

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88694**

This is to certify that: **DOUBLE EAGLE PROPERTIES LLLP**
3173 N 4900 E
MURTAUGH, ID 83344-5359

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-14459	WR/DECREED	10/11/1929	0.170 cfs	35.0 af	8.7	36.8	GROUND WATER
45-14460	WR/DECREED	5/10/1946	0.200 cfs	70.0 af	17.4	36.8	GROUND WATER
45-14461	WR/DECREED	2/20/1952	0.140 cfs	70.0 af	26.0	36.8	GROUND WATER
45-14462	WR/DECREED	6/30/1985	0.130 cfs	N/A	6.4	36.8	GROUND WATER

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>
45-14459	YES	YES	YES	NO	YES	YES
45-14460	YES	YES	YES	NO	YES	YES
45-14461	YES	YES	YES	NO	YES	YES
45-14462	YES	YES	YES	NO	YES	YES

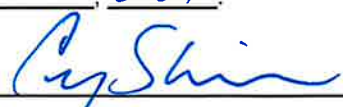
Summary Of Water Rights After the Approved Change

<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>
45-14459	47-17773	0.070 cfs	11.4 af	N/A	N/A	45-14459	0.100 cfs	20.7 af	5.2	21.8
45-14460	47-17774	0.080 cfs	22.8 af	N/A	N/A	45-14460	0.120 cfs	41.5 af	10.3	21.8
45-14461	47-17775	0.060 cfs	34.1 af	N/A	N/A	45-14461	0.080 cfs	41.5 af	15.4	21.8
45-14462	47-17776	0.050 cfs	N/A	N/A	N/A	45-14462	0.080 cfs	N/A	3.8	21.8
COMBINED TOTALS		0.210 cfs	48.3 af	N/A	N/A		N/A	N/A	N/A	N/A

Right 47-17776 shall be considered abandoned through approval of Transfer 88694.

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 31ST day of January, 2024.



Southern Region Manager

Transfer No. 88694

SUPPORT DATA
IN FILE # 45-14459

WATER RIGHT NO. 45-14459**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 45-14459 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 10/11/1929

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.100 cfs	20.7 af
			0.100 cfs	20.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 33 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	33			8.8												13.0		21.8

Right Acre Limit: 5.2
POU Total Acres: 21.8

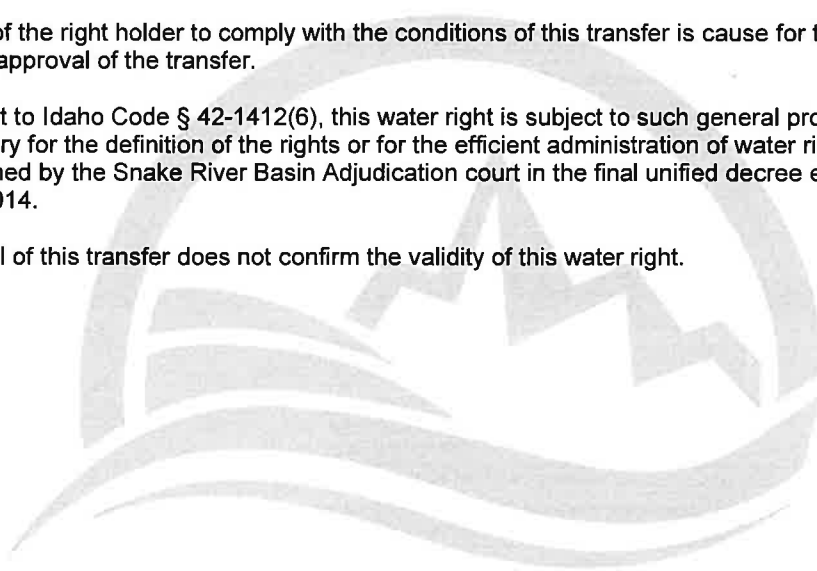
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.2 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14459, 45-14460, 45-14461 and 45-14462 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 72.3 af at the field headgate, and the irrigation of 21.8 acres.
3. 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. 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).

Transfer No. 88694

WATER RIGHT NO. 45-14459
As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

5. 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.
 6. Right No. 45-14462 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
 10. Approval of this transfer does not confirm the validity of this water right.
- 

WATER RIGHT NO. 47-17773**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 47-17773 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 10/11/1929

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.070 cfs	11.4 af
			0.070 cfs	11.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESW Sec 31 Twp 09S Rge 17E TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	31									X	X	X	X					0.0
												L 3	L 4						
10S	17E	6					X												0.0
							L 3												

CONDITIONS OF APPROVAL

1. Rights 47-17773, 47-17774, and 47-17775 when combined shall not exceed a total diversion rate of 0.21 cfs and a total annual maximum diversion volume of 48.3 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 88694

WATER RIGHT NO. 47-17773

As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-14460**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 45-14460 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 5/10/1946

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.120 cfs	41.5 af
			0.120 cfs	41.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 33 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	33			8.8												13.0		21.8

Right Acre Limit: 10.3
POU Total Acres: 21.8

CONDITIONS OF APPROVAL

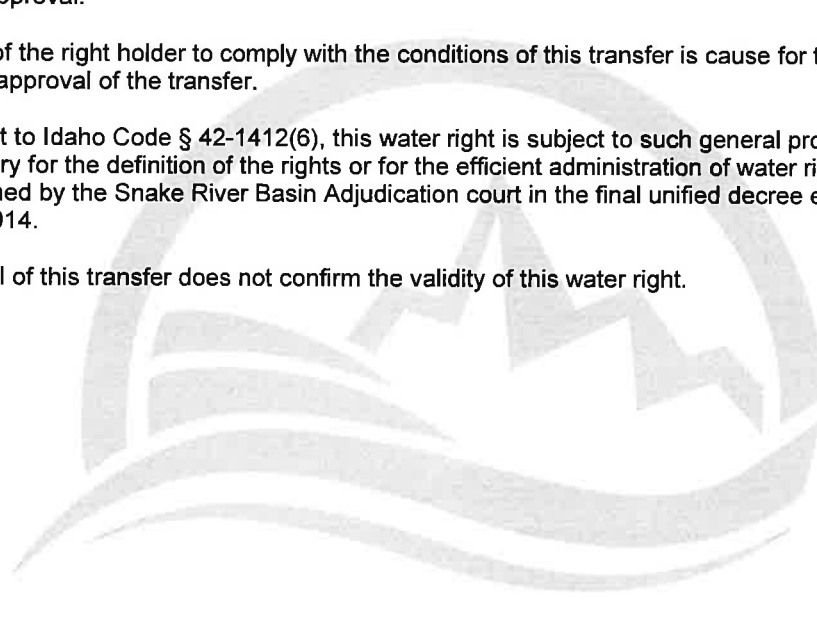
1. This right is limited to the irrigation of 10.3 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14459, 45-14460, 45-14461 and 45-14462 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 72.3 af at the field headgate, and the irrigation of 21.8 acres.
3. 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. 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).

Transfer No. 88694

WATER RIGHT NO. 45-14460

As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

5. 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.
 6. Right No. 45-14462 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
 10. Approval of this transfer does not confirm the validity of this water right.
- 

WATER RIGHT NO. 47-17774**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 47-17774 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 5/10/1946

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.080 cfs	22.8 af
			0.080 cfs	22.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESW Sec 31 Twp 09S Rge 17E TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	31									X	X	X	X					0.0
10S	17E	6					X						L 3	L 4					0.0
							L 3												

CONDITIONS OF APPROVAL

1. Rights 47-17773, 47-17774, and 47-17775 when combined shall not exceed a total diversion rate of 0.21 cfs and a total annual maximum diversion volume of 48.3 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 88694

WATER RIGHT NO. 47-17774
As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-14461**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 45-14461 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 2/20/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.080 cfs	41.5 af
			0.080 cfs	41.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 33 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	20E	33			8.8												13.0		21.8

Right Acre Limit: 15.4

POU Total Acres: 21.8

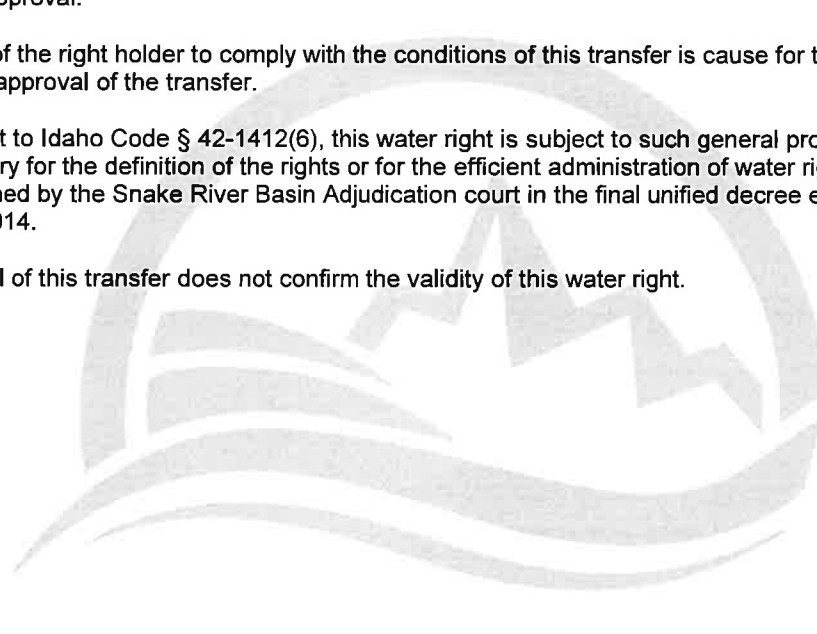
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.4 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14459, 45-14460, 45-14461 and 45-14462 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 72.3 af at the field headgate, and the irrigation of 21.8 acres.
3. 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. 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).

Transfer No. 88694

WATER RIGHT NO. 45-14461
As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

5. 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.
 6. Right No. 45-14462 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
 10. Approval of this transfer does not confirm the validity of this water right.
- 

WATER RIGHT NO. 47-17775**As Modified by Transfer No. 88694**

In accordance with the approval of Transfer No. 88694, Water Right No. 47-17775 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 2/20/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.060 cfs	34.1 af
			0.060 cfs	34.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESW Sec 31 Twp 09S Rge 17E TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	31									X	X	X	X					0.0
												L 3	L 4						
10S	17E	6					X												0.0
							L 3												

CONDITIONS OF APPROVAL

1. Rights 47-17773, 47-17774, and 47-17775 when combined shall not exceed a total diversion rate of 0.21 cfs and a total annual maximum diversion volume of 48.3 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 88694

WATER RIGHT NO. 47-17775
As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-14462
As Modified by Transfer No. 88694

In accordance with the approval of Transfer No. 88694, Water Right No. 45-14462 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 6/30/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.080 cfs 0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec 33 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 33 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	33			8.8												13.0		21.8

Right Acre Limit: 3.8
POU Total Acres: 21.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.8 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14459, 45-14460, 45-14461 and 45-14462 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 72.3 af at the field headgate, and the irrigation of 21.8 acres.
3. Rights 45-2211A, 45-2403, 45-2337A, 45-2517A, 45-14459, 45-14460, 45-14461 and 45-14462 when combined shall not exceed the irrigation of 342.8 acres.
4. 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.

WATER RIGHT NO. 45-14462
As Modified by Transfer No. 88694

CONDITIONS OF APPROVAL

5. 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).
6. 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. This right is an expansion of Right Nos. 45-14459, 45-14460 and 45-14461 pursuant to Section 42-1416B, Idaho Code.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
11. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 47-17776

As Modified by Transfer No. 88694

In accordance with the approval of Transfer No. 88694, Water Right No. 47-17776 is now described as follows:

Right Holder: DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH, ID 83344-5359

Priority Date: 6/30/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
COMMERCIAL	1 /1	to 12/31	0.050 cfs
			0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESW Sec 31 Twp 09S Rge 17E TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	31									X	X	X	X					0.0
												L 3	L 4						
10S	17E	6					X												0.0
							L 3												

CONDITIONS OF APPROVAL

1. Right 47-17776 shall be considered abandoned through approval of Transfer 88694.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88694
47-17773, 47-17774, and 47-17775

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



0 0.075 0.15 0.3 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 88694
45-14459, 45-14460, 45-14461, and 45-14462

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



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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 7, 2024

DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH ID 83344-5359

Re: Transfer No: 88694

Water Right No(s): 45-14459, 45-14460, 45-14461, 45-14462

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 140
JAXON HIGGS
355 W 500 S
BURLEY ID 83318-5229

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

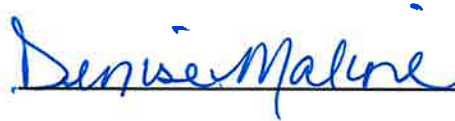
Re: Transfer No.: 88694

Water Right No(s): 45-14459, 45-14460, 45-14461, 45-14462

DOUBLE EAGLE PROPERTIES LLLP
3173 N 4900 E
MURTAUGH ID 83344-5359

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 140
JAXON HIGGS
355 W 500 S
BURLEY ID 83318-5229



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.

Skinner, Corey

From: Skinner, Corey
Sent: Monday, February 5, 2024 11:21 AM
To: Tyler Davis Jeffers
Cc: Barnes, Clinton; Greg Sullivan
Subject: RE: South Canyon RV Water Right Transfer
Attachments: 20240205111451.pdf

Tyler,

The transfer was approved last week. I have attached a scanned copy of the approval document for reference. The official approval documents should be in this week's mail to Double Eagle Properties LLLP and Greg Sullivan at Brockway Engineering.

Corey

From: Tyler Davis Jeffers <tyler@summitcreekdevelopment.com>
Sent: Monday, February 5, 2024 9:41 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: South Canyon RV Water Right Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning Corey,

I hope you had a nice weekend.

We recently submitted a water right transfer from Double Eagle Properties to our commercial facility located in To9S R17E Sec 31. The water rights are 45-14459, 45-14460, and 45-14462 totalling 15 acres and 48.3 acre feet. There were no protests against this transfer.

I am wondering when we can expect approval from IDWR on this transfer? We are waiting to submit our Well PER and Water FPR and PER to DEQ for the project, but need the transfer completed in order to do so.

Thanks in advance.

Tyler Davis-Jeffers
Managing Partner
Summit Creek Development
(ofc) 208 471 4940
(cel) 208 720 8191



MEMORANDUM

Date: January 25, 2024
To: Transfer 88694, Double Eagle Properties, LLLP Transfer File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use of a 0.21 cfs, 15.0 acre portion of four ground water irrigation rights which currently irrigate 36.8 acres of land located approximately 5.0 miles south and 2.7 miles east of Murtaugh. The application proposes to change a portion of the rights from irrigation during the irrigation season to year-round commercial use at a proposed RV park located approximately 2.7 miles west and 0.2 mile north of the intersection of Pole Line Road and Blue Lakes Boulevard in Twin Falls. The transfer proposes changing the PODs of the converted portion from the currently authorized irrigation wells to a new well located within the proposed RV park.

The change in nature of use and other changes required the transfer to be advertised. No protests were filed. Since the water is moving from Water District 140, comments were solicited from the WD-140 Watermaster. The Watermaster did not comment on the transfer.

In converting from irrigation to commercial use, a consumptive use value is used instead of the full volume of the water rights. In this case it is derived from the Burley NWS station for alfalfa, frequent cuttings, and that value is 3.22 feet. The transfer application contains Farm Service Agency documents verifying the production of alfalfa on the acres to be dried up. Dividing the acre-feet moving to the proposed RV park by the consumptive use value ($48.3/3.22$) indicates the transfer will dry up 15.0 acres of the four rights.

Two of the wells at the current place of use are located within the ESPA Model Grid Boundary and the third well is located outside the Model Grid Boundary. The applicant has submitted evidence that the third well (Well 1) is the primary well that provides irrigation water for the rights involved in the transfer, therefore, no ESPA modeling is required for the transfer.

The transfer involves moving water from Basin 45 to Basin 47, so the split portions of the rights moving will have Basin 47 prefixes.

The water rights involved in the transfer are:

Right #	Flow Rate	Volume	Use	Acre Limit	Total Acres
45-14459	0.17 cfs	35.0 AF	Irrigation	8.7 acres	36.8 acres
45-14460	0.20 cfs	70.0 AF	Irrigation	17.4 acres	36.8 acres
45-14461	0.14 cfs	70.0 AF	Irrigation	26.0 acres	36.8 acres
45-14462	0.13 cfs	Expansion	Irrigation	6.4 acres	36.8 acres

- **Authority to File:**

The water rights and the application are both in the name of Double Eagle Properties, LLLP. The application was signed by Darrell Funk, the registered agent for the LLLP. The annual report form from the Idaho Secretary of State showing this is included with the application.

- **Water Right Validity:**

The rights involved were decreed in the SRBA. The POU from which the 15.0 acres of the rights to be dried up are appurtenant appears to be well irrigated in recent aerial imagery. Forfeiture is likely not an issue. WMIS (Water Management Information System) data indicates ample use at the present POU.

- **Injury to Other Water Rights:**

None anticipated or foreseen.

- **Enlargement of Use:**

None anticipated. The 15.0 acres being transferred from the four rights will be dried up and not irrigated.

- **Local Public Interest:**

No issues anticipated. The application was advertised with no protests.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**

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.

*** Proof of Publication ***

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

SHERRI DAVIS, 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 Southern Region
Denise Maliine Administrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 147446

Sherrri Davis

(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 11th day of January in the year of 2024 before me, a Notary Public, personally appeared before me Sherri Davis 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.

Morgan Shindle
Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 11/20/2029

Section: Legals

Category: 50 Legal

PUBLISHED ON: 01/04/2024, 01/11/2024

TOTAL AD COST: 145.22

FILED ON: 1/11/2024

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88694**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344-5359 has filed Application No. 88694 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 45-14459, 45-14460, 45-14461, 45-14462; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use of a 0.21 cfs, 15.0 acre portion of four ground water irrigation rights which currently irrigate 36.8 acres of land located approximately 5.0 miles south and 2.7 miles east of Murtaugh. The application proposes to change a portion of the rights from irrigation during the irrigation season to year-round commercial use at a proposed RV park located approximately 2.7 miles west and 0.2 mile north of the intersection of Pole Line Road and Blue Lakes Boulevard in Twin Falls. The transfer proposes changing the PODs of the converted portion from the currently authorized irrigation wells to a new well located within the proposed RV park.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 83301-5858 together with a protest fee of \$25.00 for each application on or before January 22, 2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: January 4, 11, 2024

✓ OK DM 1/22/2024



RECEIVED

JAN 18 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION