



To: John Simpson, Randall Budge, Travis Thompson and James Cefalo
From: Greg Sullivan
Cc: Lance Funk, Rob Harris
Date: June 29, 2020
Re: Lance Funk Licenses 35-14240, 35-14241, 35-14242, 35-14243 and 35-14655

This document is being prepared to satisfy the stipulated agreement dated December 1, 2014 signed agreement between SWC, Idaho Power, IGWA and Lance Funk pertaining to the approval of water right permits 35-14240, 35-14241, 35-14242 and 35-14243. The stipulated agreement states that a written report by a qualified consultant will verify the actual acres irrigated during the current irrigation season by August 15 of each year.

It is necessary to note that water right transfers 83782 and 83781 were approved by IDWR on April 16, 2020. The transfer shifted 46.7 acres of the allowed irrigated acres around with some of the more senior water rights on the farm. No additional acres were transferred into the farm. No acres were transferred off of the farm. Water right license 35-14655 was split off of water right license 35-14240.

Water right license 35-14240 is irrigating 122 acres during the 2020 irrigation season. A site inspection was performed on June 26, 2020. The flowmeter for this water right were inspected and appear to be working correctly.

Water right license 35-14655 is irrigating 46.7 acres during the 2020 irrigation season. A site inspection was performed on June 26, 2020. The flowmeter for this water right were inspected and appear to be working correctly.

Water right license 35-14241 is irrigating 369.1 acres during the 2020 irrigation season. A site inspection was performed on June 26, 2020. The flowmeter for this water right were inspected and appear to be working correctly.

Water right permit 35-14242 is irrigating 119.5 acres during the 2020 irrigation season. A site inspection was performed on June 26, 2020. The flowmeter for this water right were inspected and appear to be working correctly.

Water right permit 35-14243 is irrigating 659.0 acres during the 2020 irrigation season. A site inspection was performed on June 26, 2020. The flowmeters for this water right were inspected and appear to be working correctly.



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WATER RIGHT REPORT

6/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14240

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE AND/OR LISA FUNK PARTNERSHIP PO BOX 310 AMERICAN FLS, ID 83211-0310 2082269976
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/08/2012

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.44 CFS	488 AFA
Total Diversion			2.44 CFS	488 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWSWSE|Sec. 01|Township 07S|Range 28E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	28E	12		NENE	30.5		NWNE	30.5		SWNE	30.5		SENE	30.5

Total Acres: 122

Conditions of Approval:

1. X35 Rights 35-7973 and 35-14240 when combined shall not exceed a total diversion rate of 4.81 cfs.
2. X35 Rights 35-7973, 35-14240, and 35-14654 when combined shall not exceed a total diversion rate of 5.39 cfs.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. 01J Prior to diversion of water under this right, the right holder shall install and maintain a flow meter measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. 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 place of use.
6. 933 This right is for the use of trust water, and it is subject to review 5 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. 935 Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

8. 170 To mitigate for the depletion of water resulting from the use of water under water rights 35-14240, 35-14241, 35-14242, 35-14243, and 35-14655 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official records for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or a portion thereof, are being dedicated to mitigation purposes. Use Changed Mitigation Mitigation Mitigation Right No. to Mitigation Rate (cfs) Volume (AF) Acres 29-2284 (previously 35-14014) Industrial 4.44 3215.5 N/A 29-2301 (previously 35-14015) Industrial 3.95 2858.3 N/A Combined Limit: 6073.8 If the specified mitigation rights, or portion thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water, a priority call, or a termination in lease contract then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.
9. In the event the right holder does not maintain the right to use water rights 29-2284 and 29-2301 for mitigation purposes, the right holder may propose a substitute mitigation plan. The substitute plan must be provided to the Department no later than December 1st in the year immediately prior to the irrigation season where the substitute plan is proposed to be implemented. The Department will advertise the substitute plan to the public and the protestants shall have the right to challenge the substitute plan. If the substitute plan is not approved by the Department, the right holder shall not divert under this right.
10. By December 1st of each year, the right holder shall provide a written report to the Department describing the number and location of acres irrigated that year, the volume of water diverted under this right, the source of mitigation for the next irrigation season, and the number and location of acres proposed to be irrigated in the following year.
11. As resources allow, the Department will conduct at least one in-person field examination of the authorized place of use of this right each year to verify the required mitigation and authorized irrigation under this right prior to June 15th of each year. It shall be the responsibility of the right holder to follow up with the Department by June 15th of each year to determine if the field examination was performed. If the Department is unable to conduct the field examination for any reason, the right holder or its consultant shall perform the field examination and report findings from the field examination to the Department and the protestants to this right by July 15th of each year.
12. 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein.
13. 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

Dates:

Licensed Date: 08/16/2019

Decreed Date:

Permit Proof Due Date: 4/1/2017

Permit Proof Made Date: 2/9/2017

Permit Approved Date: 3/3/2015

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/08/2012

Protest Deadline Date: 04/23/2012

Number of Protests: 9

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

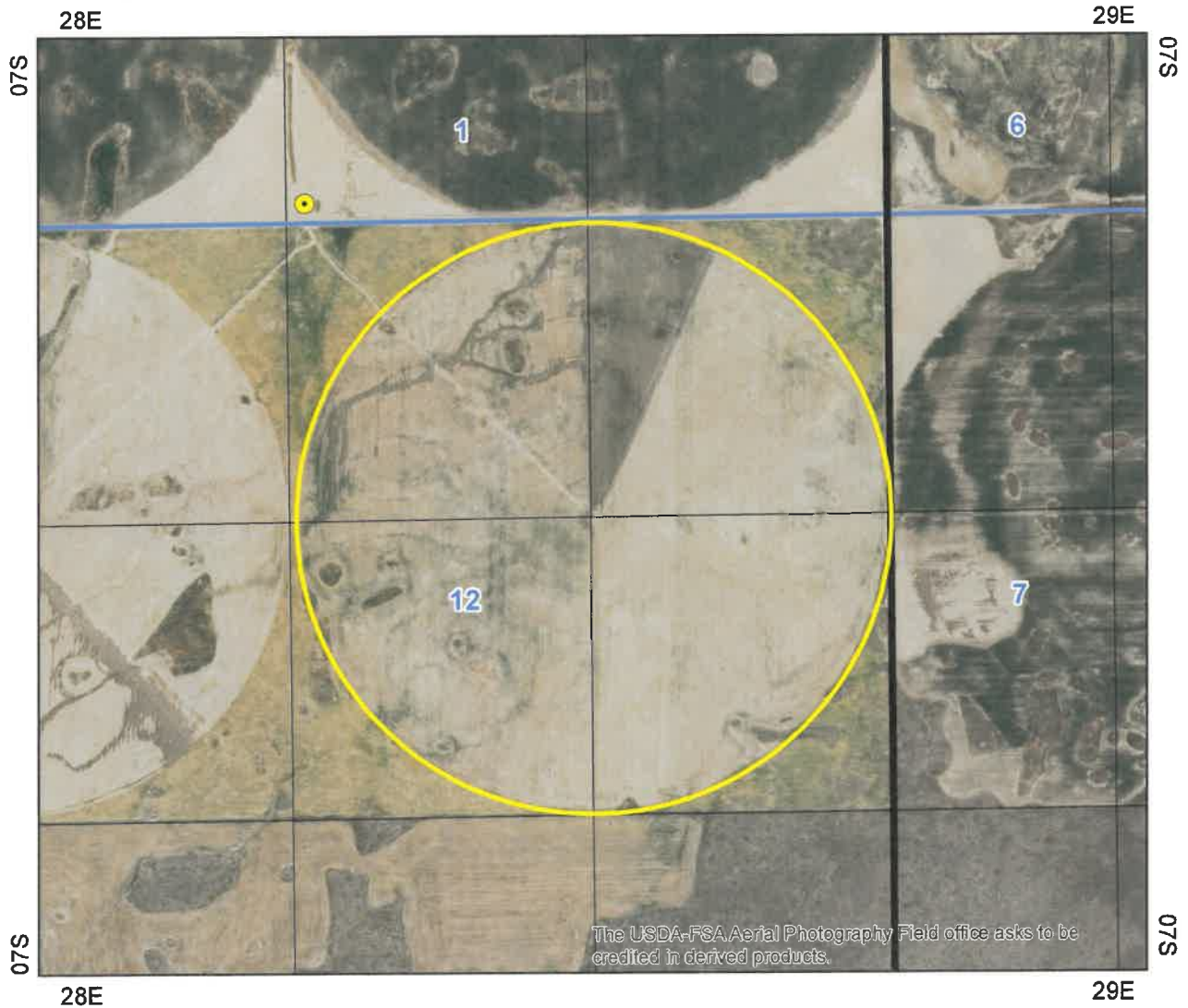
Mitigation Plan: False






State of Idaho
Department of Water Resources

Water Right 35-14240

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.075 0.15 0.3 Miles





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WATER RIGHT REPORT

6/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14655

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE AND/OR LISA FUNK PARTNERSHIP PO BOX 310 AMERICAN FLS, ID 83211-0310 2082269976
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/08/2012

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.15 CFS	63.7 AFA
Total Diversion			0.15 CFS	63.7 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENE Lt 1|Sec. 06|Township 07S|Range 29E|POWER County

GROUND WATER|NWNE |Sec. 07|Township 07S|Range 29E|POWER County

IRRIGATION Use:

Acre Limit: 46.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	29E	6		NENE	22.1		NWNE	20.4		SWNE	32.1		SENE	33.2
				NENW	26.4		NWNW	15.6		SWNW	24.6		SENW	37.3
				NESW	32.2		NWSW	19.9		SWSW	21.5		SESW	33.2
				NESE	27.9		NWSE	26.4		SWSE	26.6		SESE	16.4

Total Acres: 415.8

Conditions of Approval:

1. X35 Rights 35-14241 and 35-14655 when combined shall not exceed the irrigation of 415.8 acres.
2. X35 Rights 35-7914, 35-14241, and 35-14655 when combined shall not exceed a total diversion rate of 6.61 cfs.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 83782, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. 170 To mitigate for the depletion of water resulting from the use of water under water rights 35-14240, 35-14241, 35-14242, 35-14243, and 35-14655 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official records for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or a portion thereof, are being dedicated to mitigation purposes. Use Changed Mitigation Mitigation Mitigation Right No. to Mitigation Rate (cfs) Volume (AF) Acres
29-2284 (previously 35-14014) Industrial 4.44 3215.5 N/A 29-2301 (previously 35-14015) Industrial 3.95 2858.3 N/A Combined Limit: 6073.8 If the specified mitigation rights, or portion thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water, a priority call, or a termination in lease contract then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.
8. By December 1st of each year, the right holder shall provide a written report to the Department describing the number and location of acres irrigated that year, the volume of water diverted under this right, the source of mitigation for the next irrigation season, and the number and location of acres proposed to be irrigated in the following year.
9. As resources allow, the Department will conduct at least one in-person field examination of the authorized place of use of this right each year to verify the required mitigation and authorized irrigation under this right prior to June 15th of each year. It shall be the responsibility of the right holder to follow up with the Department by June 15th of each year to determine if the field examination was performed. If the Department is unable to conduct the field examination for any reason, the right holder or its consultant shall perform the field examination and report findings from the field examination to the Department and the protestants to this right by July 15th of each year.
10. 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 place of use.
11. 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein.
12. 933 This right is for the use of trust water, and it is subject to review 5 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
13. 935 Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

14. In the event the right holder does not maintain the right to use water rights 29-2284 and 29-2301 for mitigation purposes, the right holder may propose a substitute mitigation plan. The substitute plan must be provided to the Department no later than December 1st in the year immediately prior to the irrigation season where the substitute plan is proposed to be implemented. The Department will advertise the substitute plan to the public and the protestants shall have the right to challenge the substitute plan. If the substitute plan is not approved by the Department, the right holder shall not divert under this right.
15. 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
16. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. 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.

Dates:

Licensed Date: 08/16/2019

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

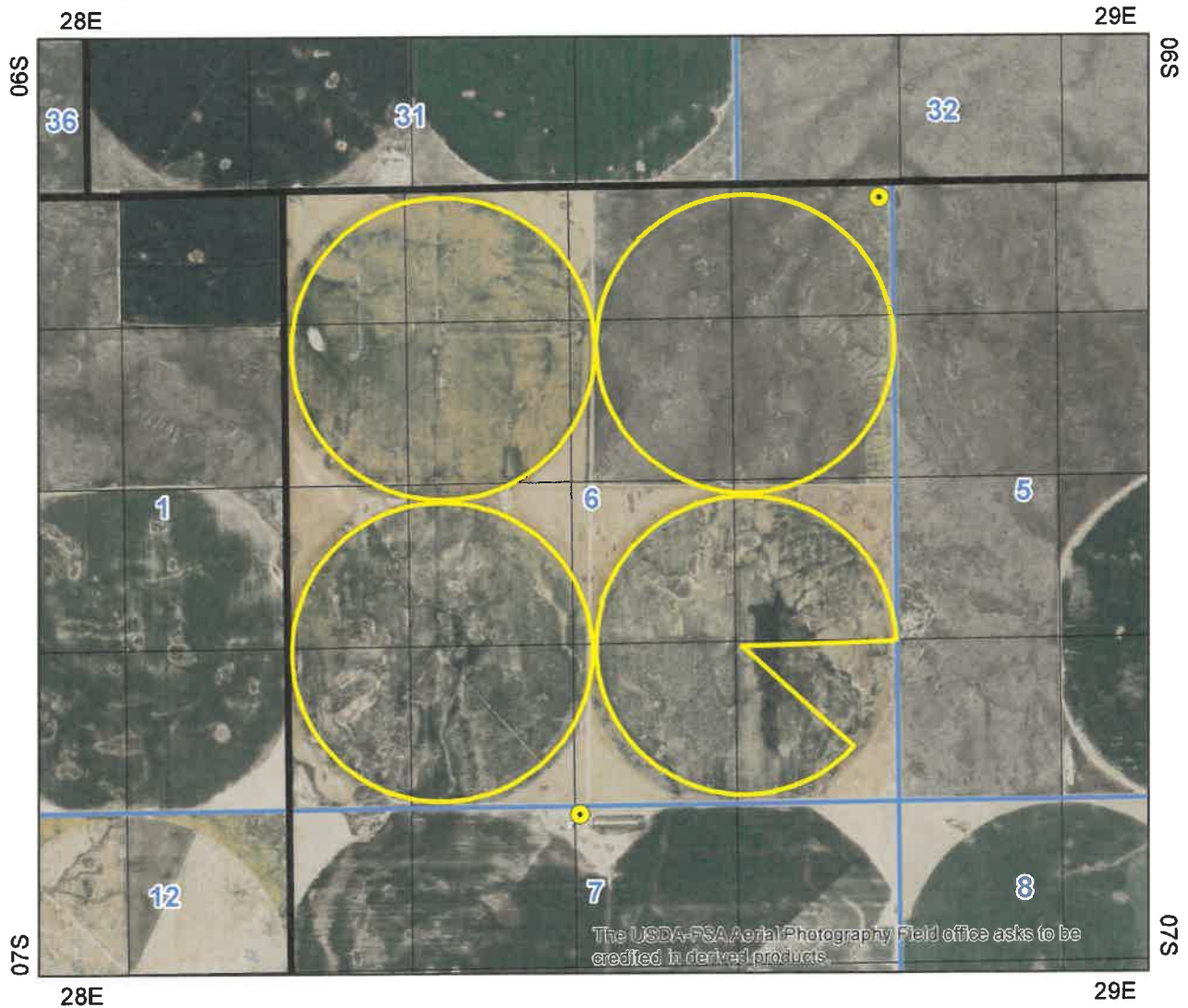
State of Idaho
Department of Water Resources

Water Right

35-14655

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.175 0.35 0.7 Miles





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WATER RIGHT REPORT

6/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE AND/OR LISA FUNK PARTNERSHIP PO BOX 310 AMERICAN FLS, ID 83211-0310 2082269976
Representative	BROCKWAY ENGINEERING PLLC C/O GREG SULLIVAN 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 2087368543
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/08/2012

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	5.9 CFS	1476.4 AFA
Total Diversion			5.9 CFS	1476.4 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNWNE|Sec. 07|Township 07S|Range 29E|POWER County

IRRIGATION Use:

Acre Limit: 369.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	29E	6		NENE	22.1		NWNE	20.4		SWNE	32.1		SENE	33.2
				NENW	26.4		NWNW	15.6		SWNW	24.6		SENW	37.3
				NESW	32.2		NWSW	19.9		SWSW	21.5		SESW	33.2
				NESE	27.9		NWSE	26.4		SWSE	26.6		SESE	16.4

Total Acres: 415.8

Conditions of Approval:

1. X35 Rights 35-14241 and 35-14655 when combined shall not exceed the irrigation of 415.8 acres.
2. X35 Rights 35-7914 and 35-14241 when combined shall not exceed a total diversion rate of 6.46 cfs.
3. X35 Rights 35-7914, 35-14241, and 35-14655 when combined shall not exceed a total diversion rate of 6.61 cfs.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 83782, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

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11. 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 place of use.
12. 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein.
13. 933 This right is for the use of trust water, and it is subject to review 5 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
14. 935 Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

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16. 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
17. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
18. 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.

Dates:

Licensed Date: 08/16/2019

Decreed Date:

Permit Proof Due Date: 4/1/2017

Permit Proof Made Date: 2/9/2017

Permit Approved Date: 3/3/2015

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/08/2012

Protest Deadline Date: 04/23/2012

Number of Protests: 7

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

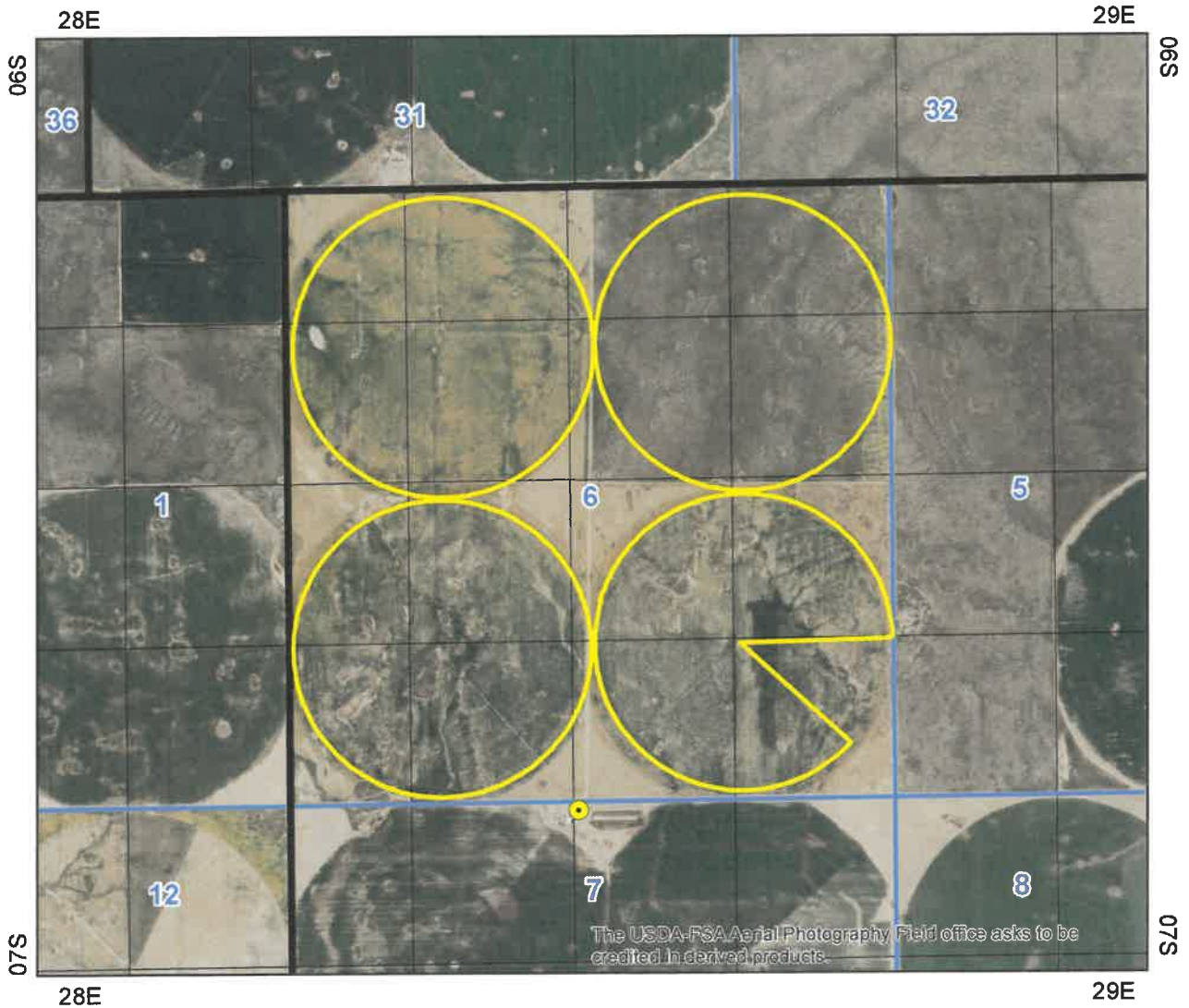
State of Idaho
Department of Water Resources

Water Right

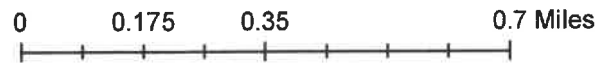
35-14241

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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





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WATER RIGHT REPORT

6/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14242

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE AND/OR LISA FUNK PARTNERSHIP PO BOX 310 AMERICAN FLS, ID 83211-0310 2082269976
Representative	BROCKWAY ENGINEERING PLLC C/O GREG SULLIVAN 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 2087368543
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/08/2012

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.39 CFS	478 AFA
Total Diversion			2.39 CFS	478 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWNESW|Sec. 08|Township 07S|Range 29E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	29E	7		NESE	30.3		NWSE	30.8		SWSE	29.4		SESE	29

Total Acres: 119.5

Conditions of Approval:

1. X35 Rights 35-7686B and 35-14242 when combined shall not exceed a total diversion rate of 4.65 cfs.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. 01J Prior to diversion of water under this right, the right holder shall install and maintain a flow meter measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. 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 place of use.
5. 933 This right is for the use of trust water, and it is subject to review 5 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
6. 935 Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

7. 170 To mitigate for the depletion of water resulting from the use of water under water rights 35-14240, 35-14241, 35-14242 and 35-14243 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official records for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or a portion thereof, are being dedicated to mitigation purposes. Use Changed Mitigation Mitigation Mitigation Right No. to Mitigation Rate (cfs) Volume (AF) Acres 29-2284 (previously 35-14014) Industrial 4.44 3215.5 N/A 29-2301 (previously 35-14015) Industrial 3.95 2858.3 N/A Combined Limit: 6073.8 If the specified mitigation rights, or portion thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water, a priority call, or a termination in lease contract then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.
8. In the event the right holder does not maintain the right to use water rights 29-2284 and 29-2301 for mitigation purposes, the right holder may propose a substitute mitigation plan. The substitute plan must be provided to the Department no later than December 1st in the year immediately prior to the irrigation season where the substitute plan is proposed to be implemented. The Department will advertise the substitute plan to the public and the protestants shall have the right to challenge the substitute plan. If the substitute plan is not approved by the Department, the right holder shall not divert under this right.
9. By December 1st of each year, the right holder shall provide a written report to the Department describing the number and location of acres irrigated that year, the volume of water diverted under this right, the source of mitigation for the next irrigation season, and the number and location of acres proposed to be irrigated in the following year.
10. As resources allow, the Department will conduct at least one in-person field examination of the authorized place of use of this right each year to verify the required mitigation and authorized irrigation under this right prior to June 15th of each year. It shall be the responsibility of the right holder to follow up with the Department by June 15th of each year to determine if the field examination was performed. If the Department is unable to conduct the field examination for any reason, the right holder or its consultant shall perform the field examination and report findings from the field examination to the Department and the protestants to this right by July 15th of each year.
11. 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein.
12. 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

Dates:**Licensed Date: 08/16/2019****Decreed Date:****Permit Proof Due Date: 4/1/2017****Permit Proof Made Date: 2/9/2017****Permit Approved Date: 3/3/2015****Permit Moratorium Expiration Date:****Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date: 02/08/2012****Protest Deadline Date: 04/23/2012****Number of Protests: 7****Other Information:****State or Federal:****Owner Name Connector:****Water District Number: 120****Generic Max Rate per Acre: 0.02****Generic Max Volume per Acre: 4****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan: False**

State of Idaho
Department of Water Resources

Water Right

35-14242

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

29E



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

0 0.1 0.2 0.4 Miles





IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

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WATER RIGHT REPORT

6/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14243

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE AND/OR LISA FUNK PARTNERSHIP PO BOX 310 AMERICAN FLS, ID 83211-0310 2082269976
Representative	BROCKWAY ENGINEERING PLLC C/O GREG SULLIVAN 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 2087368543
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/08/2012

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	7.88 CFS	2636 AFA
Total Diversion			7.88 CFS	2636 AFA

Location of Point(s) of Diversion:

GROUND WATER | NENWNE Lt 2 | Sec. 05 | Township 07S | Range 29E | POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	
06S	29E	32		NESW	40		SWSW	37.5		SESW	38.2				
				NESE	40		NWSE	40		SWSE	38.2		SESE	38.1	
07S		4	3	NENW	33	4	NWNW	28		SWNW	40		SENE	40	
					NENE	10.5	2	NWNE	10.5		SWNE	40		SENE	40
					NENW	33	4	NWNW	32		SWNW	40		SENE	40

Total Acres: 659

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. 01J Prior to diversion of water under this right, the right holder shall install and maintain a flow meter measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. 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 place of use.
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7. In the event the right holder does not maintain the right to use water rights 29-2284 and 29-2301 for mitigation purposes, the right holder may propose a substitute mitigation plan. The substitute plan must be provided to the Department no later than December 1st in the year immediately prior to the irrigation season where the substitute plan is proposed to be implemented. The Department will advertise the substitute plan to the public and the protestants shall have the right to challenge the substitute plan. If the substitute plan is not approved by the Department, the right holder shall not divert under this right.
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Dates:

Licensed Date: 08/16/2019

Decreed Date:

Permit Proof Due Date: 4/1/2017

Permit Proof Made Date: 2/9/2017

Permit Approved Date: 3/3/2015

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/08/2012

Protest Deadline Date: 04/23/2012

Number of Protests: 7

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

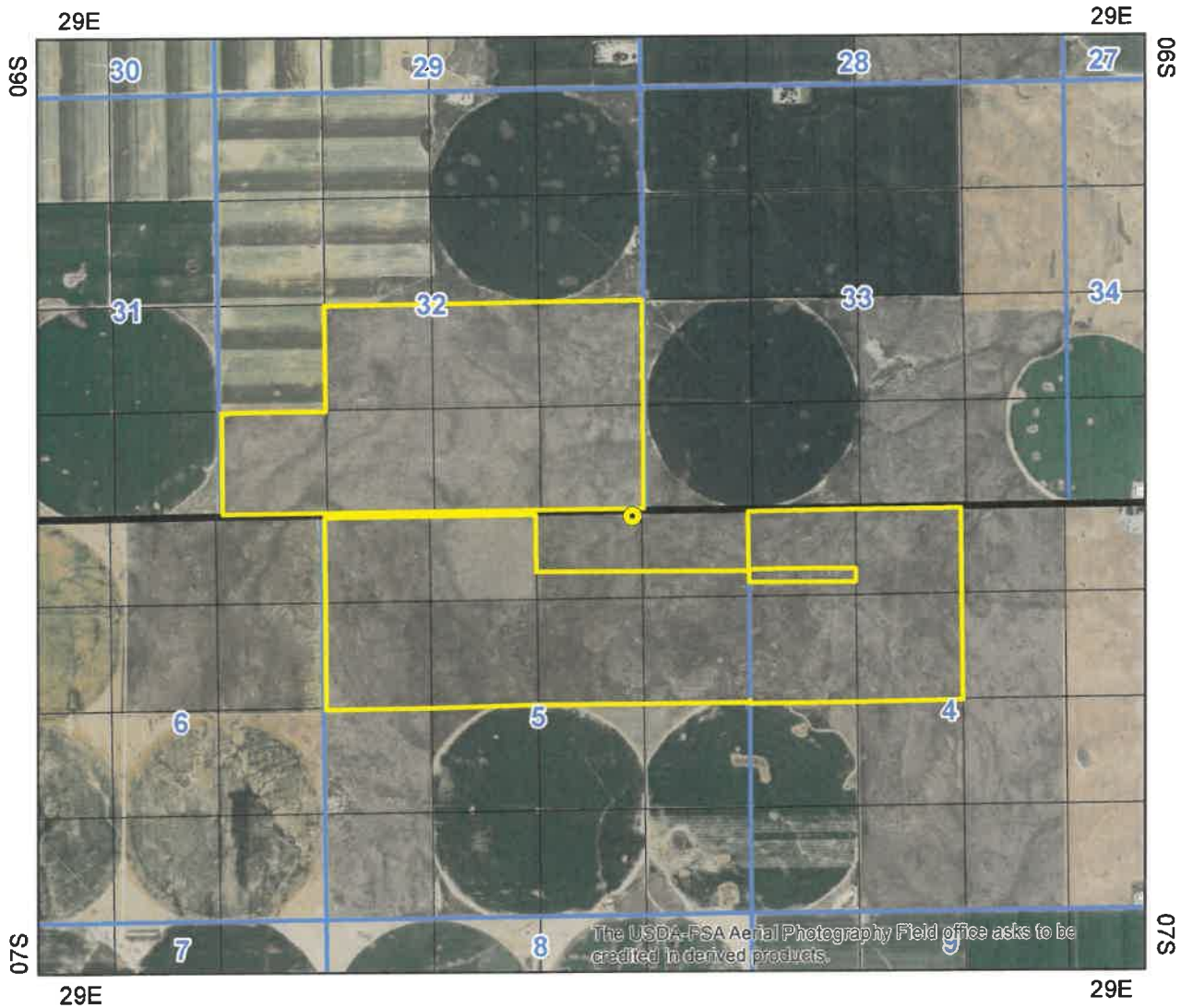
Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right 35-14243

IRRIGATION

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