

Vicki



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 24, 2001

H ALAN FUNK
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Transfer #5607 for water right(s) ~~33307894~~ and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On March 13, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5607, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads 'Jennifer Crabtree'.
Jennifer Crabtree
Technical Records Specialist



STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: H. Alan Funk

Water Right(s): 35-07894

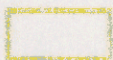


500 0 500 1000 1500 2000 2500 3000 3500 Feet

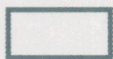
LEGEND



Point of Diversion



Place of Use



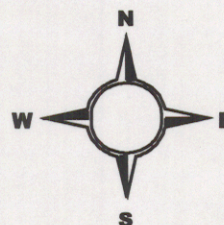
Section Line



Quarter-section line

**Legal Description: T6S, R31E
Sec. 16 W2SW, N2NESW**

**Point(s) of Diversion: T6S, R31E
Sec. 16 SESWSW**



POD by Transfer # 5607

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 35-07894

)

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5607**

☒ point of diversion ☐ place of use

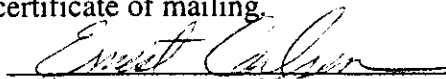
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 24, 2001

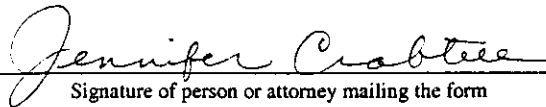


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Jan 29, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
H ALAN FUNK
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

01/26/2001

RIGHT NUMBER: 35-7894 RECOMMENDATION PER TX #5607

NAME AND ADDRESS: H ALAN FUNK
2065 S 2800 W
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 1.59 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07221 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.50 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 384 AF

PRIORITY DATE: 03/31/1980

POINT OF DIVERSION: T06S R31E S16 SESWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-15	1.59 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY
CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF
THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15
UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS
RIGHT

PLACE OF USE:

<u>IRRIGATION Within BINGHAM County</u>			
T06S R31E S16	NESW	20	T06S R31E S16
T06S R31E S16	SWSW	38	NWSW 38

96 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN
SPRINGFIELD CANAL CO.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 35-7894

<u>Owner Type</u> Current Owner	<u>Name and Address</u> H ALAN FUNK 2065 S 2800 W ABERDEEN, ID 83210 (208)397-4820
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Priority Date:	03/31/1980	SEE COMMENTS
Basis:	License	
Status:	Valid	

<u>Source</u> GROUND WATER	<u>Tributary to</u>
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<u>Beneficial Use</u> IRRIGATION	<u>From</u> 4/01	<u>To</u> 10/15	<u>Diversion Rate</u> 1.59 CFS	<u>Volume</u>	<u>Subuse Code</u>
Total Diversion	1.59 CFS				

Location of Point(s) of Diversion:

GROUND WATER	SESWSW	Sec. 16	Township 06S	Range 31E	BINGHAM County
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IRRIGATION Use:
Acre Limit: 96

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BINGHAM County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	31E	16		NESW	20		NWSW	38		SWSW	38			

Total Acres: 96

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 35-07221 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.50 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 384 AF.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

Author	Date	Subject	Comment
ARuberry	1/23/01	TRANSFER #5607	ONLY CHANGES THE POD.

Dates:

Licensed Date: 08/29/1983
 Claim Received Date: 04/10/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Summary	1/26/01 8:20:24 AM		1/26/01 8:20:24 AM	ARuberry	Complete
	1/26/01 8:20:14 AM	ARuberry			In Process
	1/26/01 8:05:55 AM		1/26/01 8:05:55 AM	ARuberry	Complete
	1/26/01 8:05:46 AM	ARuberry			In Process
	1/23/01 12:48:55 PM	ARuberry			In Process
	1/23/01 11:30:14 AM		1/23/01 11:30:14 AM	ARuberry	Complete

Other Information:

Receipt Number(s): E006778
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5607
WATER RIGHT NO. 35-07894

RECEIVED
MAR 16 2000

Department of Water Resources
Eastern Region

This is to certify that: H ALAN FUNK
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/15	1.59 CFS

SOURCE

GROUNDWATER

Priority: 03/31/1980

LOCATION OF POINT(S) OF DIVERSION:

SESWSW , Sec. 16, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 31E 16	NESW 20	NWSW 38	SWSW 38	96
Total number of acres irrigated:				96

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

TRANSFER NO. 5607
WATER RIGHT NO. 35-07894

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 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.
- X 8. Rights 35-07894 and 35-07221 when combined shall not exceed a total diversion rate of 3.50 cfs.
- X 9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 384.0 af at the field headgate for the lands above.
- X 10. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
11. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 13th day of March, 2000.

J. Drew Saylor

Chief, Water Allocation Bureau