITIONS OF APPROVAL

12. The period of use for the irrigation described in this approval may be extended to a beginning date of 2/15 and an ending date of 11/30 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/31/1998.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the elements and conditions of this water right as authorized under this transfer is cause for the Director to rescind approval of the transfer.
15. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of October, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-98
As Modified by Transfer No. 73742

In accordance with the approval of Transfer No. 73742, Water Right No. 36-98 is now described as follows.

Right Holder: HAGERMAN WINGS FARM LLC
 823 E 2700 S
 HAGERMAN ID 83332

Priority Date: April 01, 1895

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	11/30	7.00 CFS
			7.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

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PLACE OF USE: IRRIGATION

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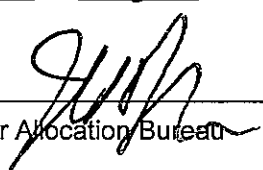
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This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of October, 2008



Chief, Water Allocation Bureau