



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2002

RON & RITA FUNK
3826 FUNK LN
AMERICAN FALLS ID 83211

RE: Notice of Change of Water Right Ownership (NCO) for 35-2825B and
Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Funk:

On January 31, 2002, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, 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 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

Enclosure

cc: Monte & Lance Funk

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: 35-2825B

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

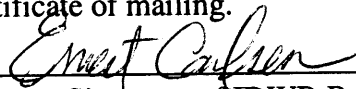
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **FUNK - FUNK**
- ☐ I.C. § 42-222 transfer
 - ☐ 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: March 8, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 8, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail 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:
MONTE & LANCE FUNK
DBA COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
RON & RITA FUNK
3826 FUNK LN
AMERICAN FALLS ID 83211

4. One copy to:

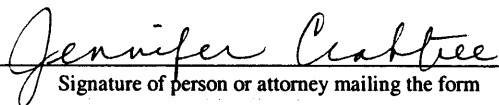
Each party in the subcase, or attorney of record
N/A

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

03/07/2002

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

RIGHT NUMBER: 35-2825B
NAME AND ADDRESS: RONALD J FUNK
3826 FUNK LN
AMERICAN FALLS ID 83211
RITA K FUNK
3826 FUNK LN
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.130 CFS
248.00 AFY

PRIORITY DATE: 05/04/1966

POINT OF
DIVERSION: T06S R29E S26 NWSWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/15	1.130 CFS 248.00 AFY

PLACE OF USE: IRRIGATION Within POWER County
T06S R29E S34 NENE 31.0 T06S R29E S34 SENE 31.0

62 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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-2825.
The right holder shall accomplish the change authorized by transfer 5703 by
July 17, 2001.

Form 42-248/42-1409(6) July, 2000

OK JC
3/6/02

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Needs NCAP

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
35-2825B					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Monte Funk, dba, County Line Farms, POB 360
American Falls, ID 83211
Lance Funk P.O. Box 360
American Falls, ID 83211
4. New Owner/Claimant(s) Ron & Rita Funk
 Name Connector (Check one) ☒ and, ☐ or, ☐ and/or
- New Mailing Address 3826 Funk Lane
- City, State and ZIP Code American Falls, ID 83211
- New Telephone Number (208) 226-5900
5. Date you acquired the property _____

Form 42-248/42-1409(6) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Ronald J. Fush
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

**EARNEST MONEY AGREEMENT AND
AGREEMENT FOR SALE OF WATER RIGHTS**

COUNTYLINE FARMS, hereinafter referred to as "Seller", hereby sells and conveys to RON FUNK and RITA FUNK, husband and wife, of American Falls, Power County, Idaho, hereinafter referred to as "Purchaser", a portion of Seller's right, title and interest in and to Water Right No. 35-02825B (Transfer No. 5703) for 1.13 cfs on 62 acres, in consideration of the sum of THIRTY-ONE THOUSAND AND NO/100 DOLLARS (\$31,000.00), payable as hereinafter provided.

1. Seller makes and Purchasers do hereby acknowledge receipt of the purchase price in full and no further consideration is due from buyer to seller.

2. The Purchasers will apply to the IDWR for transfer of a portion of the water right to the following property, located in Power County, Idaho:

The NENE of Section 34, Township 6 South, Range 29, E.B.M., Power County, Idaho, consisting of approximately 31 acres, and, the SENE of Section 34, Township 6 South, Range 29, E.B.M., Power County, Idaho, consisting of approximately 31 acres, for a total number of 62 irrigated acres.

The Seller will retain the remaining portion of the subject water right.

3. Seller covenants and represents he is the true

and lawful owner of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or part. Seller shall cooperate with Purchaser in seeking a transfer of these rights to Purchaser but does not warrant or guarantee that the Idaho Department of Water Resources, hereinafter referred to as IDWR, may recognize any transfer or diversion under said water rights.

5. Purchaser shall be entitled to file all necessary applications with the IDWR to transfer the places of use and points of diversion of the water rights. Seller shall cooperate in securing such transfers and processing such applications and shall execute any documents necessary to achieve the transfer.

This sale is conditioned upon the IDWR's approval of a transfer of the water rights from Sellers' present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Purchasers. In the event such transfer is not approved by the IDWR, this agreement is void and of no further effect and all sums paid to Seller hereunder shall be refunded to Purchaser.

6. Purchasers shall not be liable for any damage to Sellers sustained by reason of any action of the IDWR effecting the shutdown of some or all irrigation operations by Sellers under the pertinent water rights to protect the water rights of other appropriators.

7. This agreement shall be binding upon the

respective heirs, successors and assigns of the Sellers and Purchasers.

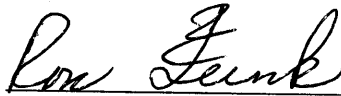
8. In the event of Purchasers' failure to make any scheduled payment in the manner herein provided, it shall be considered by Sellers to be a breach and Sellers may take immediate possession of the water right and make such applications through the IDWR as may be necessary to return said water right to the Sellers' property.

9. Purchasers agree to execute a mortgage and promissory note on the above-described real property in favor of Sellers as security for payment of the sums due hereunder. Sellers are aware that such mortgage would be a second mortgage against the premises and subject to the first mortgage indebtedness against the premises.

DATED: This ____ day of December, 2001.

PURCHASERS

SELLERS



RON FUNK



LANCE FUNK



RITA FUNK



MONTE FUNK

STATE OF IDAHO

)

) ss.

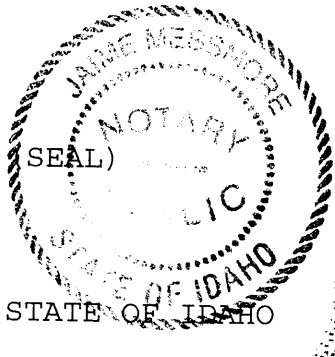
County of Power

)

On this 10th day of ~~December~~ JANUARY, 2002, before me, a Notary Public in and for said State, personally appeared RON FUNK and RITA FUNK, known to me to be the persons

whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.



Jaime Messmore
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
Commission expires: 9/22/2004

STATE OF IDAHO

)

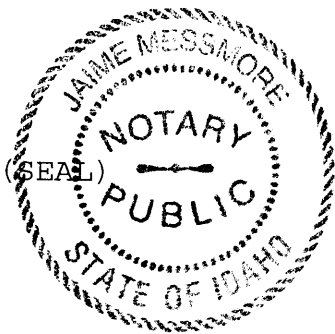
) ss.

County of Power

)

On this 10th day of January, 2002, before me, a Notary Public in and for said State, personally appeared LANCE FUNK and MONTE FUNK, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.



Jaime Messmore
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
Commission expires: 9/22/2004

Paul S. Laggis

Attorney at Law

P.O. Box 419
20 Hillcrest Avenue
American Falls, Idaho 83211-0419
(208) 226-2563
Fax (208) 226-2578
e-mail: laggis@gemstate.net

RECEIVED

JAN 31 2002

Department of Water Resources
Eastern Region

January 29, 2002

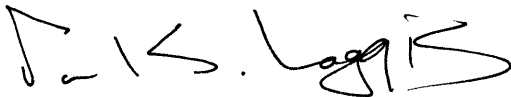
Idaho Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: WATER RIGHT #35-02825B (Transfer # 5703)

Enclosed please find the original Notice of Change in Water Right Ownership application. I have included with this application a copy of the contract of sale and legal description, and an aerial photo with the irrigated acres outlined and the point of diversion marked.

If you need further information please contact me. Thank you for your assistance.

Sincerely,



Paul S. Laggis
Attorney at Law



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

June 13, 2001

LANCE FUNK
MONTE FUNK
DBA COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

RE: Transfer #5703 (water right 35-02825) and Notice of Completed
Administrative Proceeding (NCAP)

Dear Gentlemen:

On July 17, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5703, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

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,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

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: 35-2825, 35-2825A
AND ~~35-2825B~~

)

)

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 **5703**

☒ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☒ split of water right

☐ change in ownership

☐ other

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: June 13, 2001

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 15, 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:
LANCE FUNK
MONTE FUNK
DBA COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY C FEREDAY
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

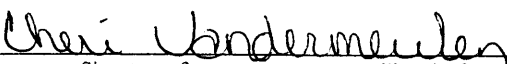
JOHN K SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701

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

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

- | | | |
|----|----------|----|
| 1. | 35-02825 | 4. |
| 2. | | 5. |
| 3. | | 6. |

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

- | | | | |
|----|-----|----|------------------|
| 1. | N/A | 4. | NAP sent 5/15/00 |
| 2. | | 5. | |
| 3. | | 6. | |

TRANSFER APPROVAL STAGE

*1) Pedigree for parents and splits (children) due to approved transfer

35-02825  35-02825 A
35-02825 B

*2) Any additional overlapping recommended rights

- | | | |
|----|-----|----|
| 1. | N/A | 4. |
| 2. | | 5. |
| 3. | | 6. |

* To be completed by agent

CS 2/14/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5703
WATER RIGHT NO. 35-02825B

REC-1

JUL 21 2000

Department of Water
Eastern District

This is to certify that: LANCE FUNK
MONTE FUNK
DBA COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

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>
IRRIGATION	04/01 to 11/15	1.13 CFS	248.0 AF

SOURCE

GROUNDWATER

Priority: 05/04/1966

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 26, Township 06S, Range 29E
POWER 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>
06S	29E	34	NENE 31	SENE 31		62
Total number of acres irrigated:						62

CONDITIONS OF APPROVAL AND REMARKS

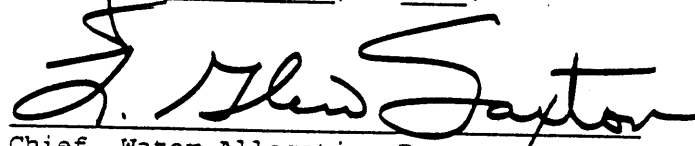
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with 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.

TRANSFER NO. 5703
WATER RIGHT NO. 35-02825B

CONDITIONS OF APPROVAL AND REMARKS

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. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 17th day of July, 2000.


Chief, Water Allocation Bureau

WR5809NP
No. X35-02825B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/06/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LANCE FUNK	05/04/1966	IRRIGATION	04/01 11/15	1.130 CFS	248.00 AFA
C	MONTE FUNK					
	DBA COUNTY LINE FARMS					
	PO BOX 360					
	AMERICAN FALLS ID 83211					
	(208) 226-5207					
			TOTAL DIVERSION:		1.130 CFS	248.00 AFA

D BEHREND FARMS INC
2807 W 1900 S
ABERDEEN ID 83210
(208) 397-4456

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R29E S26

SMSW

POWER County

Place of use Legal Description for: IRRIGATION

NE											
T	R	S	NE	SE	SW	SE	SW	SW	SE	SE	SUM
06S	29E	34	31	31	31	31	31	31	31	31	62.0
TOTAL ACRES											62.0

Pou County: POWER

Other Rights: NONE

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 - 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.
- R64 - 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dates: App. Received: Priority Date: 05/04/1966
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

HR5809NP
No. X35-02825B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/06/01
PAGE: 4

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/1998 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 05/18/1999 User-ID: JHOAGLAN Subject: OWNERSHIP CHANGE
CHANGED OWNERSHIP PER REQUEST/NCAP TO COURT

Date: 07/17/2000 User-ID: PSKAGS Subject: TRANSFER 5703
Transfer 5703 changes the point of diversion & place of use under
a portion of Right 35-02825, splitting the right into Parts A &
B.

Audit: 07/17/00 PSKAGS

