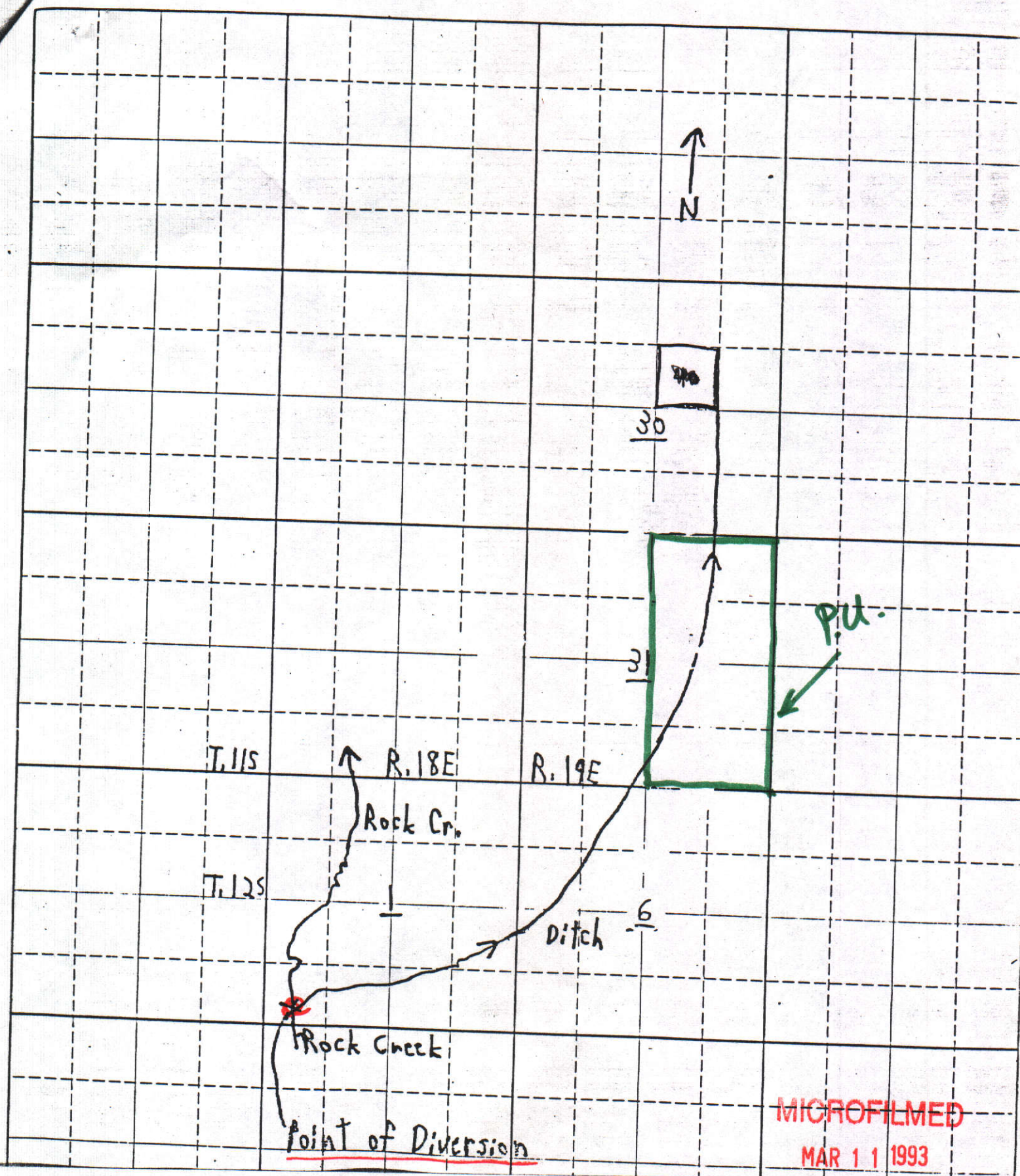


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigate. Show clearly the land involved by section, township and range number.

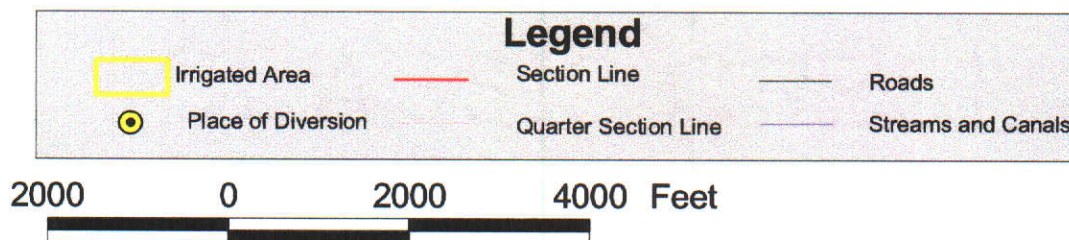
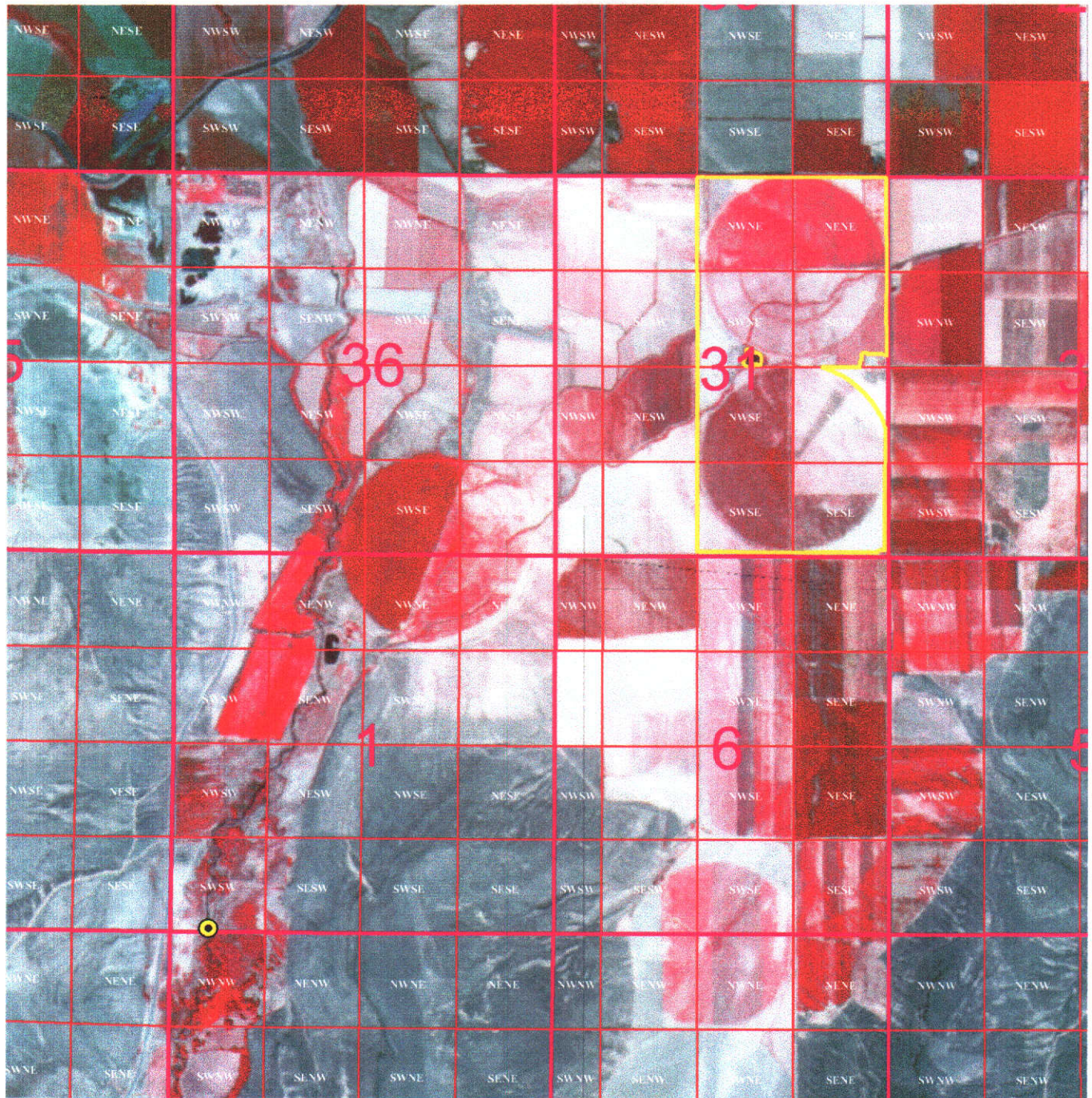


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MAR 11 1993

A47-00176

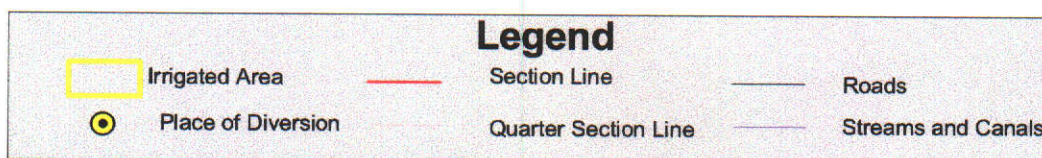
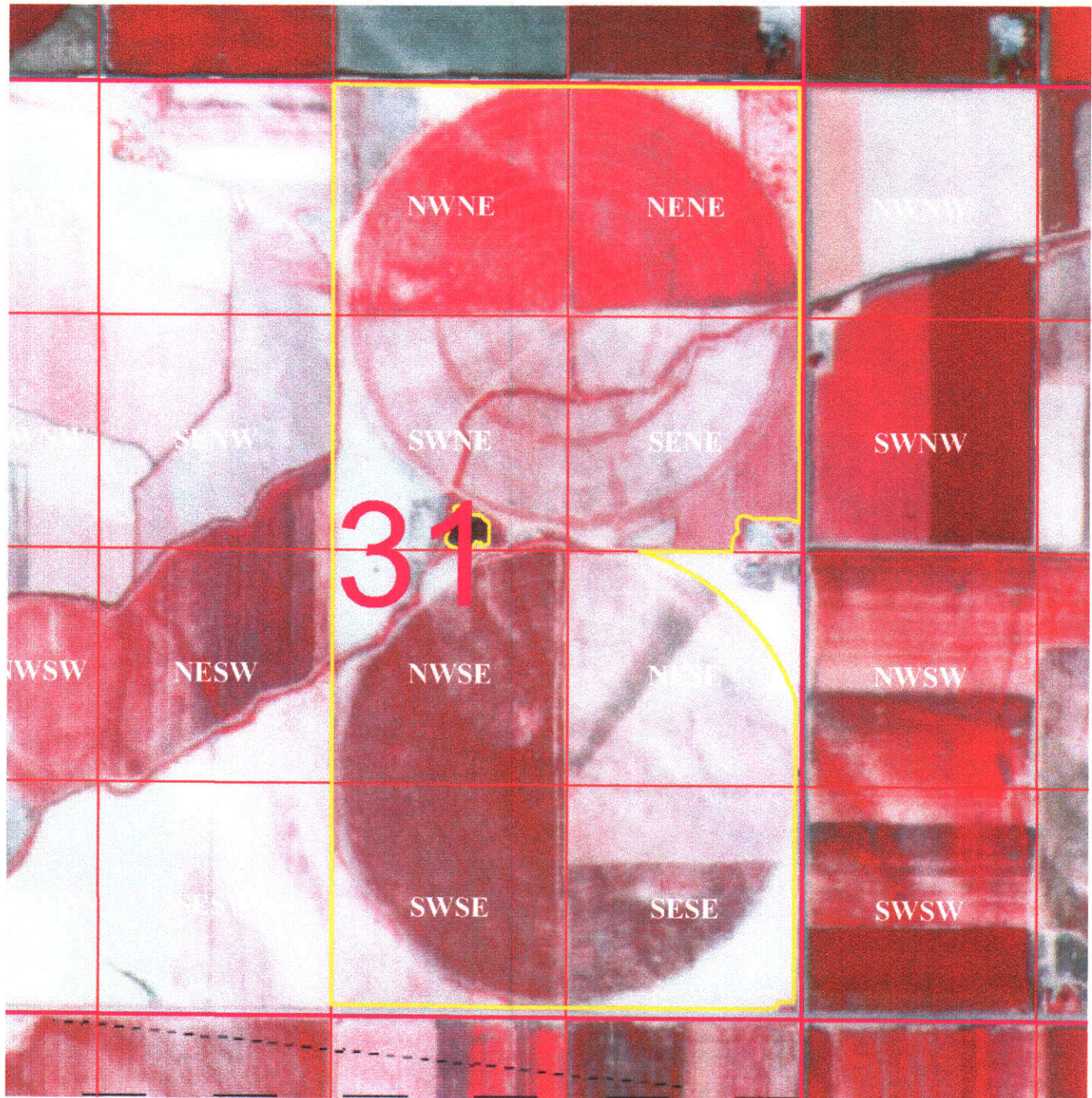
10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



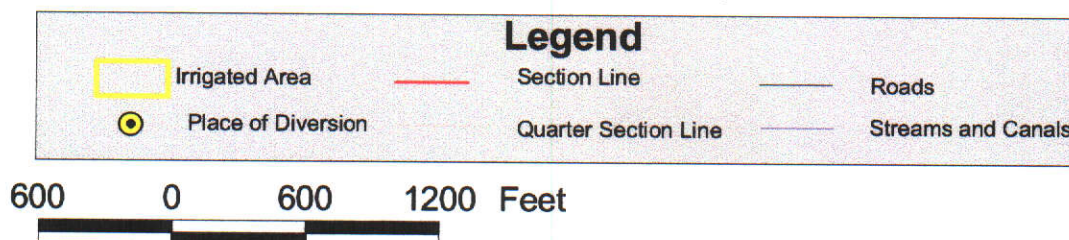
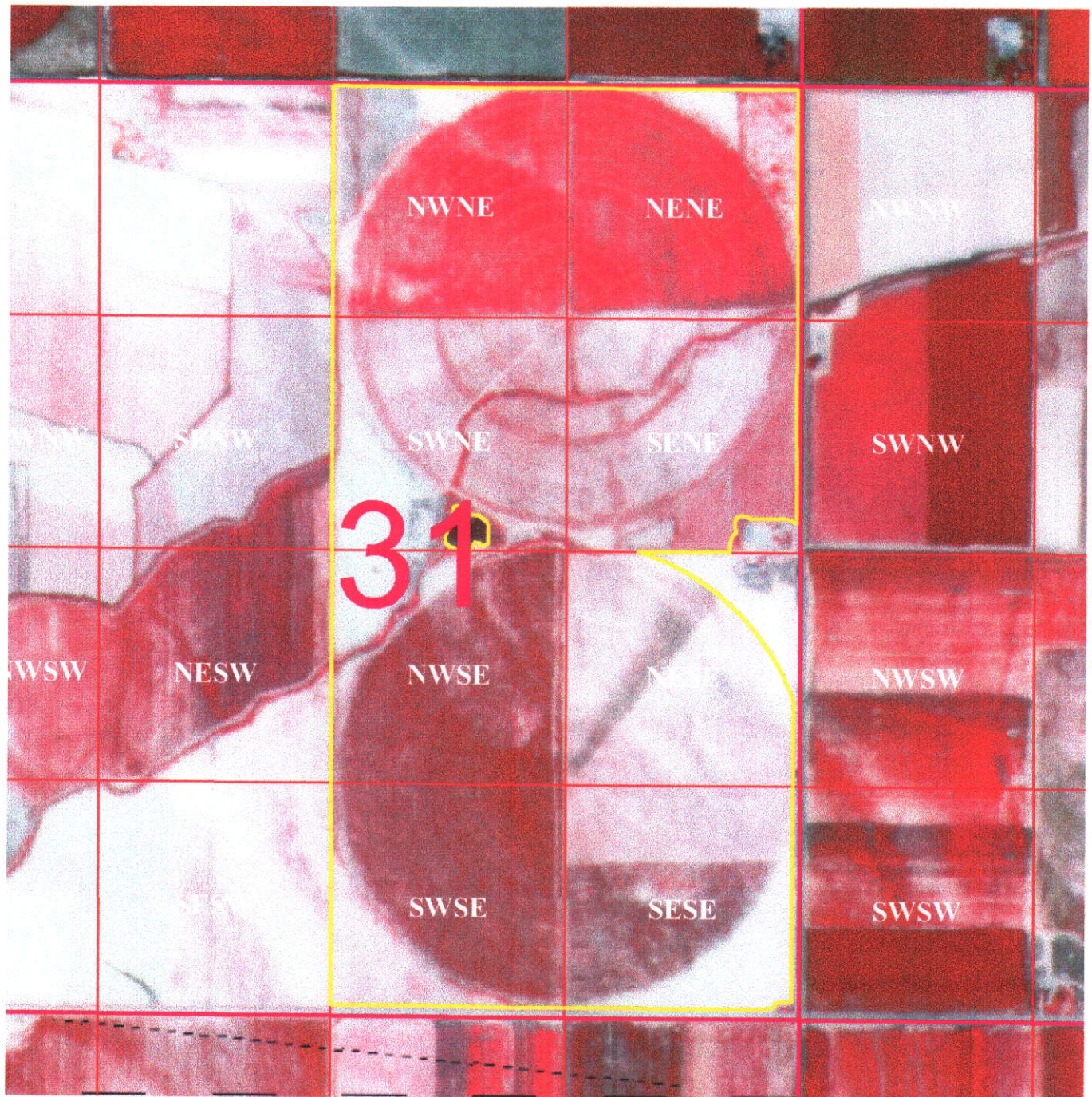
10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



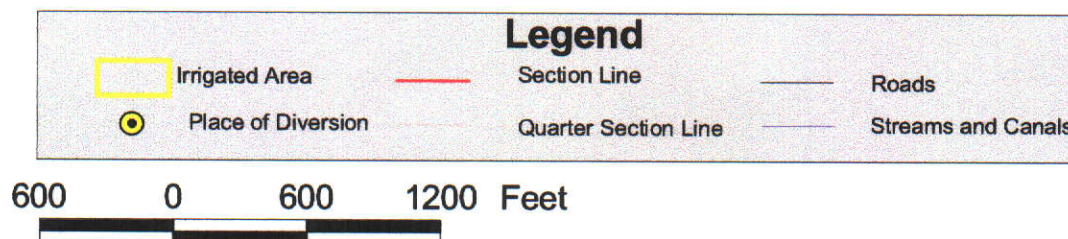
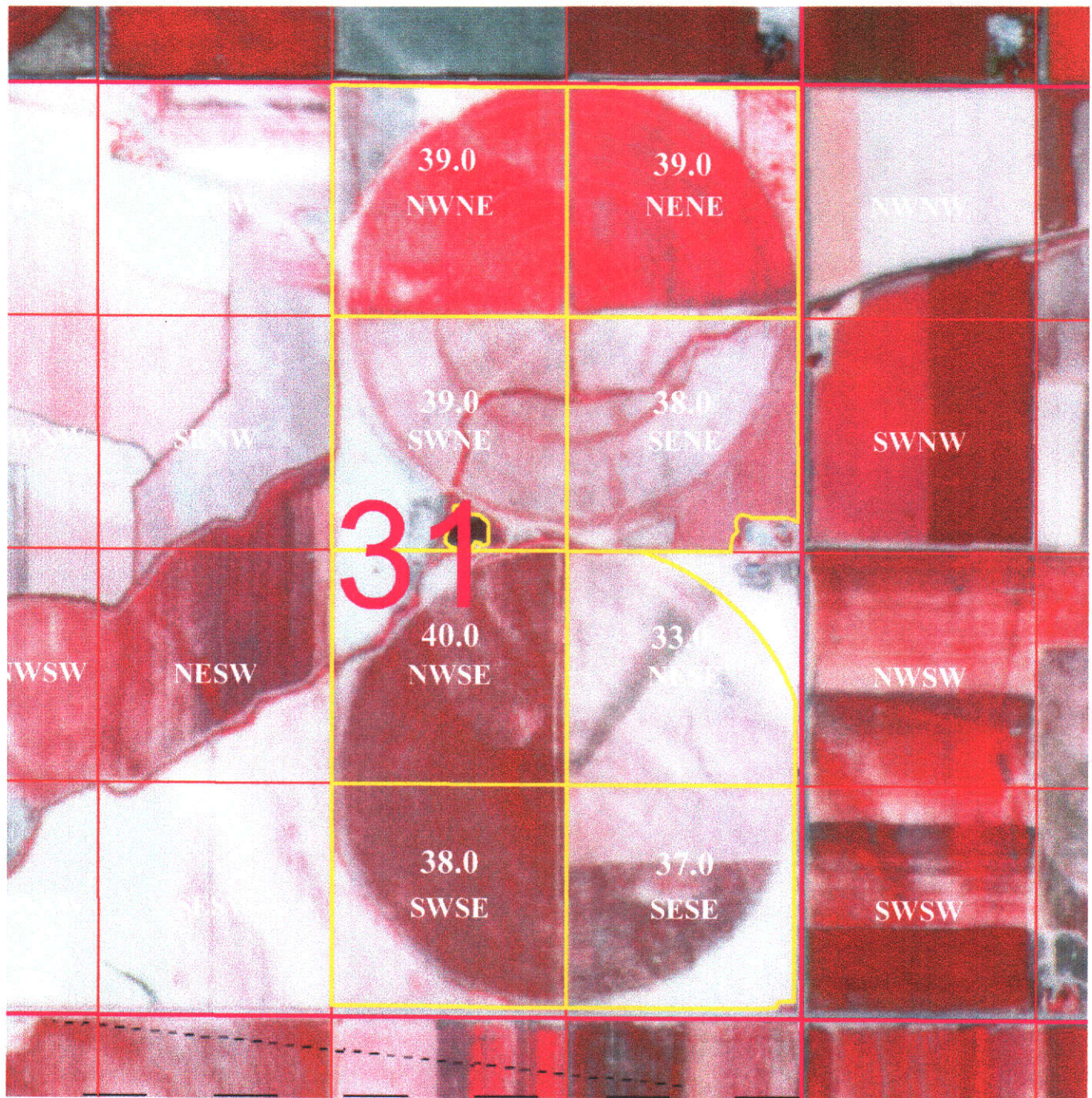
10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-00176
Date Received: 12/15/1988
Receipt No: S004523
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRENT FUNK 208-432-6650
Address: RT. 1
MURTAUGH, ID 83344
2. Date of Priority: SEP 23, 1929
3. Source: ROCK CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 12S | 18E | 1 | SW | SW | SW | | TWIN FALLS |
5. Description of diverting works:
HEADGATES AND OPEN DITCH TO PUMPS AND SPRINKLERS.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.600 | | |
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 936.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	19E	31	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	38.0

A47-00176

Page 1

Date: 12/15/88

MICROFILMED

MAR 11 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	19E	31	NE	SE		IRR	34.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							312.0
Total Acres							312.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

P/D GIVEN INCORRECTLY IN DECREE & TRANS. 1914 AS NENW S1 12S 18E.
CORRECT P/D VERIFIED BY WATERMASTER.
TRANS. 1914.
OTHER WR: A47-00173, 174, 175, 187, 188, A47-02509, A47-02496,
A47-04107A, A47-04110, A47-00137A, A47-07529
ALL THESE WR ARE COMBINED INTO ONE IRRIGATION SPRINKLER SYSTEM
AND USED AT P/U UNDER TWO PIVOTS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/27/1942

HARRIET E. MCDERMIT
Decree Plaintiff

vs

MAGNUS LARSEN ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Brent Lumb Date: 12/15/88

Date: _____

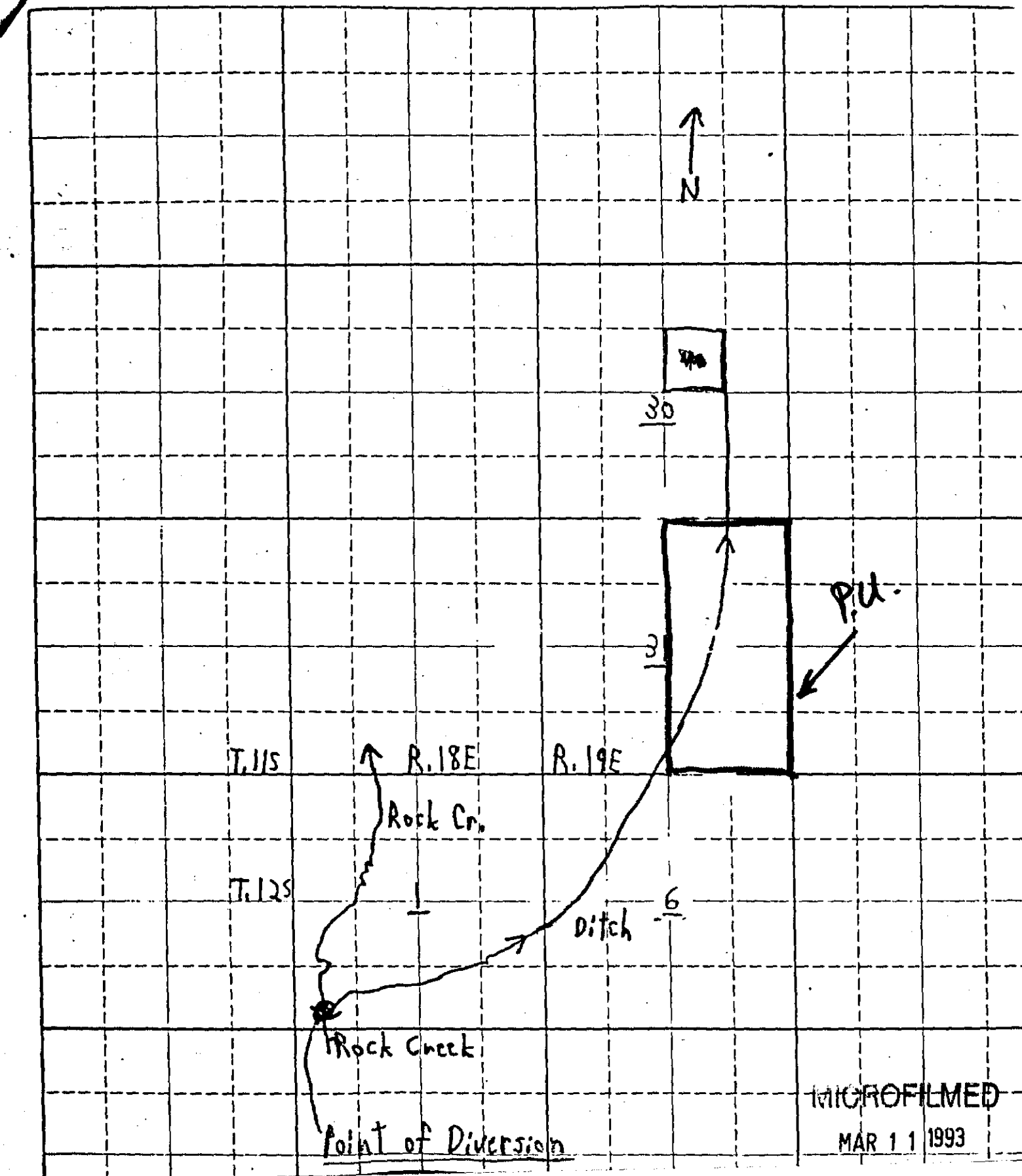
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of December 19 88
Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigate. Show clearly the land involved by section, township and range number.



A47-00176

INTER-DEPARTMENT MEMO

TO: Brent Funk Transfer Apps.SUBJECT: Follow-Up MemoFROM: Jim StantonDATE: 7-8-94

Mr. Funk was in the office yesterday at my request. Due to problems with the original transfers, I re-did the applications to include all rights on this farm. This generated a third transfer on 47-02509. All three transfer apps. now describe the permissible place of use as it will be after the dairy is completed.

There is a question on 47-00137. Both Brent and his neighbor Mr. Willis have claimed all of this right (1.2 cfs). Watermaster records show Willis as owning it all. Brent said that he had no deeds, etc., showing that he owned of this right, but that Willis should have to show that he owns it all. Since Brent owns 1/3 of the land under the decree, I showed his part as 1/3 of the water right. SRBA will ultimately have to determine ownership, but hopefully we can approve this transfer with a standard condition for later SRBA findings.

() For your information


signature

() Response required

INTER-DEPARTMENT MEMO

TO: Brent Funk Transfer Apps.

SUBJECT: Analysis, Site Inspection

FROM: Jim Stanton

DATE: 6-29-94

I previously visited this property. Mr. Funk has drilled two wells and is operating this large dairy illegally prior to approval of the transfers.

The irrigation system in the E $\frac{1}{2}$ Sec. 31 consists of 3 wells and a ditch from Rock Creek. All water is comingled in a pond and pressurized for 2 pivots and various handlines. This system represents a permissable place of use involving Rts. 47-00137, 00175, 00176, 00187, 00188, 02496, 02509, 07529. The transfers seek to remove rights from the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31 so that this tract can be converted to dairy use. Since some of these rights are not decreed/ licensed to this tract, they are not involved in these transfers. I found a total of 298 irrigable acres prior to dairy construction. Twenty acres must be dried up to provide dairy water, but the dairy will actually cover about 37 acres. 278 acres could be irrigated, in

() For your information

signature

() Response required

TO: _____

SUBJECT: _____

FROM: _____

DATE: _____

addition to operating the dairy, without obviously increasing the present water usage. However, there are 204 acres of licensed groundwater use on this property. Of all the Rock Creek water appurtenant to this land, only 60 inches is of good priority: almost all is late-priority rights that are probably available for only a short period of ~~W/fk~~/ high runoff. In all likelihood, the wells provide most of the water for this place. It is quite possible that an expansion of groundwater use has already occurred here. At any rate, 204 acres would allow 816 AFA of groundwater to be used. With 79.6 AFA for the proposed dairy, 4.0 AFA for 1 acre of irrigation, and 1.2 F AFA for culinary use in 2 homes, 84.8 AFA could be allowed to be pumped from the 2 dairy wells. This leaves 731.2 AFA allowable from the irrigation wells. The groundwater transfer should be so conditioned. The remaining surface and groundwater irrigation rights should be limited to 261 acres of irrigation per year and

() For your information

signature

() Response required

INTER-DEPARTMENT MEMO

TO: _____

SUBJECT: _____

FROM: _____

DATE: _____

to the pumping capacity of the re-lift pumps (plus ditch loss for the surface rights. I
did not try to determine the capacity of these pumps. Even the rights that have not been
included in these transfers should be included in the approval conditions. I did not speak
to the watermaster concerning the Rock Creek rights, as his comments are requested anyway.
Any question of forfeiture may be settled in the SRBA recommendations or in the protest
hearing if one occurs.

☒ For your information

☐ Response required


signature

Log for claim A47-00176

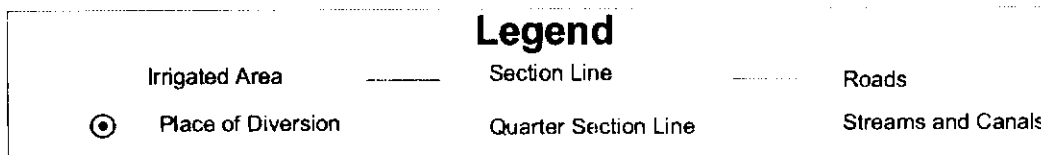
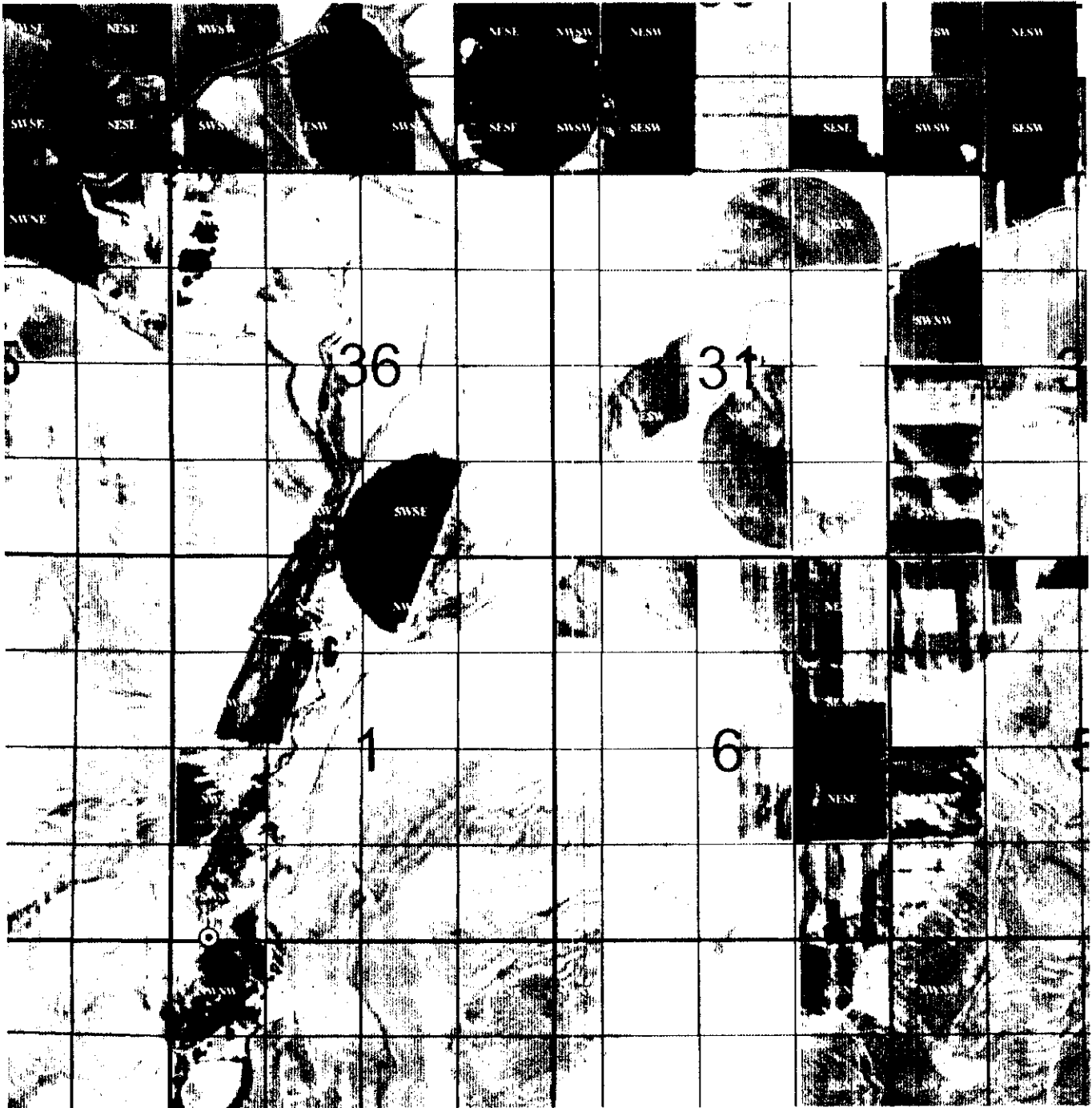
Spatial Dynamics BTD

10/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s19e	31	NENE	40	39	
11s19e	31	NWNE	40	39	
11s19e	31	SWNE	40	39	
11s19e	31	SENE	38	38	
11s19e	31	NESE	34	33	
11s19e	31	NWSE	40	40	
11s19e	31	SWSE	40	38	
11s19e	31	SESE	40	37	
Totals:			312	303	

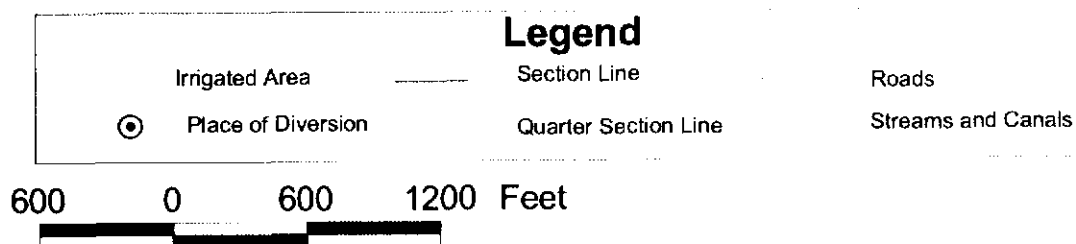
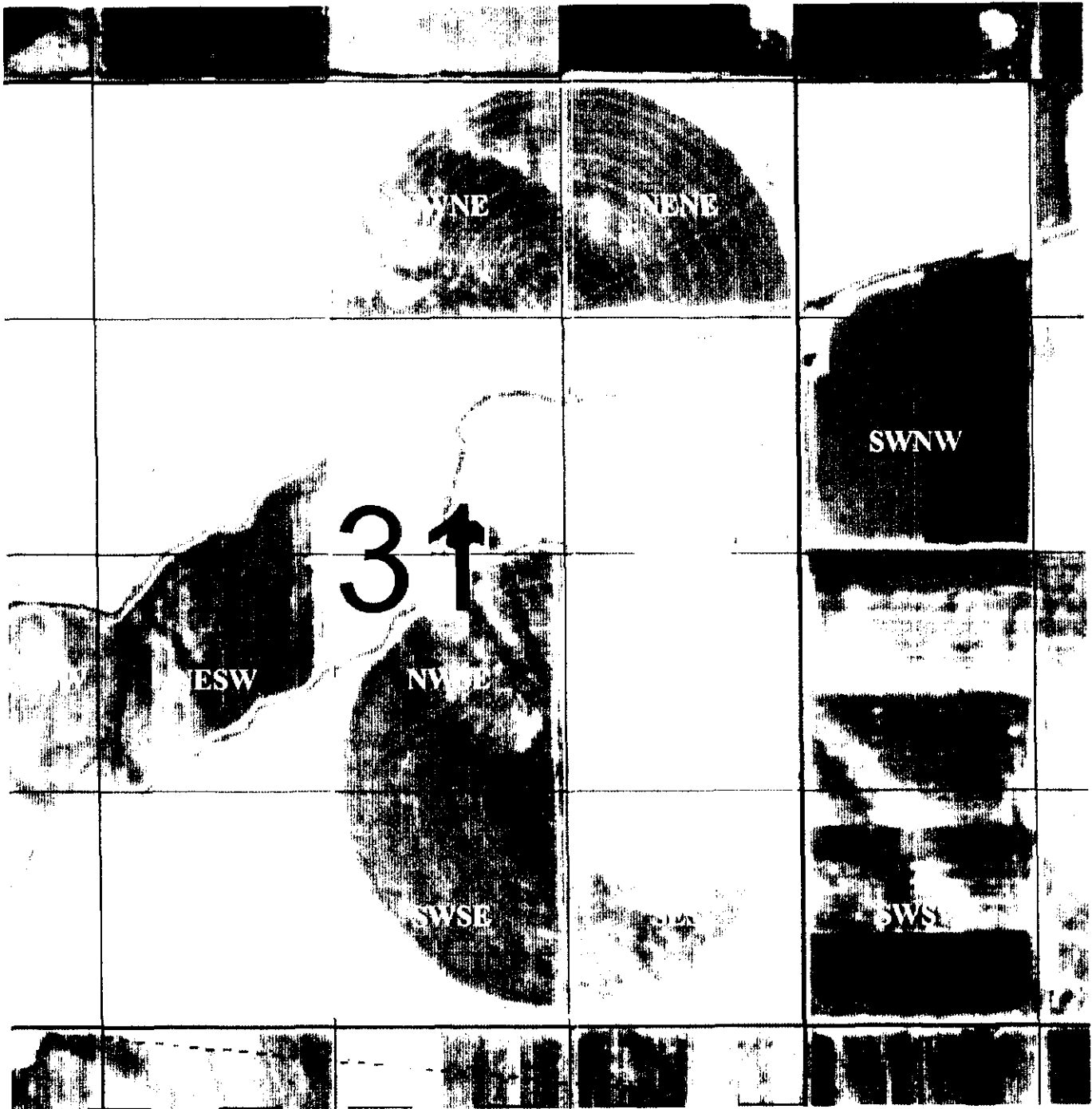
10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



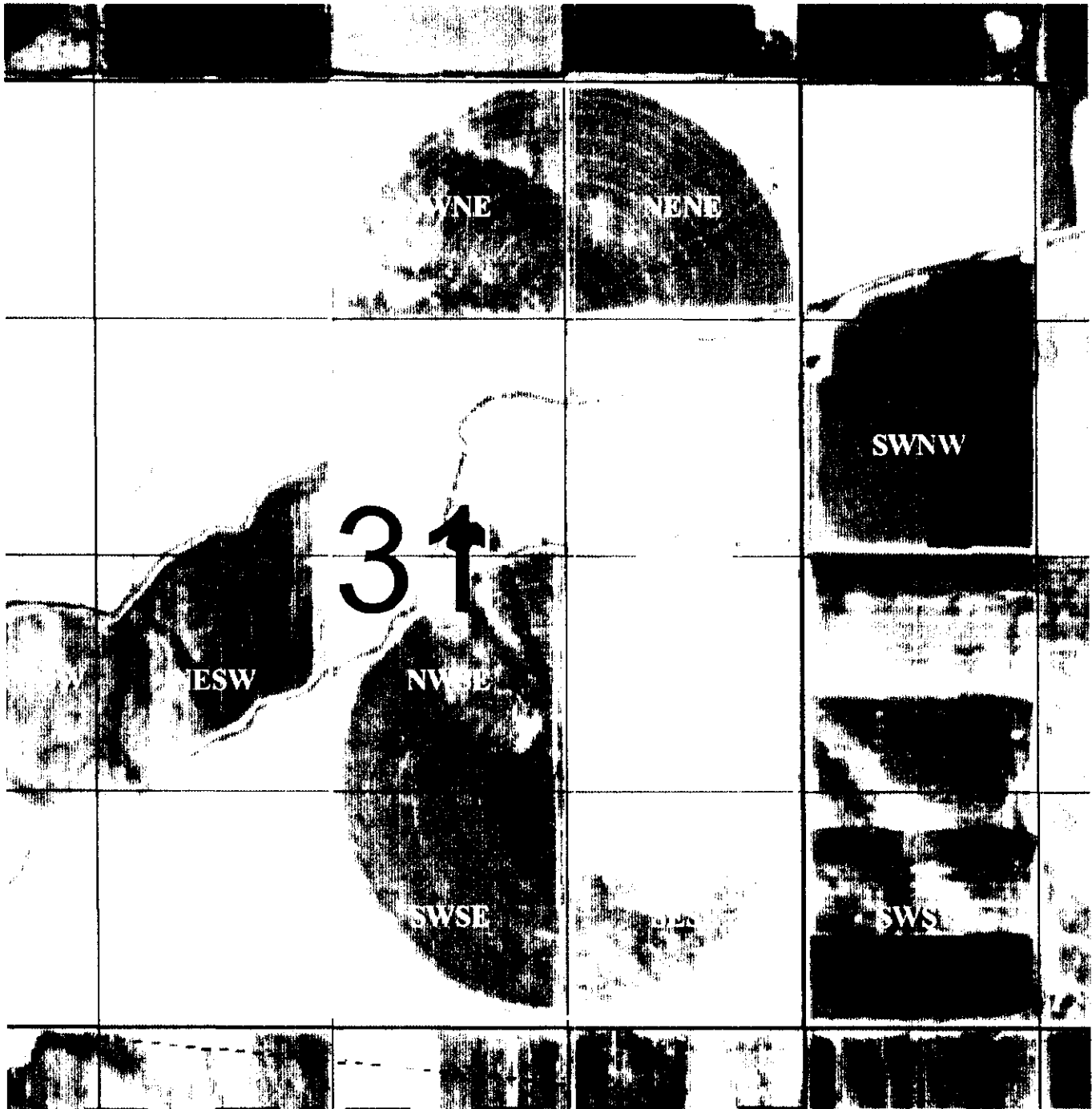
10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



10/17/2000

Water Right Claim Number A47-00176, A47-00187,
and A47-00184A
Township , 11S19E



Legend

Irrigated Area

Section Line

Roads

⊙ Place of Diversion

Quarter Section Line

Streams and Canals



600 0 600 1200 Feet



AJ5809NP
No. A47-00176

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DA
PA

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DI V
C	BRENT FUNK RT 1 MURTAUGH ID 83344 (208) 432-6650	09/23/1929	IRRIGATION	03-15 11-15	1.600 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.600 CFS	
Water Source: ROCK CREEK		Tributary to: SNAKE RIVER			Stage: DECRE	

AJ5809NP
No. A47-00176

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DA
PA

Point(s) of Diversion: T12S R18E S01 SWSWSW TWIN FALLS Co

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE			
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
11S	19E	31	:	40		40		40		38				:					:	34		40		40	
				TOTAL ACRES																					

POU County: TWIN FALLS

Other Rights: SEE REMARKS.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A47-00137A	A47-00137B	A47-00140	A47-00141	A47-00142	A47-00147B	A47-00168	A47-00169	A47-00170	A47-0
A47-00173	A47-00174	A47-00175	A47-00177B	A47-00177D	A47-00177E	A47-00177F	A47-00177G	A47-00178	A47-0
A47-00180	A47-00181	A47-00182	A47-00183	A47-00184A	A47-00184B	A47-00187	A47-00188	A47-00189	A47-0
A47-00191	A47-00192	A47-00193	A47-02484A	A47-07529	A47-16640B	A47-16640D	A47-16640E	A47-16640F	A47-1
R47-00137B	R47-00183	R47-00184A	R47-02484A						

Other Water Rights Listing Overlapping Place(s) of Use:

A47-00137	A47-00137A	A47-00175	A47-00187	A47-00188	A47-02484	A47-02496	A47-02509	A47-07529
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Remarks: GEN P/D GIVEN INCORRECTLY IN DECREE & TRANS. 1914 AS NENW S1 12S 18E.
CORRECT P/D VERIFIED BY WATERMASTER.
TRANS. 1914.
OTHER WR: A47-00173, 174, 175, 187, 188, A47-02509, A47-02496,
A47-04107A, A47-04110, A47-00137A, A47-07529
ALL THESE WR ARE COMBINED INTO ONE IRRIGATION SPRINKLER SYSTEM
AND USED AT P/U UNDER TWO PIVOTS.

Dates: Exam Made Date: Verified Date: 05/06/1985 Objection Filed Date:

Misc: Water District Number: 470 Field Inspection Flag:
Presumption Flag: D

Audit: 12/15/88 CLELLAND 03/30/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4422
WATER RIGHT NO(S). 47-00175/~~47-00176~~/47-00187/47-00188

This is to certify that: BRENT FUNK
2951 N 4000 E
HANSEN ID 83334

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>	<u>ANNUAL VOLUME</u>
Right No. 47-00175 :			
IRRIGATION	04/01 to 10/31	0.40 CFS	169.0 AF
Priority: 01/01/1918			
Right No. 47-00176 :			
IRRIGATION	04/01 to 10/31	1.60 CFS	640.0 AF
Priority: 09/23/1929			
Right No. 47-00187 :			
IRRIGATION	04/01 to 10/31	2.50 CFS	640.0 AF
Priority: 06/29/1911			
Right No. 47-00188 :			
IRRIGATION	04/01 to 10/31	1.17 CFS	494.3 AF
Priority: 11/29/1918			
TOTAL:		* 5.67 CFS	* 1,024.0 AF

SOURCE

ROCK CREEK

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 1, Township 12S, Range 18E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	19E	31	NENE 38	NWNE 39	SWNE 34	
			SENE 36	NESE 33	NWSE 37	
			SWSE 39			256
						** 256

Total number of acres irrigated:

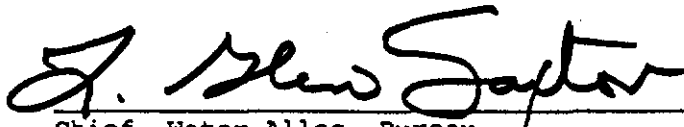
OCT 20 1995

TRANSFER NO. 4422
WATER RIGHT NO(S). 47-00175/47-00176/47-00187/47-00188

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 47-O.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- * 3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.
- ** 8. Combined Right Nos. 47-00175 and 47-00176 are limited to the irrigation of 160 acres in the place of use described above in a single irrigation season.
- ** 9. Right No. 47-00187 is limited to the irrigation of 160 acres in the place of use described above in a single irrigation season.
- ** 10. Right No. 47-00188 is limited to the irrigation of 160 acres in the place of use described above in a single irrigation season.
11. See accompanying Order.

Dated this 10th day of October, 1995


Chief, Water Alloc. Bureau

01395

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4422 FILED IN THE) PRELIMINARY ORDER
NAME OF BRENT FUNK)
_____)

This matter having come before the Idaho Department of Water Resources (department), as a result of the filing of application for transfer no. 4422, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 7, 1994, Brent Funk (applicant) filed application for transfer no. 4422 (application) with the department seeking to change the place of use of water right nos. 47-00175, 47-00176, 47-00187, 47-00188, 47-07529 and 47-00137B. The applicant seeks a permissible place of use for the water rights.

2. Information from the records of the watermaster of Water District No. 47-0 and from water right records of the department do not show that the applicant owns water right no. 47-00137.

3. Water right nos. 47-00175, 47-00176, 47-00187, and 47-00137 provide 0.02 cfs of water for the 256 acre place of use.

CONCLUSIONS OF LAW

1. Section 42-202, Idaho Code, provides in pertinent part as follows:

In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of the land proposed to be irrigated, with the total acreage to be reclaimed as near as may be; provided, that no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

2. Section 42-222, Idaho Code, provides in pertinent part as follows:

(1) Any person, entitled to the use of water whether represented by license issued by the department of water

resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

3. The applicant has not shown that he is entitled to the use of water under right no. 47-00137.

4. The applicant is not entitled to divert more than 0.02 cfs of water per acre.

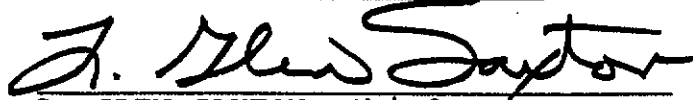
5. The department should not approve transfer no. 4422 authorizing a change in the place of use of right nos. 47-00137 and 47-07529.

ORDER

IT IS THEREFORE, HEREBY ORDERED that application for transfer no. 4422 is **PARTIALLY APPROVED** as shown on the attached transfer document; and

IT IS FURTHER, HEREBY ORDERED that transfer no. 4422 does not make changes to rights 47-00137 or 47-07529.

Dated this 10th day of October, 1995.



L. GLEN SAXTON, Chief
Water Allocation Bureau

Transfer No. 1914Application No. 47-0175Decree Nos (1) 45-0404
(2) 45-0405
47-0176STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED APPLICATION FOR TRANSFER OF WATER RIGHT**
To Change the Point of Diversion and/or the Place of UseName of applicant Dean Kidd Phone 423-5980Post office address Route #2, Box 162, Hansen, Idaho 83334

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Edna M. Kemp (Name)in case of Harriet E. McDermid vs Magnus Larsendated 3-27-1942 in 11th Judicial county of Twin Falls
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Rock Creek tributary to Snake River4. Date of priority (1) 1-1-1918 (2) 9-23-1929

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from 3-15 to 11-15amount 1.60 cfs for Irrigation purposes from 3-15 to 11-15

amount _____ for _____ purposes from _____ to _____

(1) - 0.40 (month/day - both dates inclusive)

6. Total amount of water under right: a. (2) - 1.60 cubic feet per second

&/or
b. _____ acre feet per annum7. Location of original point of diversion is NE % of NW % of Section 1Township 12S Range 18E, B.M., in Twin Falls CountyAdditional points of diversion, if any None

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
(1)	11S	19E	29					40	40										80
		30	40			40													80
(2)	11S	19E	29					40	40										80
		30	40			40													80

Total number of acres to be irrigated 160

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

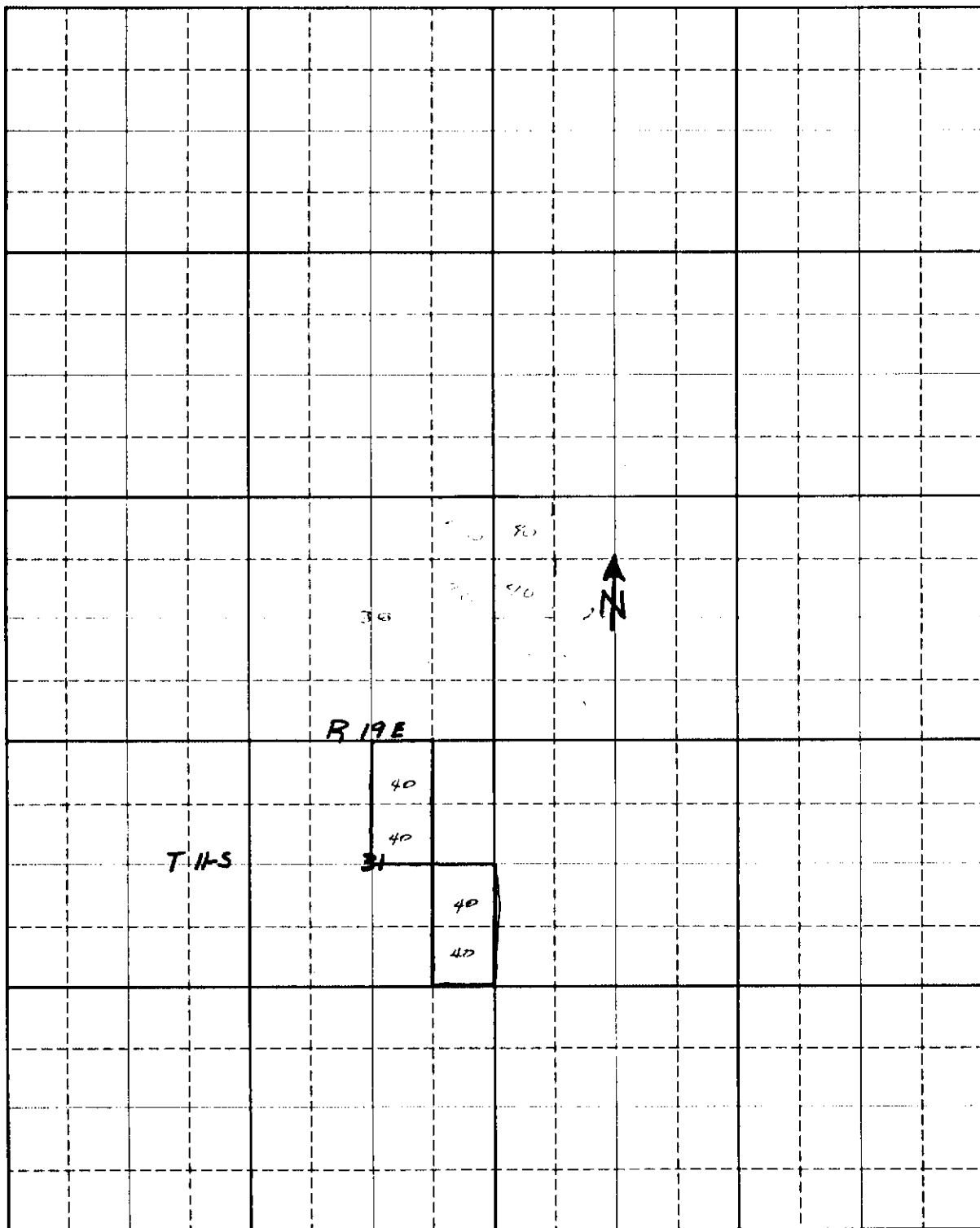
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	19E	31													40			40	80
11S	19E	31		40	40														80

Total number of acres to be irrigated 160

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Dean Kitch
(Signature of applicant)

Subscribed and sworn to before me this 3rd day of December, 19 75

Carol E. Clough
(Notary public)

My commission expires 8-12-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1914/45-0404, 45-0405 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 29 day of January, 19 76

R. Keith Higin

FOR DEPARTMENT USE ONLY

Received by *Shb* Date 12/3/75

Prelim. check by ADM Fee \$30.00

#176 Received by CC Date 12-3-75

Published in Times News

Pub. dates 12-11 & 12-18-75

Watermaster recommendation requested on _____
rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by DIB JDF