

SD-0611-2 Basin: 45 Starting Water Right: 04102

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
-	45-04102	DOUBLE EAGLE INC.	C	03/15/1962	S/	GROUNDWATER	IRR	WR
-	A45-04102	FUNK, DARRELL	C	03/15/1962	S/	GROUNDWATER	IRR	AJ
-	R45-04102	FUNK, DARRELL	C	03/15/1962	S/	GROUNDWATER	IRR	AJ

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

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TRANSFER NO. 5023
RIGHT NO(S). 45-02249/45-02443/A45-04102/A45-12433

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. 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 lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5023 shall not exceed 7.82 cfs, nor total combined annual volume of 1772.0 af.
- ** 9. Right 45-02249 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- ** 10. Right 45-02443 is limited to the irrigation of 185.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right A45-04102 is limited to the irrigation of 218.0 acres in the place of use described above in a single irrigation season.
- ** 12. Right A45-12433 is limited to the irrigation of 13.0 acres in the place of use described above in a single irrigation season.
13. Rights 45-02443, A45-04102 and A45-12433 when combined shall not exceed a total combined annual volume of 932.0 af and the irrigation of 233.0 acres.
14. Rights 45-02249, 45-02443, A45-04102 and A45-12433 when combined shall not exceed a total combined annual volume of 1772.0 af and the irrigation of 443.0 acres.
15. The well(s) previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.

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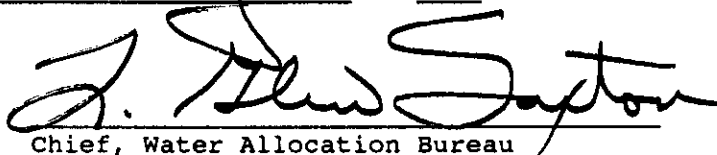
TRANSFER NO. 5023

RIGHT NO(S). 45-02249/45-02443/A45-04102/A45-12433

CONDITIONS OF APPROVAL AND REMARKS

16. Approval of Transfer 5023 does not confirm Claimed Rights A45-04102 and A45-12433.
17. Two (2) points of diversion are located within SWNE, S22, T11S, R20E.

Dated this 13 ^{*th*} day of January, 1998


Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Double Eagle Inc. (Name of Claimant)
Route #1, Murtaugh, Idaho 83344 (Mailing Address) Telephone No. 432-5270 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar 15, 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.56 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov 15</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 0.56 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
2 pts. SW 1/4 NE 1/4, Sec. 22 Twp. 11S Rge. 20E B.M., County of Twin Falls
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Two wells w/ 75 hp motors to pond, 75 hp motor from pond to sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	20E	22															27	1	28

No. of acres 28

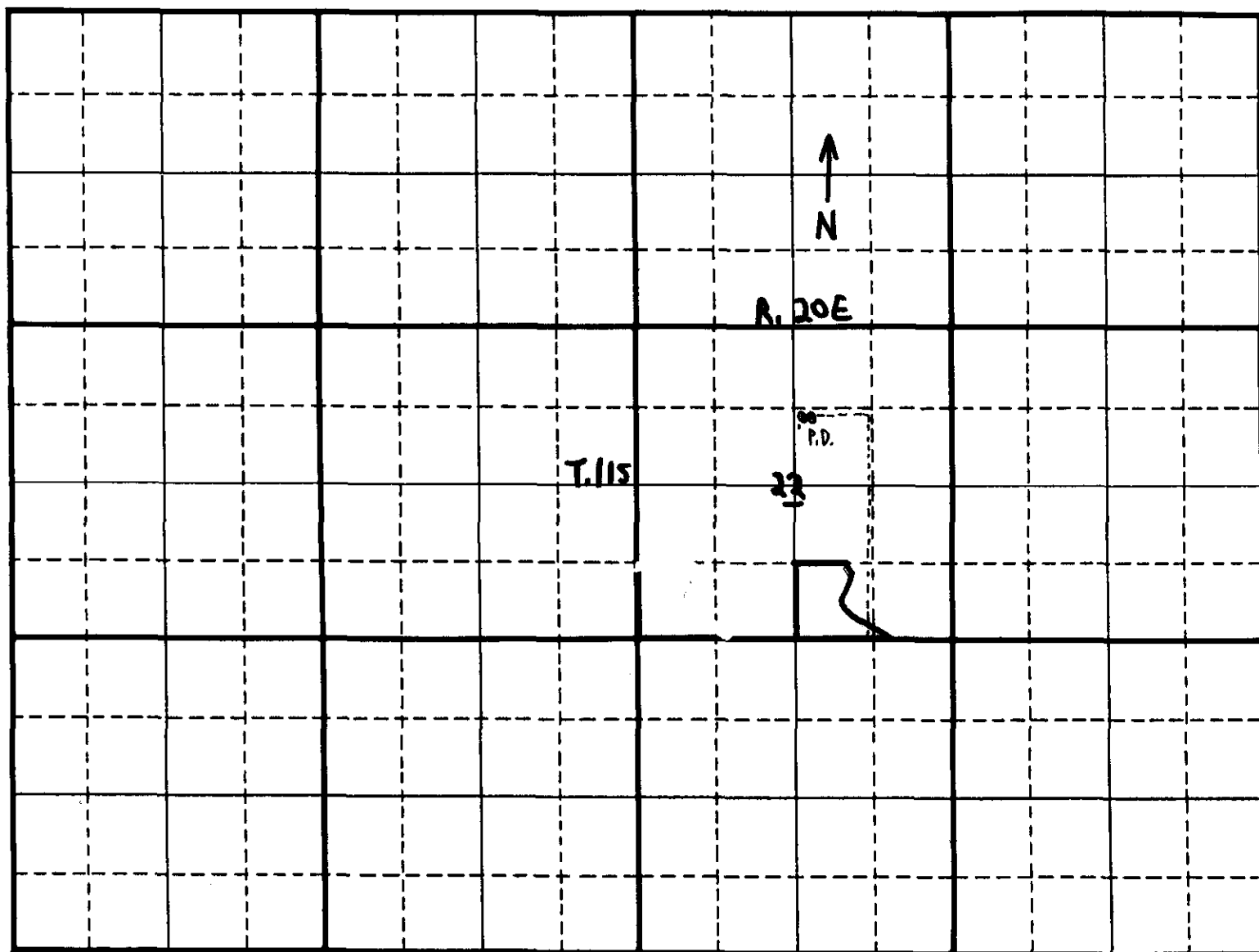
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Danell M. Lusk
President (Claimant)

Sworn to before me this 4th day of March, 1980.

Mary A. Hill
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires life

FOR DEPARTMENT USE ONLY

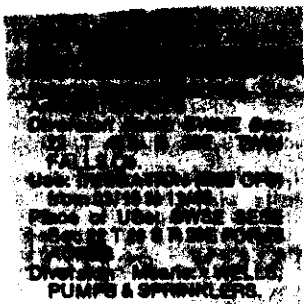
Received by J. E. Clinton Date 2-9-80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 3/4/80 claimant by: _____
\$20.00 fee received by Mary A. Hill Date 3/3/80 # 17131
Published in Twin Falls News _____
Dates 4/3 & 4/10/80 _____

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

Nº 9192



I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated April 3, 1980, and ending with the issue dated April 10, 1980.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McSwine
Subscribed and sworn to before me on this 16 day of

April, 1980.
Melba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOTARIAL

Affidavit of Publication

STATE OF IDAHO,)

COUNTY OF TWIN FALLS)

ss.

Nº 9192

45-4102
DOUBLE EAGLE INC.
RT. 1, MURTAUGH, ID 83344
Source: GROUNDWATER
Priority Date: 03/15/1962
Amount: 0.56 CFS
Diversion Point: SWNE Sec
22 T 11S R 20E, TWIN
FALLS Co.
Use: IRRIGATION (0.56 CFS)
from 03/15 to 11/15
Place of USE: SWSE SESE
Sec 22 T 11 S R 20E FOR 28
ACRES
Diversion Means: WELLS,
PUMPS & SPRINKLERS.

I, *Arlinda Capps McAnce* being first duly sworn upon oath, depose and say that I am *Deputy Clerk* of the TIMES-NEWS published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for *two* consecutive *weeks*, commencing with the issue dated *April 3*, 19 *80*, and ending with the issue dated *April 10*, 19 *80*.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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Arlinda Capps McAnce
Subscribed and sworn to before me on this

10 day of

April, 19 *80*.
Willie Lovell Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MEMORANDUM

TO: FILES 45-02249, 45-02443, A45-04102 & A45-12433

FROM: PAM SKAGGS^{CS}/STATE OFFICE

SUBJECT: TRANSFER 5023

DATE: January 7, 1998

=====

Transfer 5023 adds points of diversion[✓] and changes the place of use under Rights 45-02249, 45-02443, A45-04102 and A45-12433. The applicant is combining these rights into a single system, identifying the 443 historically irrigated acres as a common permissible place of use. A new well will also be drilled to replace two poorly producing wells.

The transfer is based on two licensed rights and two SRBA claims. A45-04102 is a modification or amended version of statutory claim 45-04102 increasing acres and diversion rate. Final determination of this claim will be made through the adjudication process. ✓

Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements future measuring & annual reporting, irrigation overlap, multiple points of diversion measuring devices, permissible place of use limits, combined right limits, non-confirmation of claims and standard transfer conditions. ✓

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MEMORANDUM

TO: FILE 45-402
FROM: PAM SKAGGS
RE: TRANSFER # 5023
DATE: 3/17/97

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 45-2249.

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FEB 11 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 22, 1980

DOUBLE EAGLE INC.
RT. 1
MUSTAUGH

ID 83344

RE: Claim No. 45-4102

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



LOREN O. HOLMES
Southern Region Supervisor

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 20, 1980

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 21, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

MILK

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

45-4102

DOUBLE EAGLE INC.

RT. 1. MURTAUGH. ID 83344

Source: GROUNDWATER

Priority Date: 03/15/1962

Amount: 0.56 CFS

Diversion Point: SWNE Sec 22 T 11S R 20E, TWIN FALLS Co.

Use: IRRIGATION (0.56 CFS) from 03/15 to 11/15

Place of Use: SWSE SESE Sec 22 T 11S R 20E FOR 28 ACRES

Diversion Means: WELLS, PUMPS & SPRINKLERS.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 4/3 & 4/10/80.

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4/3/80

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Priority Date: 03/15/1962
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Use: IRRIGATION (0.56 CFS)
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Place of Use: SWSE SESE
Sec 22 T 11 S R 20E FOR 28
ACRES
Diversion Means: WELLS,
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