

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

08/23/2000

RIGHT NUMBER: 35-2066B

NAME AND ADDRESS: KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 2.18 CFS  
416 AFY

PRIORITY DATE: 01/14/1947

POINT OF DIVERSION: T06S R31E S21 LOT 0 NENWSW Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>     |
|-----------------------|----------------------|---------------------|
| IRRIGATION            | 4-01 10-31           | 2.18 CFS<br>416 AFY |

PLACE OF USE:

| <u>IRRIGATION Within BINGHAM County</u> |      |    |               |
|-----------------------------------------|------|----|---------------|
| T06S R31E S21                           | NWSW | 37 | T06S R31E S21 |
| T06S R31E S28                           | NWNW | 38 | SWSW 34       |
| 109 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

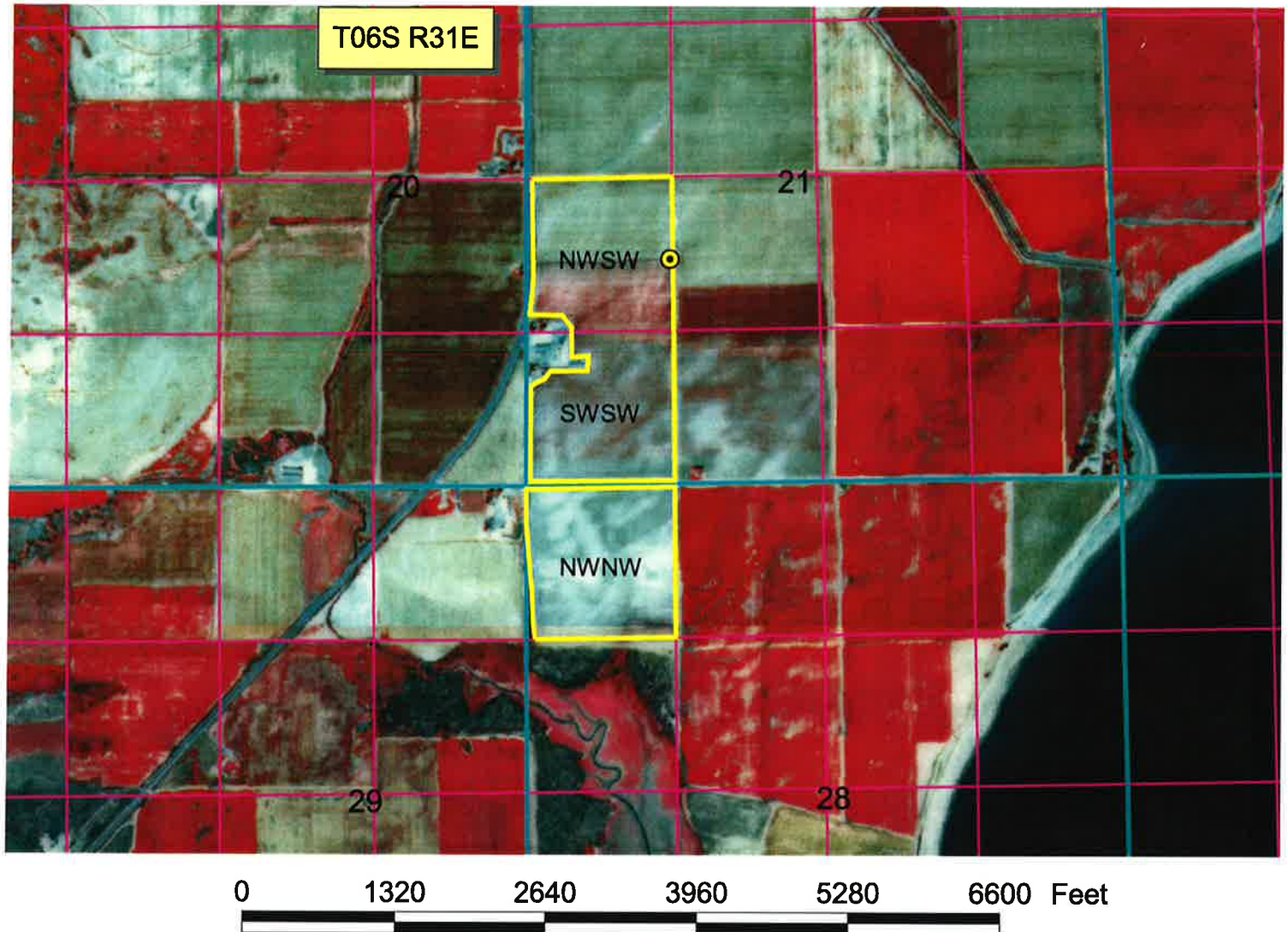
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.  
USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN  
SPRINGFIELD CANAL CO.



# STATE OF IDAHO

Department of Water Resources

Water Right(s): **35-02066B**



## LEGEND



Point of Diversion



Place of Use

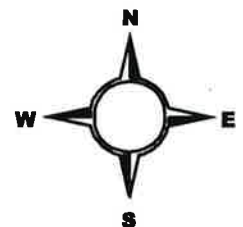


Section Line



Quarter-section line

**Acres Irrigated = 109**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: E. Carlsen  
Date: June, 2000

AJ0749NP  
No. R35-02066B A35-02066B

DEPARTMENT OF WATER RESOURCES  
DIVISION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 06/22/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                 | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | KNUDSEN POOR FARMS INC<br>2700 W 2100 S<br>ABERDEEN ID 83210<br>(208) 397-4300 | 01/14/1947       | IRRIGATION | 04-01 10-31           | 2.180 CFS         | 416.00 AFA          |
| TOTAL DIVERSION: |                                                                                |                  |            |                       | 2.180 CFS         | 416.00 AFA          |

D H ALAN FUNK  
2065 S 2800 W  
ABERDEEN ID 83210  
(208) 397-4820

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R31E S21 NENWSW

BINGHAM County

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 | :     | SUM  |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |       |      |
| 06S         | 31E | 21 | : |      |      |      |      | :  |      |      |      |      | : |      |      | 37   | 34   | : |      |      |      |      | :     | 71.0 |
| 06S         | 31E | 28 | : |      |      |      |      | :  |      |      | 38   |      | : |      |      |      |      | : |      |      |      |      | :     | 38.0 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 109.0 |      |

POU County: BINGHAM

Other Rights: ABERDEEN-SPRINGFIELD CANAL

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- E02 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:
  - WATER RIGHT NO. SOURCE
  - NONE NONE
  - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
    - WATER RIGHT NO. SOURCE
    - NONE NONE
    - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

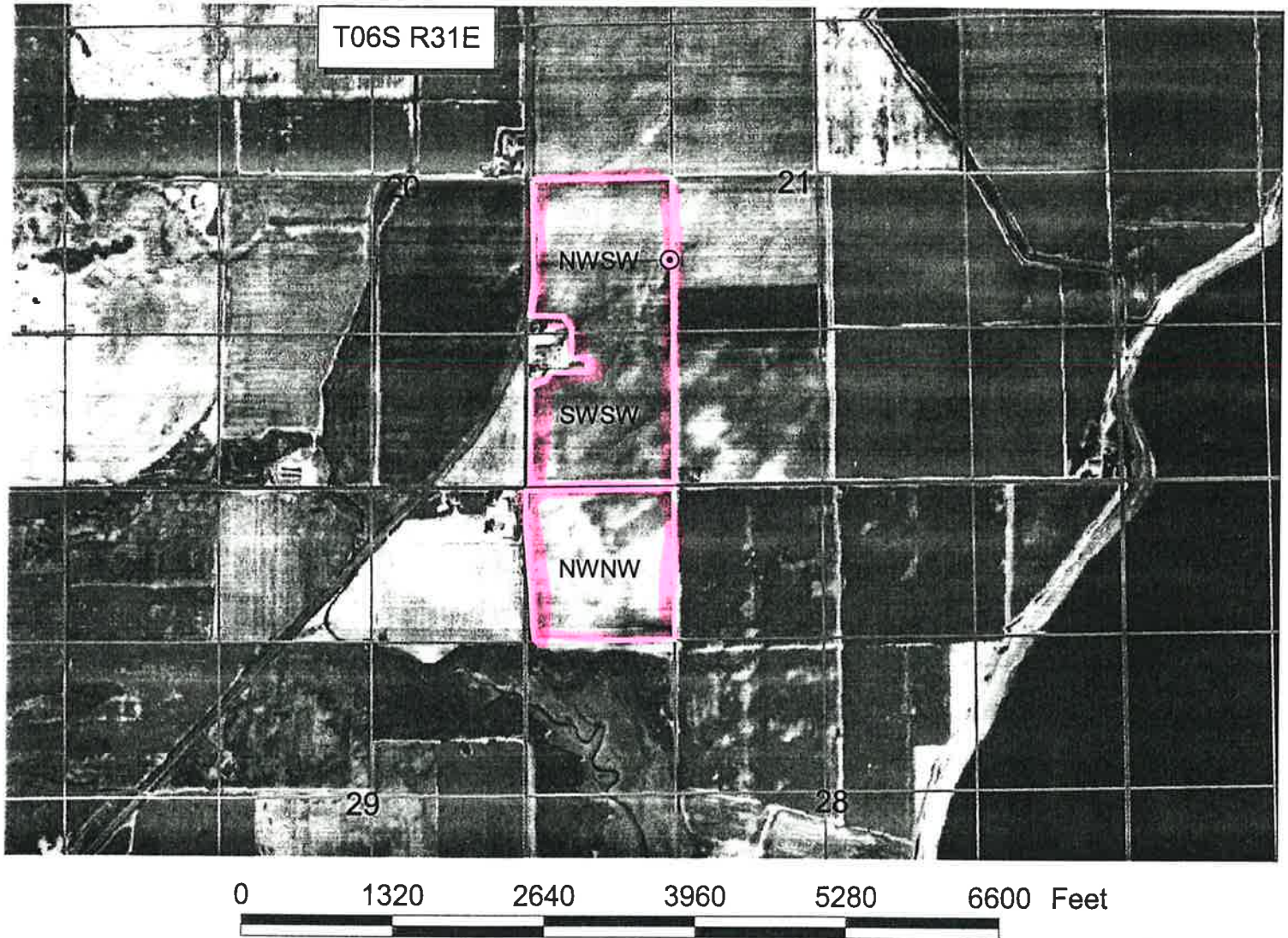
Misc: Water District Number: Field Inspection Flag:



# STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-02066B



## LEGEND



Point of Diversion

Place of Use

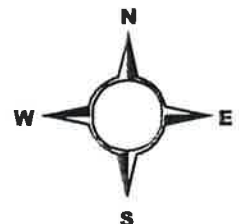
Acres Irrigated = 109



Section Line



Quarter-section line



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: E. Carlsen  
Date: June, 2000



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

KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN ID 83210

RE: Notice of Change of Water Right Ownership (NCO) for 35-02066B, 35-07221 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Knudsen:

On June 19, 2000, 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,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

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: 35-02066, 35-02066A,  
35-02066B & 35-07221

Case No. 39576

)

)

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party -- **Split 35-02066 FUNK – FUNK & KNUDSEN**
- ☒ Substitution of Party -- **35-07221 FUNK - KNUDSEN**
- ☐ 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 Aug 30, 2000

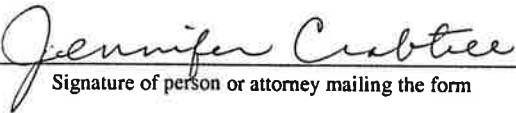
Ernest Carlson

Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on Sept 1, 2000, 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  
2065 S 2800 W  
ABERDEEN ID 83210
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN ID 83210
4. One copy to:  
Each party in the subcase, or attorney of record  
JOHN ROSHOLT  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 1906  
TWIN FALLS ID 83303-1906
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

RIGHT NUMBER: 35-7221

NAME AND ADDRESS: KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 2.27 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07894 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.5 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 1008 AF

PRIORITY DATE: 04/03/1972

POINT OF DIVERSION: T06S R31E S21 LOT 0 NWNENW Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 4-01 10-31           | 2.27 CFS        |

PLACE OF USE:

IRRIGATION Within BINGHAM County

|                 |      |    |               |      |    |
|-----------------|------|----|---------------|------|----|
| T06S R31E S21   | NENW | 39 | T06S R31E S21 | NWNW | 38 |
| T06S R31E S21   | SWNW | 39 | T06S R31E S21 | SENW | 40 |
| 156 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

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

RIGHT NO. 35-07894 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE

DELOG EC 6/22/00  
RECEIVED  
JUN 19 2000  
Department of Water Resources  
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) 35-07221, 35-02066 and 35-08067 - Permit.  
Adjudication Claim Number(s) \_\_\_\_\_
2. The following **REQUIRED** information must be submitted with this form.
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) H. Alan Funk  
2065 South 2800 West  
Aberdeen, ID 83210
4. New Owner/Claimant(s) Knudsen Poor Farms, Inc.  
Name connector (check one): ☐ AND ☐ OR, ☐ AND/OR  
New Mailing Address: 2700 West 2100 South  
City, State and ZIP Code: Aberdeen, ID 83210  
New Telephone Number: (208) 226-397-4300
5. Date you acquired the property January 7, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres actually irrigated 345. See Attachment  
Diversion rate in CFS \_\_\_\_\_ Number of homes 3 Other uses \_\_\_\_\_  
Cubic Feet per second  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 8 Jan 2000  
\_\_\_\_\_  
(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

# WARRANTY DEED

Order No.: 3029900303-L

FOR VALUE RECEIVED

Herman Alan Funk and Connie Geneice Funk, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Knudsen Poor Farms, Inc., an Idaho Corporation

whose current address is

2700 West 2100 South Aberdeen, ID 83210

the grantee(s), the following described premises, in County, Idaho, TO WIT:

## PARCEL 1

<sup>7221</sup>  
The NW¼ of Section 21, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, less the right-of-way of State Highway 39, and less the right-of-way of Homestead Road.

ALSO the SW¼ of Section 21, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, less the right-of-way of State Highway 39, and less the right-of-ways of County Road 2800 West and Gambell Road.

ALSO part of the N¼NW¼ of Section 28, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the NW corner of said Section 28; thence South 89°29'07" East along the North line of said Section 28, a distance of 1298.29 feet; thence South 00°15'10" West a distance of 1364.19 feet, to the South line of said N¼NW¼; thence North 89°41'38" West along said South line, a distance of 1292.44 feet to the SW corner of said N¼NW¼; thence North 00°00'32" East along the West line of said Section 28, a distance of 1368.93 feet to the Point of Beginning, subject to the right-of-way of Gambell Road.

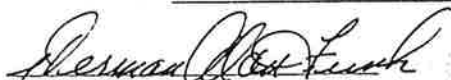
## PARCEL 2

An easement, 15 feet wide, for ingress and egress, the West line of which is the East line of the above described property in Section 28, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, and running from the North line of Section 28 to the South line of the said N¼NW¼.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1/07/2000

  
Herman Alan Funk

  
Connie Geneice Funk

State of Idaho                                 }  
                                                      } ss.  
County of Bingham                         }

On this 7 day of January, in the year 2000, before me, a Notary Public in and for said state, personally appeared Herman Alan Funk and Connie Geneice Funk

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

## ATTACHMENT

Knudsen Poor Farms, Inc. is acquiring from Funk the W½ Section 21, T.6S., R. 31E. and the NW¼NW¼ Section 28, T.6S., R 31E., with all appurtenant water rights.

This includes all of right no. 35-07221, 21% or 2.18 cfs of right no. 35-02066 (because Knudsen is acquiring 109 of the 510 irrigable acres under this right), and 81% or 1.58 cfs of right no. 35-08067 (because Knudsen is acquiring 79 of the 97 irrigable acres under this right). Nos. 35-02066 and 35-08067 have the same three wells as the points of diversion. Two of the wells are located on the land acquired by Knudsen and one is on the land retained by Funk.

G:\WPDATA\KWF\2579\CHANGE.NTC

AJ0749NP  
No. R35-07221

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 06/22/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                 | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | KNUDSEN POOR FARMS INC<br>2700 W 2100 S<br>ABERDEEN ID 83210<br>(208) 397-4300 | 04/03/1972       | IRRIGATION | 04-01 10-31           | 2.270 CFS         |                     |
| TOTAL DIVERSION: |                                                                                |                  |            |                       | 2.270 CFS         |                     |

D H ALAN FUNK  
2065 S 2800 W  
ABERDEEN ID 83210  
(208) 397-4820

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R31E S21

NWNEW

BINGHAM County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |   |             |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|-------------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM         |       |
| 06S | 31E | 21 | : |    |    |    |    | 39 | 38 | 39 | 40 |    |    |    |    |    |    | : | 156.0       |       |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   | TOTAL ACRES | 156.0 |

POU County: BINGHAM

Other Rights: ABERDEEN SPRINGFIELD CANAL CO.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- E02 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
- 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.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-07894 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.5 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1008 AF.

EXP RIGHT NO. 35-07894 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

35-02006LE  
RECEIVED

NOV 21 2001

Department of Water Resources

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

RECEIVED

NOV 28 2001

Department of Water Resources  
Eastern Region

In Re SRBA )

A. Subcase 35-02315 and each Subcase  
listed in Exhibit "A"

Case No. 39576 )

(Insert the Subcase number from the  
Objection to which you are responding)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: State of Idaho  
Address: 700 W. Jefferson, Room 210  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Phone: Work: (208) 334-2400 Home: N/A

Name & Address of Attorney if any

Attorney Name: ALAN G. LANCE  
Attorney General  
David J. Barber  
Deputy Attorney General  
Natural Resources Division  
Attorney Address: Office of the Attorney General  
700 W. Jefferson, Room 210  
P.O. Box 44449  
Boise, ID 83711-4449  
Attorney Phone No. (208) 334-2400

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING**

Name: Aberdeen-Springfield Canal Company  
Address: P.O. Box 857  
Aberdeen, Idaho 83210

**D. I am responding to the objections to the following elements. (Please check the appropriate box(es))**

1. ☐ **Name and Address**

2. ☒ **Source**

3. ☐ **Quantity**

4. ☒ **Priority Date**

5. ☐ **Points of Diversion**

6. ☐ **Instream Flow**

7. ☐ **Purpose(s) of Use**

8. ☐ **Period of Year**

9. ☐ **Place of Use**

10. ☒ **Other Matters**

**11. Recommendation**

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

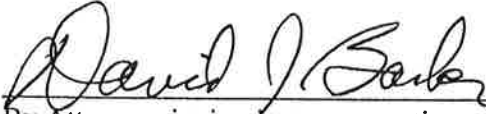
VERIFICATION (Must be Completed)

STATE OF IDAHO     )  
                              )ss.  
County of Ada         )

David J. Barber, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

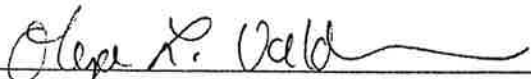
That the State of Idaho in both its sovereign and proprietary capacity is filing this response and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE  
Attorney General  
David J. Barber  
Deputy Attorney General  
Natural Resources Division

  
By Attorney signing in representative capacity

Subscribed and sworn to before me on: Nov. 21, 2001  
(Insert Date)



  
Notary Public for Idaho  
Residing at: BOISE, ID  
My commission expires: 2-8-06

## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

### CERTIFICATE OF MAILING

I certify that on November 21 2001, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

James T. Lehman  
C/O Josephine P. Beeman  
409 West Jefferson Street  
Boise, Idaho 83702

3. Copies to:

IDWR Document Depository  
PO Box 83720  
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Aberdeen-Springfield Canal  
P.O. Box 857  
Aberdeen, Idaho 83210

Chief of Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

John K. Simpson  
Barker, Rosholt & Simpson  
P.O. Box 2139  
Boise, Idaho 83701-2139

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
\_\_\_\_\_  
Signature of Respondent or attorney  
mailing on Respondent's behalf

**EXHIBIT "A"**  
**LIST OF SUBCASES IN WHICH THE FOREGOING OBJECTION IS FILED**

|                                    |                                                                                |                        |                                                                 |
|------------------------------------|--------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------|
| 35-00038F                          | Thayne Driscoll<br>3140 Willow Street<br>American Falls, ID 83211-5520         | <i>Vicki</i> 35-02172  | Bowler Ranches Inc<br>P. O. Box 760<br>American Falls, ID 83211 |
| <i>Vicki</i> 35-02049              | Lehman Farms<br>2853 W 2000 S<br>Aberdeen, ID 83210                            | <i>Vicki</i> 35-02226  | Leota Judge<br>688 S 1800 W<br>Pingree, ID 83262                |
| 35-02066A                          | H. Alan Funk<br>2065 S 2800 W<br>Aberdeen, ID 83210                            | <i>Vicki</i> 35-02236  | Judith Dvorak<br>1876 S 2900 W<br>Aberdeen, ID 83210            |
| 35-02066B                          | H. Alan Funk; See 35-02066A                                                    | <i>Conner</i> 35-02271 | Sherman L. Ruff<br>3005 W 2100 S<br>Aberdeen, ID 83210          |
| <i>Vicki</i> 35-02072              | Raymond Funk<br>2066 S 2950 W<br>Aberdeen, ID 83210                            | <i>Vicki</i> 35-02298  | Everett K. Wood<br>2681 W 1100 S<br>Aberdeen, ID 83210          |
| <i>Vicki</i> 35-02073              | Charles J. Shackelford<br>P. O. Box 212<br>Aberdeen, ID 83210                  | <i>Vicki</i> 35-02308A | Charles A. Rossi<br>482 S 1600 W<br>Pingree, ID 83262           |
| <i>Vicki</i> 35-02100              | Arthur J. Jones<br>1697 W 700 S<br>Pingree, ID 83262                           | <i>Vicki</i> 35-02339  | Paul T. Woods<br>771 S 1800 W<br>Pingree, ID 83262              |
| <i>Vicki</i> 35-02116              | Behrend Farms<br>2807 W 1900 S<br>Aberdeen, ID 83210                           | <i>Vicki</i> 35-02347  | Otto R. Klassen<br>281 W. Boise Street<br>Aberdeen, ID 83210    |
| <i>Vicki</i> 35-02127              | Julia Wada Valentine<br>334 S 1300 W<br>Pingree, ID 83262                      | <i>Vicki</i> 35-02370  | Lynn E. Hansen<br>2745 W 1800 S<br>Aberdeen, ID 83210           |
| <i>Vicki</i> 35-02154              | Bill Funk<br>3252 N. Pleasant Valley Rd.<br>American Falls, ID 83211           | <i>Vicki</i> 35-02387A | Charles J. Shackelford; See 35-02073                            |
| <i>Vicki</i> 35-02167B<br>35-12805 | Sylvia and Clarence Schroeder<br>2308 S Moser Road<br>American Falls, ID 83211 | <i>Vicki</i> 35-02406  | Line View Farms, Inc.<br>2269 W 800 S<br>Aberdeen, ID 83210     |
| <i>Vicki</i> 35-02167D             | William R. Schroeder<br>2388 S Moser Rd<br>American Falls, ID 83211            | <i>Conner</i> 35-02470 | Raymond and Betty Funk;<br>See 35-02072                         |
| <i>Vicki</i> 35-02167E             | Katherine Schroeder Estate<br>P. O. Box 17<br>Aberdeen, ID 83210               | <i>Vicki</i> 35-02498  | Juan Burusco<br>2514 W 1700 S<br>Aberdeen, ID 83210             |
| <i>Vicki</i> 35-02167F             | Katherine Schroeder Estate;<br>See 35-02167E                                   | <i>Vicki</i> 35-02504A | Isaac D. Pierce<br>2592 W 1300 S<br>Sterling, ID 83210          |

|                          |                                                                             |                          |                                                                                              |
|--------------------------|-----------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------|
| <i>Vicki</i> 35-02525    | Earl H. Barclay<br>1096 S. 2500 W.<br>Aberdeen, ID 83210                    | <i>Vicki</i> 35-04183    | Don Kramer<br>1003 Falls Ave.<br>American Falls, ID 83211                                    |
| <i>Vicki</i> 35-02647A   | Val F. Wahlan<br>P. O. Box 442<br>Aberdeen, ID 83210                        | <i>Vicki</i> 35-04221    | University of Idaho Regents<br>P. O. Box AA<br>Aberdeen, ID 83210                            |
| <i>Complex</i> 35-02670B | Steven Murdock<br>1050 W Hwy. 39<br>Blackfoot, ID 83221                     | <i>Complex</i> 35-07012B | Larry E. Watt<br>462 S 1200 W<br>Pingree, ID 83262                                           |
| <i>Complex</i> 35-02670C | Steven/Ronald Murdock; See 35-02670B<br>1065 W 125 N<br>Blackfoot, ID 83221 | <i>Vicki</i> 35-07022    | LDS Real Est Div<br>Twelfth Floor<br>50 East North Temple Street<br>Salt Lake City, UT 84150 |
| <i>Complex</i> 35-02670D | Dale C. Murdock<br>1048 W Hwy 39<br>Blackfoot, ID 83221                     | <i>Vicki</i> 35-07061    | Otto R. Klassen; See 35-02347                                                                |
| <i>Vicki</i> 35-02712    | Paul W. Behrend<br>2706 W 1800 S<br>Aberdeen, ID 83210                      | <i>Vicki</i> 35-07102    | O. E. Feld<br>1470 S 2750 W<br>Aberdeen, ID 83210                                            |
| <i>Vicki</i> 35-02824    | Frank & Shirley Droghei Living Trust<br>467 S 1600 W<br>Pingree, ID 83262   | <i>Vicki</i> 35-07145    | Clarence Schroeder; See 35-02167B                                                            |
| <i>Vicki</i> 35-02917A   | Neil J. Poulson<br>2849 N. Pleasant Valley Rd.<br>American Falls, ID 83211  | <i>Vicki</i> 35-07146    | Herbert A. Bohrer<br>P. O. Box 82<br>Springfield, ID 83277                                   |
| <i>Vicki</i> 35-02917B   | Neil Poulson; See 35-02917A                                                 | <i>Vicki</i> 35-07164A   | John R. Duffin<br>1436 S 2750 W<br>Aberdeen, ID 83210                                        |
| <i>Vicki</i> 35-04032    | Layne J. Harker<br>1733 W 600 S<br>Pingree, ID 83262                        | <i>Vicki</i> 35-07191    | Albert J. Horsch<br>2711 W 1900 S<br>Aberdeen, ID 83210                                      |
| <i>Vicki</i> 35-04034A   | Bill Funk; See 35-02154                                                     | <i>Vicki</i> 35-07231    | LDS Real Est Div; See 35-07022                                                               |
| <i>Vicki</i> 35-04034B   | Bill Funk; See 35-02154                                                     | <i>Vicki</i> 35-07267A   | David Bethke<br>3149 W Rast Road<br>American Falls, ID 83211                                 |
| <i>Vicki</i> 35-04039    | Val F. Wahlan; See 35-02647A                                                | <i>Vicki</i> 35-07267B   | David Bethke; See 35-07267A                                                                  |
| <i>Vicki</i> 35-04093    | Bowler Ranches Inc; See 35-02172                                            | <i>Vicki</i> 35-07286    | Ted T. Edwards<br>P. O. Box 104<br>Spencer, ID 83446                                         |
| <i>Vicki</i> 35-04095    | Juan Burusco; See 35-02498                                                  | <i>Vicki</i> *35-07353   | Raymond K. Duffin<br>3182 W 2000 S<br>Aberdeen, ID 83210                                     |
| <i>Vicki</i> 35-04113    | Marjorie Sainz Ltd. Partnership<br>P. O. Box 127<br>Springfield, ID 83277   | <i>Vicki</i> 35-07393    | Kenneth Horsch<br>1990 S 2600 W<br>Aberdeen, ID 83210                                        |
| <i>Vicki</i> 35-04164    | George Vollmer<br>3003 Vollmer Loop<br>American Falls, ID 83211             |                          |                                                                                              |

35-07422

David P. Dance  
471 S 1200 W  
Pingree, ID 83262

35-07450

H. Homer Anderson  
2632 S 1470 W  
St. George, UT 84770

35-07453A

George R. Jackson  
1762 W 800 S  
Pingree, ID 83262

35-07453B

George Jackson; See 35-07453A

35-07494

Leonard E. Phillips  
1522 S 2600 W  
Aberdeen, ID 83210

35-07507

Sherman N. Smith  
2321 W 1400 S  
Sterling, ID 83279

35-07519

Stroschein Ranches Inc.  
1464 Alpowa Ave.  
Moscow, ID 83843

35-07530

Dwight W. Horsch  
1911 S 2700 W  
Aberdeen, ID 83210

35-07592

George Jackson; See 35-07453

35-07599

Larry E. Watt; See 35-07012B

35-07618

Juan A. Irigoyen  
1751 S 2600 W  
Aberdeen, ID 83210

35-07621

Juan Irigoyen; See 35-07618

35-07627

Robert E. Mann  
2556 W 1400 S  
Aberdeen, ID 83210

35-07643A

University of Idaho; See 35-04221

35-07647

Bill Funk; See 35-02154

35-07680

David L. Wahlen  
2481 W 1000 S  
Sterling, ID 83210

35-07696

Charles J. Shackelford; See 35-02073

35-07721

Theron T. Edwards; See 35-07286

35-07722

DeGiulio Ranch Inc.  
2340 W 900 S  
Sterling, ID 83210

35-07728

John R. Duffin; See 35-07164A

35-07729

John R. Duffin; See 35-07164A

35-07732

Todd Feld  
P. O. Box B  
Aberdeen, ID 83210

35-07737

Sherman N. Smith; See 35-07507

35-07756

Juan Burusco; See 35-02498

35-07760

Raymond Funk; See 35-02072

35-07762

Bill Funk; See 35-02154

35-07790

Marjorie Sainz Ltd. Partnership;  
See 35-04113

35-07820

Thayne Driscoll; See 35-00038F

\*35-07865

Diane J. Deeg  
2957 Deeg Road  
American Falls, ID 83211

35-07890

Knudsen Poor Farms Inc.  
2700 W 2100 S  
Aberdeen, ID 83210

35-07894

H. Alan Funk; See 35-02066A

35-07903A

LDS Real Est Div; See 35-07022

35-07903B

Albert Babneau  
384 S 1200 W  
Pingree, ID 83262

35-07945

Jack Poulson  
2700 W Hwy. 39  
Aberdeen, ID 83210

35-07948

Scott E. Poulson  
2831 W 1500 S  
Aberdeen, ID 83210

35-07957

David P. Dance; See 35-07422

35-08054

Ronald W. Stroschein  
1292 S 2600 W  
Aberdeen, ID 83210

*Vicki* 35-08602 Gary Judge  
692 S 1800 W  
Pingree, ID 83626

*not found* 35-08805 Judith Dvorak; See 35-02236

*not found* 35-08878 Dorothy Corbridge  
265 Van Buren  
American Falls, ID 83211

*not found* 35-08952 Regina Line  
489 E Central  
Box 579  
Aberdeen, ID 83210

*Vicki* 35-10318 Ralph Klassen Farms Partnership  
2837 W 1700 S  
Aberdeen, ID 83210

*Vicki* 35-10653 Paul T. Woods; See 35-02339

*Vicki* 35-10843 Lehman Farms; See 35-02049

*not found* 35-10859 James T. Lehman  
2912 W 2000 S  
Aberdeen, ID 83210

*not found* 35-10860 Karen/James Lehman; See 35-10859

*Vicki* 35-12088 O. E. Feld; See 35-07102

*Vicki* 35-12248 Earl H. Barclay; See 35-02525

*Vicki* 35-13018 Julia Valentine; See 35-02127

*Vicki* 35-13073 Harold E. Isaak  
2854 W 1800 S  
Aberdeen, ID 83210

*Vicki* 35-13264 Charles O. Klassen  
1948 S 2900 W  
Aberdeen, ID 83210

\*Represented by attorney Josephine P. Beeman



VERIFICATION (Must be Completed)

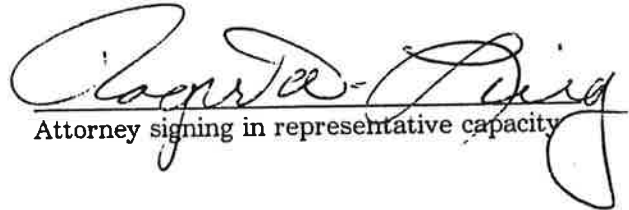
State of Idaho )

County of Minidoka )

Roger D. Ling, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
Signature of person filing objection

  
Attorney signing in representative capacity

Subscribed and sworn to before me on: October 30, 2001

JUDY BARNES  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for the State of Idaho  
Residing at: Rupert, Idaho  
My Commission Expires: 02/12/2005

## ATTACHMENT "A"

### E. REASONS SUPPORTING OBJECTIONS

**Source.** The excavation and opening of this well and withdrawal of water therefrom by the claimant, a shareholder of Aberdeen-Springfield Canal Company, was made as the agent of Aberdeen-Springfield Canal Company, the owner of the irrigation works of this Carey Act project. The irrigation project operated by Aberdeen-Springfield Canal Company recaptures project water through wells to provide a supplemental diversion point for project water for the irrigation of the lands of shareholders of Aberdeen-Springfield Canal Company, for the further purpose of improving and preserving the utility of lands by draining them and for the withdrawal of water for the purpose of recovering ground water resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company. There are therefore two sources of water, the ground water source under the license should be acknowledged, as well as the ground water resulting from irrigation by Aberdeen-Springfield Canal Company, which is separate and distinct from the water diverted under this water right, but it is diverted from this well and requires no water right. It is necessary to identify both sources to and in the administration of this water right. It will be recognized that the water diverted from this well is ground water to which claimant is entitled to divert under its water right and is also a diversion of ground water resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company, for the benefit of claimant as a shareholder, for which no license is necessary.

**Priority Date.** As for the ground water being recovered under this well which resulted from irrigation under the irrigation works of Aberdeen-Springfield Canal Company, and is used on lands to which shares of Aberdeen-Springfield Canal Company are appurtenant, there is no priority date, as the recovery of water resulting from irrigation within the project is a part of the original water supply diverted by Aberdeen-Springfield Canal Company. This recovered project ground water is part of the project water of Aberdeen-Springfield Canal Company, and is owned by Aberdeen-Springfield Canal Company after it has been diverted under its surface water rights until it leaves the project.

### **Other Matters Necessary for Definition of Administration of this Water Right**

Add the following: Water diverted from this point of diversion is also groundwater resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company and is recovered by Aberdeen-Springfield Canal Company for further use on lands of claimant to which shares of Aberdeen-Springfield Canal Company are appurtenant. This recaptured project water shall be administered as a part of the water rights of Aberdeen-Springfield Canal Company by which water is diverted from the Snake River for use by its shareholders. As to this water right with a source being ground water and not recaptured project water, the other matters set forth in the recommendation are appropriate.

**EXHIBIT "A"****LIST OF SUBCASES IN WHICH THE FOREGOING OBJECTION IS FILED**

|           |                                                                                |           |                                                                 |
|-----------|--------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------|
| 35-00038F | Thayne Driscoll<br>3140 Willow Street<br>American Falls, ID 83211-5520         | 35-02172  | Bowler Ranches Inc<br>P. O. Box 760<br>American Falls, ID 83211 |
| 35-02049  | Lehman Farms<br>2853 W 2000 S<br>Aberdeen, ID 83210                            | 35-02226  | Leota Judge<br>688 S 1800 W<br>Pingree, ID 83262                |
| 35-02066A | H. Alan Funk<br>2065 S 2800 W<br>Aberdeen, ID 83210                            | 35-02236  | Judith Dvorak<br>1876 S 2900 W<br>Aberdeen, ID 83210            |
| 35-02066B | H. Alan Funk; See 35-02066A                                                    | 35-02271  | Sherman L. Ruff<br>3005 W 2100 S<br>Aberdeen, ID 83210          |
| 35-02072  | Raymond Funk<br>2066 S 2950 W<br>Aberdeen, ID 83210                            | 35-02298  | Everett K. Wood<br>2681 W 1100 S<br>Aberdeen, ID 83210          |
| 35-02073  | Charles J. Shackelford<br>P. O. Box 212<br>Aberdeen, ID 83210                  | 35-02308A | Charles A. Rossi<br>482 S 1600 W<br>Pingree, ID 83262           |
| 35-02100  | Arthur J. Jones<br>1697 W 700 S<br>Pingree, ID 83262                           | 35-02339  | Paul T. Woods<br>771 S 1800 W<br>Pingree, ID 83262              |
| 35-02116  | Behrend Farms<br>2807 W 1900 S<br>Aberdeen, ID 83210                           | 35-02347  | Otto R. Klassen<br>281 W. Boise Street<br>Aberdeen, ID 83210    |
| 35-02127  | Julia Wada Valentine<br>334 S 1300 W<br>Pingree, ID 83262                      | 35-02370  | Lynn E. Hansen<br>2745 W 1800 S<br>Aberdeen, ID 83210           |
| 35-02154  | Bill Funk<br>3252 N. Pleasant Valley Rd.<br>American Falls, ID 83211           | 35-02387A | Charles J. Shackelford; See 35-02073                            |
| 35-02167B | Sylvia and Clarence Schroeder<br>2308 S Moser Road<br>American Falls, ID 83211 | 35-02406  | Line View Farms, Inc.<br>2269 W 800 S<br>Aberdeen, ID 83210     |
| 35-02167D | William R. Schroeder<br>2388 S Moser Rd<br>American Falls, ID 83211            | 35-02470  | Raymond and Betty Funk;<br>See 35-02072                         |
| 35-02167E | Katherine Schroeder Estate<br>P. O. Box 17<br>Aberdeen, ID 83210               | 35-02498  | Juan Burusco<br>2514 W 1700 S<br>Aberdeen, ID 83210             |
| 35-02167F | Katherine Schroeder Estate;<br>See 35-02167E                                   | 35-02504A | Isaac D. Pierce<br>2592 W 1300 S<br>Sterling, ID 83210          |

|           |                                                                 |           |                                                                |
|-----------|-----------------------------------------------------------------|-----------|----------------------------------------------------------------|
| 35-07422  | David P. Dance<br>471 S 1200 W<br>Pingree, ID 83262             | 35-07722  | DeGiulio Ranch Inc.<br>2340 W 900 S<br>Sterling, ID 83210      |
| 35-07450  | H. Homer Anderson<br>2632 S 1470 W<br>St. George, UT 84770      | 35-07728  | John R. Duffin; See 35-07164A                                  |
| 35-07453A | George R. Jackson<br>1762 W 800 S<br>Pingree, ID 83262          | 35-07729  | John R. Duffin; See 35-07164A                                  |
| 35-07453B | George Jackson; See 35-07453A                                   | 35-07732  | Todd Feld<br>P. O. Box B<br>Aberdeen, ID 83210                 |
| 35-07494  | Leonard E. Phillips<br>1522 S 2600 W<br>Aberdeen, ID 83210      | 35-07737  | Sherman N. Smith; See 35-07507                                 |
| 35-07507  | Sherman N. Smith<br>2321 W 1400 S<br>Sterling, ID 83279         | 35-07756  | Juan Burusco; See 35-02498                                     |
| 35-07519  | Stroschein Ranches Inc.<br>1464 Alpowa Ave.<br>Moscow, ID 83843 | 35-07760  | Raymond Funk; See 35-02072                                     |
| 35-07530  | Dwight W. Horsch<br>1911 S 2700 W<br>Aberdeen, ID 83210         | 35-07762  | Bill Funk; See 35-02154                                        |
| 35-07592  | George Jackson; See 35-07453                                    | 35-07790  | Marjorie Sainz Ltd. Partnership;<br>See 35-04113               |
| 35-07599  | Larry E. Watt; See 35-07012B                                    | 35-07820  | Thayne Driscoll; See 35-00038F                                 |
| 35-07618  | Juan A. Irigoyen<br>1751 S 2600 W<br>Aberdeen, ID 83210         | *35-07865 | Diane J. Deeg<br>2957 Deeg Road<br>American Falls, ID 83211    |
| 35-07621  | Juan Irigoyen; See 35-07618                                     | 35-07890  | Knudsen Poor Farms Inc.<br>2700 W 2100 S<br>Aberdeen, ID 83210 |
| 35-07627  | Robert E. Mann<br>2556 W 1400 S<br>Aberdeen, ID 83210           | 35-07894  | H. Alan Funk; See 35-02066A                                    |
| 35-07643A | University of Idaho; See 35-04221                               | 35-07903A | LDS Real Est Div; See 35-07022                                 |
| 35-07647  | Bill Funk; See 35-02154                                         | 35-07903B | Albert Babneau<br>384 S 1200 W<br>Pingree, ID 83262            |
| 35-07680  | David L. Wahlen<br>2481 W 1000 S<br>Sterling, ID 83210          | 35-07945  | Jack Poulson<br>2700 W Hwy. 39<br>Aberdeen, ID 83210           |
| 35-07696  | Charles J. Shackelford; See 35-02073                            | 35-07948  | Scott E. Poulson<br>2831 W 1500 S<br>Aberdeen, ID 83210        |
| 35-07721  | Theron T. Edwards; See 35-07286                                 | 35-07957  | David P. Dance; See 35-07422                                   |
|           |                                                                 | 35-08054  | Ronald W. Stroschein<br>1292 S 2600 W<br>Aberdeen, ID 83210    |

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Department of Water Resources

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Department of Water Resources  
Eastern Region

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TWIN FALLS, IDAHO  
FILED

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

Case No. 35976

A. Subcase No. 35-02315  
and each subcase listed in Exhibit  
A attached hereto

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Twin Falls Canal Company  
Address: P.O. Box 326  
Twin Falls, Idaho 83303-0326  
Daytime Phone: (208) 733-6731

Name & Address of Attorney, if any:

John K. Simpson  
John A. Rosholt  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 2139  
Boise, ID 83701-2139

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: Aberdeen-Springfield Canal Company  
c/o Roger Ling

Address: Ling & Robinson

F.

VERIFICATION (Must be Completed)

State of IDAHO

)

)ss.

County of Twin Falls

)

John A. Rosholt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

*John A. Rosholt*

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 28, 2001.



*Crystal Winney Vincent*  
NOTARY PUBLIC FOR IDAHO  
Residing at: *Twin Falls, ID*  
My commission expires: *April 8, 2004*

# EXHIBIT "A"

|           |                                                                                |           |                                                                 |
|-----------|--------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------|
| 35-00038F | Thayne Driscoll<br>3140 Willow Street<br>American Falls, ID 83211-5520         | 35-02172  | Bowler Ranches Inc<br>P. O. Box 760<br>American Falls, ID 83211 |
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| 35-02066A | H. Alan Funk<br>2065 S 2800 W<br>Aberdeen, ID 83210                            | 35-02236  | Judith Dvorak<br>1876 S 2900 W<br>Aberdeen, ID 83210            |
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| 35-02072  | Raymond Funk<br>2066 S 2950 W<br>Aberdeen, ID 83210                            | 35-02298  | Everett K. Wood<br>2681 W 1100 S<br>Aberdeen, ID 83210          |
| 35-02073  | Charles J. Shackelford<br>P. O. Box 212<br>Aberdeen, ID 83210                  | 35-02308A | Charles A. Rossi<br>482 S 1600 W<br>Pingree, ID 83262           |
| 35-02100  | Arthur J. Jones<br>1697 W 700 S<br>Pingree, ID 83262                           | 35-02339  | Paul T. Woods<br>771 S 1800 W<br>Pingree, ID 83262              |
| 35-02116  | Behrend Farms<br>2807 W 1900 S<br>Aberdeen, ID 83210                           | 35-02347  | Otto R. Klassen<br>281 W. Boise Street<br>Aberdeen, ID 83210    |
| 35-02127  | Julia Wada Valentine<br>334 S 1300 W<br>Pingree, ID 83262                      | 35-02370  | Lynn E. Hansen<br>2745 W 1800 S<br>Aberdeen, ID 83210           |
| 35-02154  | Bill Funk<br>3252 N. Pleasant Valley Rd.<br>American Falls, ID 83211           | 35-02387A | Charles J. Shackelford; See 35-02073                            |
| 35-02167B | Sylvia and Clarence Schroeder<br>2308 S Moser Road<br>American Falls, ID 83211 | 35-02406  | Line View Farms, Inc.<br>2269 W 800 S<br>Aberdeen, ID 83210     |
| 35-02167D | William R. Schroeder<br>2388 S Moser Rd<br>American Falls, ID 83211            | 35-02470  | Raymond and Betty Funk;<br>See 35-02072                         |
| 35-02167E | Katherine Schroeder Estate<br>P. O. Box 17<br>Aberdeen, ID 83210               | 35-02498  | Juan Burusco<br>2514 W 1700 S<br>Aberdeen, ID 83210             |
| 35-02167F | Katherine Schroeder Estate;<br>See 35-02167E                                   | 35-02504A | Isaac D. Pierce<br>2592 W 1300 S<br>Sterling, ID 83210          |

|           |                                                                 |           |                                                                |
|-----------|-----------------------------------------------------------------|-----------|----------------------------------------------------------------|
| 35-07422  | David P. Dance<br>471 S 1200 W<br>Pingree, ID 83262             | 35-07722  | DeGiulio Ranch Inc.<br>2340 W 900 S<br>Sterling, ID 83210      |
| 35-07450  | H. Homer Anderson<br>2632 S 1470 W<br>St. George, UT 84770      | 35-07728  | John R. Duffin; See 35-07164A                                  |
| 35-07453A | George R. Jackson<br>1762 W 800 S<br>Pingree, ID 83262          | 35-07729  | John R. Duffin; See 35-07164A                                  |
| 35-07453B | George Jackson; See 35-07453A                                   | 35-07732  | Todd Feld<br>P. O. Box B<br>Aberdeen, ID 83210                 |
| 35-07494  | Leonard E. Phillips<br>1522 S 2600 W<br>Aberdeen, ID 83210      | 35-07737  | Sherman N. Smith; See 35-07507                                 |
| 35-07507  | Sherman N. Smith<br>2321 W 1400 S<br>Sterling, ID 83279         | 35-07756  | Juan Burusco; See 35-02498                                     |
| 35-07519  | Stroschein Ranches Inc.<br>1464 Alpowa Ave.<br>Moscow, ID 83843 | 35-07760  | Raymond Funk; See 35-02072                                     |
| 35-07530  | Dwight W. Horsch<br>1911 S 2700 W<br>Aberdeen, ID 83210         | 35-07762  | Bill Funk; See 35-02154                                        |
| 35-07592  | George Jackson; See 35-07453                                    | 35-07790  | Marjorie Sainz Ltd. Partnership;<br>See 35-04113               |
| 35-07599  | Larry E. Watt; See 35-07012B                                    | 35-07820  | Thayne Driscoll; See 35-00038F                                 |
| 35-07618  | Juan A. Irigoyen<br>1751 S 2600 W<br>Aberdeen, ID 83210         | *35-07865 | Diane J. Deeg<br>2957 Deeg Road<br>American Falls, ID 83211    |
| 35-07621  | Juan Irigoyen; See 35-07618                                     | 35-07890  | Knudsen Poor Farms Inc.<br>2700 W 2100 S<br>Aberdeen, ID 83210 |
| 35-07627  | Robert E. Mann<br>2556 W 1400 S<br>Aberdeen, ID 83210           | 35-07894  | H. Alan Funk; See 35-02066A                                    |
| 35-07643A | University of Idaho; See 35-04221                               | 35-07903A | LDS Real Est Div; See 35-07022                                 |
| 35-07647  | Bill Funk; See 35-02154                                         | 35-07903B | Albert Babneau<br>384 S 1200 W<br>Pingree, ID 83262            |
| 35-07680  | David L. Wahlen<br>2481 W 1000 S<br>Sterling, ID 83210          | 35-07945  | Jack Poulson<br>2700 W Hwy. 39<br>Aberdeen, ID 83210           |
| 35-07696  | Charles J. Shackelford; See 35-02073                            | 35-07948  | Scott E. Poulson<br>2831 W 1500 S<br>Aberdeen, ID 83210        |
| 35-07721  | Theron T. Edwards; See 35-07286                                 | 35-07957  | David P. Dance; See 35-07422                                   |
|           |                                                                 | 35-08054  | Ronald W. Stroschein<br>1292 S 2600 W<br>Aberdeen, ID 83210    |

RECEIVED

NOV 30 2001

Department of Water Resources

RECEIVED

DEC 06 2001

Department of Water Resources  
Eastern Region

2001 NOV 23 PM 2: 33

2001 NOV 23 PM 2: 33  
TWIN FALLS CO., IDAHO  
FILED

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

Case No. 35976

A. Subcase No. 35-02315  
and each subcase listed in Exhibit  
A attached hereto

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: North Side Canal Company  
Address: 921 North Lincoln  
Jerome, ID 83338  
Daytime Phone: (208) 324-2319

Name & Address of Attorney, if any:

John K. Simpson  
John A. Rosholt  
BARKER ROSHOLT & SIMPSON, LLP  
P.O. Box 2139  
Boise, ID 83701-2139

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: Aberdeen-Springfield Canal Company  
c/o Roger Ling

Address: Ling & Robinson

F.

VERIFICATION (Must be Completed)

State of IDAHO

)

)ss.

County of Twin Falls

)

John A. Rosholt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

*John A. Rosholt*

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 28, 2001.



*Crystal Winney Vincent*  
NOTARY PUBLIC FOR IDAHO  
Residing at *Twin Falls, ID*  
My commission expires: *April 8, 2004*

# EXHIBIT "A"

|           |                                                                                |           |                                                                 |
|-----------|--------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------|
| 35-00038F | Thayne Driscoll<br>3140 Willow Street<br>American Falls, ID 83211-5520         | 35-02172  | Bowler Ranches Inc<br>P. O. Box 760<br>American Falls, ID 83211 |
| 35-02049  | Lehman Farms<br>2853 W 2000 S<br>Aberdeen, ID 83210                            | 35-02226  | Leota Judge<br>688 S 1800 W<br>Pingree, ID 83262                |
| 35-02066A | H. Alan Funk<br>2065 S 2800 W<br>Aberdeen, ID 83210                            | 35-02236  | Judith Dvorak<br>1876 S 2900 W<br>Aberdeen, ID 83210            |
| 35-02066B | H. Alan Funk; See 35-02066A                                                    | 35-02271  | Sherman L. Ruff<br>3005 W 2100 S<br>Aberdeen, ID 83210          |
| 35-02072  | Raymond Funk<br>2066 S 2950 W<br>Aberdeen, ID 83210                            | 35-02298  | Everett K. Wood<br>2681 W 1100 S<br>Aberdeen, ID 83210          |
| 35-02073  | Charles J. Shackelford<br>P. O. Box 212<br>Aberdeen, ID 83210                  | 35-02308A | Charles A. Rossi<br>482 S 1600 W<br>Pingree, ID 83262           |
| 35-02100  | Arthur J. Jones<br>1697 W 700 S<br>Pingree, ID 83262                           | 35-02339  | Paul T. Woods<br>771 S 1800 W<br>Pingree, ID 83262              |
| 35-02116  | Behrend Farms<br>2807 W 1900 S<br>Aberdeen, ID 83210                           | 35-02347  | Otto R. Klassen<br>281 W. Boise Street<br>Aberdeen, ID 83210    |
| 35-02127  | Julia Wada Valentine<br>334 S 1300 W<br>Pingree, ID 83262                      | 35-02370  | Lynn E. Hansen<br>2745 W 1800 S<br>Aberdeen, ID 83210           |
| 35-02154  | Bill Funk<br>3252 N. Pleasant Valley Rd.<br>American Falls, ID 83211           | 35-02387A | Charles J. Shackelford; See 35-02073                            |
| 35-02167B | Sylvia and Clarence Schroeder<br>2308 S Moser Road<br>American Falls, ID 83211 | 35-02406  | Line View Farms, Inc.<br>2269 W 800 S<br>Aberdeen, ID 83210     |
| 35-02167D | William R. Schroeder<br>2388 S Moser Rd<br>American Falls, ID 83211            | 35-02470  | Raymond and Betty Funk;<br>See 35-02072                         |
| 35-02167E | Katherine Schroeder Estate<br>P. O. Box 17<br>Aberdeen, ID 83210               | 35-02498  | Juan Burusco<br>2514 W 1700 S<br>Aberdeen, ID 83210             |
| 35-02167F | Katherine Schroeder Estate;<br>See 35-02167E                                   | 35-02504A | Isaac D. Pierce<br>2592 W 1300 S<br>Sterling, ID 83210          |

|           |                                                                 |           |                                                                |
|-----------|-----------------------------------------------------------------|-----------|----------------------------------------------------------------|
| 35-07422  | David P. Dance<br>471 S 1200 W<br>Pingree, ID 83262             | 35-07722  | DeGiulio Ranch Inc.<br>2340 W 900 S<br>Sterling, ID 83210      |
| 35-07450  | H. Homer Anderson<br>2632 S 1470 W<br>St. George, UT 84770      | 35-07728  | John R. Duffin; See 35-07164A                                  |
| 35-07453A | George R. Jackson<br>1762 W 800 S<br>Pingree, ID 83262          | 35-07729  | John R. Duffin; See 35-07164A                                  |
| 35-07453B | George Jackson; See 35-07453A                                   | 35-07732  | Todd Feld<br>P. O. Box B<br>Aberdeen, ID 83210                 |
| 35-07494  | Leonard E. Phillips<br>1522 S 2600 W<br>Aberdeen, ID 83210      | 35-07737  | Sherman N. Smith; See 35-07507                                 |
| 35-07507  | Sherman N. Smith<br>2321 W 1400 S<br>Sterling, ID 83279         | 35-07756  | Juan Burusco; See 35-02498                                     |
| 35-07519  | Stroschein Ranches Inc.<br>1464 Alpowa Ave.<br>Moscow, ID 83843 | 35-07760  | Raymond Funk; See 35-02072                                     |
| 35-07530  | Dwight W. Horsch<br>1911 S 2700 W<br>Aberdeen, ID 83210         | 35-07762  | Bill Funk; See 35-02154                                        |
| 35-07592  | George Jackson; See 35-07453                                    | 35-07790  | Marjorie Sainz Ltd. Partnership;<br>See 35-04113               |
| 35-07599  | Larry E. Watt; See 35-07012B                                    | 35-07820  | Thayne Driscoll; See 35-00038F                                 |
| 35-07618  | Juan A. Irigoyen<br>1751 S 2600 W<br>Aberdeen, ID 83210         | *35-07865 | Diane J. Deeg<br>2957 Deeg Road<br>American Falls, ID 83211    |
| 35-07621  | Juan Irigoyen; See 35-07618                                     | 35-07890  | Knudsen Poor Farms Inc.<br>2700 W 2100 S<br>Aberdeen, ID 83210 |
| 35-07627  | Robert E. Mann<br>2556 W 1400 S<br>Aberdeen, ID 83210           | 35-07894  | H. Alan Funk; See 35-02066A                                    |
| 35-07643A | University of Idaho; See 35-04221                               | 35-07903A | LDS Real Est Div; See 35-07022                                 |
| 35-07647  | Bill Funk; See 35-02154                                         | 35-07903B | Albert Babneau<br>384 S 1200 W<br>Pingree, ID 83262            |
| 35-07680  | David L. Wahlen<br>2481 W 1000 S<br>Sterling, ID 83210          | 35-07945  | Jack Poulson<br>2700 W Hwy. 39<br>Aberdeen, ID 83210           |
| 35-07696  | Charles J. Shackelford; See 35-02073                            | 35-07948  | Scott E. Poulson<br>2831 W 1500 S<br>Aberdeen, ID 83210        |
| 35-07721  | Theron T. Edwards; See 35-07286                                 | 35-07957  | David P. Dance; See 35-07422                                   |
|           |                                                                 | 35-08054  | Ronald W. Stroschein<br>1292 S 2600 W<br>Aberdeen, ID 83210    |



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

KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN ID 83210

RE: Notice of Change of Water Right Ownership (NCO) for 35-02066B, 35-07221 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Knudsen:

On June 19, 2000, 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,

Jennifer Crabtree

Technical Records Specialist

Enclosure

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: 35-02066, 35-02066A,  
35-02066B & 35-07221

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party -- **Split 35-02066 FUNK – FUNK & KNUDSEN**
- ☒ Substitution of Party -- **35-07221 FUNK - KNUDSEN**
- ☐ 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: Aug 30, 2000

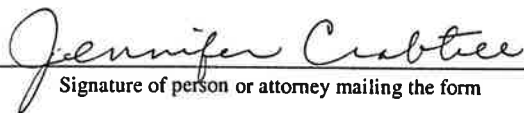
Ernest Carlson

Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on Sept 1, 2000, 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  
2065 S 2800 W  
ABERDEEN ID 83210
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
KNUDSEN POOR FARMS INC  
2700 W 2100 S  
ABERDEEN ID 83210
4. One copy to:  
Each party in the subcase, or attorney of record  
JOHN ROSHOLT  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 1906  
TWIN FALLS ID 83303-1906
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

DELOG EC 6/22/00  
RECEIVED  
JUN 19 2000  
Department of Water Resources  
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) 35-07221, 35-02066 and 35-08067 - permit.  
Adjudication Claim Number(s) \_\_\_\_\_
2. The following **REQUIRED** information must be submitted with this form.
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) H. Alan Funk  
2065 South 2800 West  
Aberdeen, ID 83210
4. New Owner/Claimant(s) Knudsen Poor Farms, Inc.  
Name connector (check one): ☐ AND ☐ OR, ☐ AND/OR  
New Mailing Address: 2700 West 2100 South  
City, State and ZIP Code: Aberdeen, ID 83210  
New Telephone Number: (208) 226-397-4300
5. Date you acquired the property January 7, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres actually irrigated 345. See Attachment  
Diversion rate in CFS \_\_\_\_\_ Number of homes 3 Other uses \_\_\_\_\_  
Cubic Feet per second  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 8 Jan 2000  
\_\_\_\_\_  
Date \_\_\_\_\_  
(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

# WARRANTY DEED

Order No.: 3029900303-L

FOR VALUE RECEIVED

Herman Alan Funk and Connie Geneice Funk, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Knudsen Poor Farms, Inc., an Idaho Corporation

whose current address is

2700 West 2100 South Aberdeen, ID 83210

the grantee(s), the following described premises, in County, Idaho, TO WIT:

## PARCEL 1

<sup>7221</sup>  
The NW¼ of Section 21, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, less the right-of-way of State Highway 39, and less the right-of-way of Homestead Road.

ALSO the SW¼ of Section 21, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, less the right-of-way of State Highway 39, and less the right-of-ways of County Road 2800 West and Gambell Road.

ALSO part of the N½NW¼ of Section 28, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the NW corner of said Section 28; thence South 89°29'07" East along the North line of said Section 28, a distance of 1298.29 feet; thence South 00°15'10" West a distance of 1364.19 feet, to the South line of said N½NW¼; thence North 89°41'38" West along said South line, a distance of 1292.44 feet to the SW corner of said N½NW¼; thence North 00°00'32" East along the West line of said Section 28, a distance of 1368.93 feet to the Point of Beginning, subject to the right-of-way of Gambell Road.

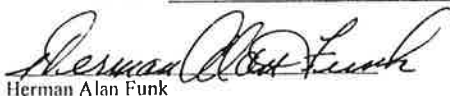
## PARCEL 2

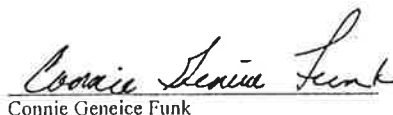
An easement, 15 feet wide, for ingress and egress, the West line of which is the East line of the above described property in Section 28, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, and running from the North line of Section 28 to the South line of the said N½NW¼.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1/07/2000

  
Herman Alan Funk

  
Connie Geneice Funk

State of Idaho                                 }  
                                                      } ss.  
County of Bingham                         }

On this 7 day of January, in the year 2000, before me, a Notary Public in and for said state, personally appeared Herman Alan Funk and Connie Geneice Funk

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

## ATTACHMENT

Knudsen Poor Farms, Inc. is acquiring from Funk the W½ Section 21, T.6S., R. 31E. and the NW¼NW¼ Section 28, T.6S., R 31E., with all appurtenant water rights.

This includes all of right no. 35-07221, 21% or 2.18 cfs of right no. 35-02066 (because Knudsen is acquiring 109 of the 510 irrigable acres under this right), and 81% or 1.58 cfs of right no. 35-08067 (because Knudsen is acquiring 79 of the 97 irrigable acres under this right). Nos. 35-02066 and 35-08067 have the same three wells as the points of diversion. Two of the wells are located on the land acquired by Knudsen and one is on the land retained by Funk.

G:\WPDATA\KWF2579\CHANGE.NTC