

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83781

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

NOV 29 2019

Name of Applicant(s) LANCE FUNKDepartment of Water Resources
Eastern Region

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

NOV 29 2019

Department of Water Resources
Eastern Region

Name of Applicant(s) LANCE FUNK Phone 2082265551
Mailing address 2765 FAIRGROUNDS ROAD AMERICAN FALLS, ID 83211 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543
Mailing address 2016 North Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Greg Sullivan
Print Name and Title if applicable

11/25/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer proposes to swap locations of two 46.7 acres portions of irrigation water to allow for better management of the farm. No ESPA Model analysis is required because the to and from wells are located in adjacent ESPA Model cells.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	35-7914	0.58/186.8	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.65 cfs and/or 1184 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.58 cubic feet per second and/or 186.8 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SE	1	07S	28E	Power County	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	28E	12					31.9	14.8											46.7
Total Acres (for irrigation use)																		46.7	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	35-7914	0.58/186.8	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.65 cfs and/or 1184 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.58 cubic feet per second and/or 186.8 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SW	1	07S	28E	Power County	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	28E	4					31.9	14.8											46.7
Total Acres (for irrigation use)																			46.7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing wells, mainlines and delivery systems.

- b. Who owns the property at the point(s) of diversion? Lance Funk

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No change to the land that is currently being irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 35-7914, 35-7973, 35-14240, 35-14241, 35-13608, 35-14089, 35-14081, 35-14092 and 35-14084.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 35-7914

1. amount 0.58/186.8 (cfs/ac-ft) for Irrigation purposes from 4/01 to 11/01
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-7914

Current Owner: LANCE FUNK

Priority Date: 9/8/1980

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 11/01

3.65 CFS

1184 AF

Total Diversion

3.65 CFS

1184 AF

Location of Point(s) of Diversion

GROUND WATER

L2(NE1/4NW1/4NE1/4)

Sec. 5, Twp 07S, Rge 29E B.M.

POWER County

GROUND WATER

L1(NE1/4NE1/4)

Sec. 6, Twp 07S, Rge 29E B.M.

POWER County

GROUND WATER

NW1/4NW1/4NE1/4

Sec. 7, Twp 07S, Rge 29E B.M.

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S6	NWSE	5.00	T07S R29E S6	SWSE	26.00
T07S R29E S6	SESE	29.00	T07S R29E S7	NENE	30.00
T07S R29E S7	NWNE	32.00	T07S R29E S7	SWNE	32.00
T07S R29E S7	SENE	30.00	T07S R29E S7	NENW	37.00
T07S R29E S7	NWNW	20.00	T07S R29E S7	SWNW	19.00
T07S R29E S7	SENE	36.00			

Total Acres: 296

83781

Page _____ of _____

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 214 Prior to the diversion and use of water under Transfer approval 81174, 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.
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.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. 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.
6. No water shall be diverted from the additional well authorized under Transfer 81174 located in Lot 1 (NENE), Sec. 6, T07S, R29E until proof of beneficial use is filed for Permits 35-14241 and 35-14243.
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.
8. 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.
9. 186 Diversion of water from the additional well authorized under Transfer 81174 located in Lot 1 (NENE), Sec. 6, T07S, R29E shall not exceed a total combined maximum diversion rate of 4.32 cfs.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.

Decreed Date: 1/31/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]**FOR DEPARTMENT USE ONLY**

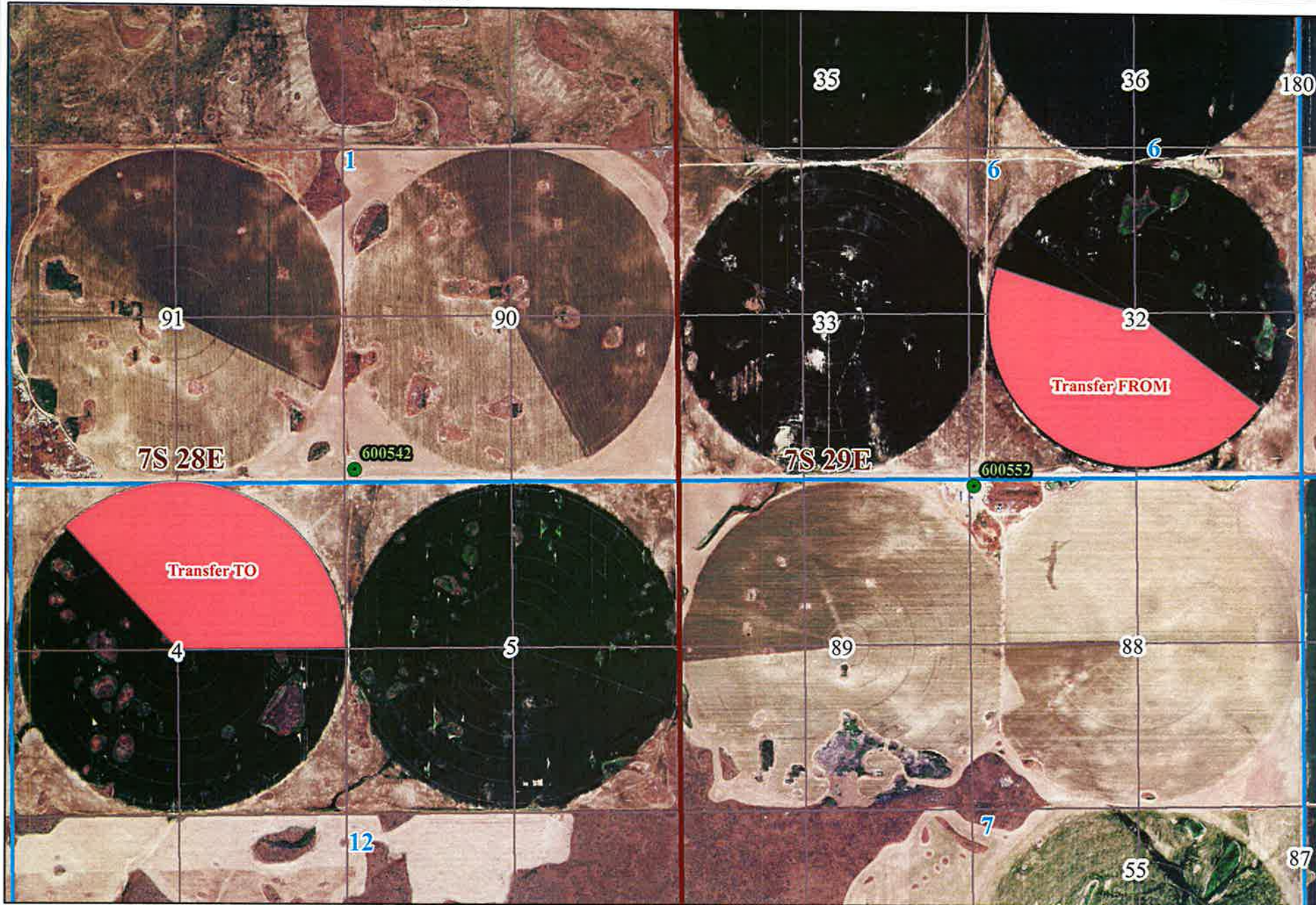
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1,000 (for 2 transfers) Date _____ Received by _____ Receipt # _____

Add'l fee paid _____ Date 11/29/19 Received by CH Receipt # E045483

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



0 0.125 0.25 0.5 Miles

FUNK, LANCE FARMS IRRIGATION TRANSFER NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - JULY 1, 2019

Legend

- Field Names
- Funk Wells
- 35-7914_Transfer_Acres



83781

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lance Funk and/or Lisa Funk, hereby nominate and appoint
Greg Sullivan of Brockway Engineering as my attorney-in-fact with full
authority to act for and on my behalf to undertake any and all acts or matters pertaining to Idaho
Water Supply Bank applications and water right transfers before the Idaho Department of Water
Resources for the following water right transactions:

All water rights, applications and transactions pertaining to water rights in which I
own, applied for or have a security interest in Water Basin 35 of the State of Idaho.

in Power, Bingham County, Idaho. Additionally, I hereby ratify and confirm any and
all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon my written request submitted to the Idaho Department of Water Resources.

Dated this 21ST day of FEBRUARY 2013.

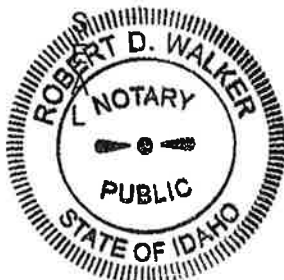
[Signature] _____
Signature

Signature

State of Idaho)
County of Power) ss.

On this 21ST Day of FEBRUARY, 2013, before me, a Notary Public
in and for said County and State, personally appeared LANCE FUNK,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

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



[Signature]
Notary Public
In and for said State and County

11-7-2017
My Commission Expires

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lance Funk and/or Lisa Funk, hereby nominate and appoint
Greg Sullivan of Brockway Engineering as my attorney-in-fact with full
authority to act for and on my behalf to undertake any and all acts or matters pertaining to Idaho
Water Supply Bank applications and water right transfers before the Idaho Department of Water
Resources for the following water right transactions:

All water rights, applications and transactions pertaining to water rights in which I
own, applied for or have a security interest in Water Basin 35 of the State of Idaho.

in Power, Bingham County, Idaho. Additionally, I hereby ratify and confirm any and
all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon my written request submitted to the Idaho Department of Water Resources.

Dated this 21ST day of FEBRUARY 2013.

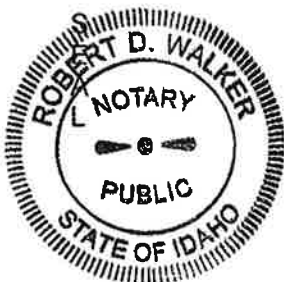
[Signature] _____
Signature

Signature

State of Idaho)
County of POWER) ss.

On this 21ST Day of FEBRUARY, 2013, before me, a Notary Public
in and for said County and State, personally appeared LANCE FUNK,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

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



[Signature]
Notary Public
In and for said State and County
11-7-2017
My Commission Expires



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 24, 2019

LANCE FUNK
LANCE and/or LISA FUNK PARTNERSHIP
2765 FAIRGROUNDS ROAD
AMERICAN FALLS, ID 83211

RE: Transfer No. 83781, 83782
Water Right No(s). 35-7914, 35-14240

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POWER COUNTY PRESS on 1/1/2020 and 1/8/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish.

Christina Henman
Administrative Assistant

CC:
BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Henman, Christina

From: Henman, Christina
Sent: Tuesday, December 24, 2019 10:08 AM
To: POWER CO PRESS (press1@press-times.com)
Subject: Legal Ad for Power Co Press
Attachments: 83781, 83782 Power County Press.doc

Hello,

Please see attached document regarding a legal ad for your paper.

Happy Christmas Eve!

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

December 24, 2019

THIS DOCUMENT MAY CONTAIN MORE THAN 1 PAGE

Legal Notice Department

Power County Press

PO Box 547

American Falls ID 83211

RE: Transfer No. 83781, 83782,
Water Right No(s): 35-7914, 35-14240

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **1/20/2020**. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-497-3793

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83782

LANCE & LISA FUNK PARTNERSHIP, PO BOX 310, AMERICAN FALLS, ID 83211; has filed Application No. 83782 for changes to the following water rights within POWER County(s): Right No(s). 35-14240. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, add point of diversion and change place of use. The points of diversion are in Lot 1 (NENE) Sec 6 and NWNE Sec 7, T7S R29E for 0.93 cfs from ground water. The place of use is in SE 1/4 Sec 6 T7S R29E for 46.7 acres.

TRANSFER NO. 83781

LANCE FUNK, 2765 FAIRGROUNDS ROAD, AMERICAN FALLS, ID 83211; has filed Application No. 83781 for changes to the following water rights within POWER County(s): Right No(s). 35-7914. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and change place of use. The point of diversion is in SWSE Sec 1 T7S R28E for 0.58 cfs from ground water. The place of use is in NW 1/4 Sec 12 T7S R28E for 46.7 acres.

For additional information concerning the property locations, contact Eastern Region office at (208) 525-7161. To see a full description of these rights and the proposed transfers, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 1/1/2020 and 1/8/2020

Jordan, Blake

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, December 16, 2019 9:13 AM
To: Jordan, Blake
Subject: RE: Lance Funk Transfers 35-7914 and 35-14240
Attachments: 35-14240 Transfer.pdf; 35-7914 Transfer.pdf

Blake,

See the attached documents.

I understand and accept that the diversion limitation will have to be adjusted with these two transfers.

Let me know if you need additional information for these two transfers.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Friday, December 06, 2019 11:23 AM
To: 'Jordan, Blake' <Blake.Jordan@idwr.idaho.gov>
Subject: RE: Lance Funk Transfers 35-7914 and 35-14240

Blake,

Thanks for the info. I agree with your proposed acre amounts. I will update the map and other items and get it to you next week.

Will IDWR require a new signed signature page in order to check the box to add the well?

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Jordan, Blake [<mailto:Blake.Jordan@idwr.idaho.gov>]
Sent: Friday, December 06, 2019 10:58 AM
To: Greg Sullivan (greg.sullivan@brockwayeng.com) <greg.sullivan@brockwayeng.com>
Subject: Lance Funk Transfers 35-7914 and 35-14240

Hi Greg,

I completed an initial review of the two transfer applications you submitted for Lance Funk and found some items that need your attention.

Water right 35-7914 transfer:

-The proposed POD should be SWSE, Section 1, 07S, 28E.

-Proposed POU should be Section 12, 07S, 28E.

-Under Part 2B the application identifies the 46.7 acres being changed as followed:

NWSE: 4.8; SWSE: 25.5; SESE: 16.4

The current acres listed in the QQ's are:

NWSE: 5.0; SWSE: 26.0; SESE: 29.0

The remaining acres in the QQ's would be:

NWSE: 0.2; SWSE: 0.5; SESE: 12.6. Leaving fractional acres in the NWSE and SWSE.

Wouldn't it be more appropriate to change the following acres?:

NWSE: 5.0; SWSE: 26.0; SESE: 15.7

Water right 35-14240 transfer:

-Map also needs to identify the proposed POD located in NENE, Section 6, T07N, R29E

-The application proposes to add an additional POD to water right 35-14240. The "Add POD" box should be checked.

-Do you want the Proposed POU to match the acres you are removing from water right 35-7914?

-Part 2B proposed acres being change is in 07S, 28E, Section 12.

When water rights 35-14240 and 35-14241 were licensed combine rate of diversion limits were place on these rights. Water rights 35-7973 (4.81 cfs) and **35-14240** (3.37 cfs, junior) when combined are limited to 4.96 cfs. Water rights **35-7914** (3.65 cfs, senior) and 35-14241(5.9 cfs) when combined are limited to 7.04 cfs. I didn't see anywhere in the application that accounts for or acknowledges a rate of diversion limitation associated with the water rights involved in this transfer. To avoid possible enlargement of water rights, the established rate of diversion limitations will have to be carried forward.

Please provide me with the amended applications within 30 days of receiving this email. If I don't receive any amended applications within 30 days then I will return your applications and refund the application filing fee.

Blake Jordan
Water Rights Supervisor
Idaho Dept. of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402
(208)497-3777



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 25, 2019

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: 35-14240 and 35-7914

RECEIVED

NOV 29 2019

Department of Water Resources
Eastern Region

Dear Mr. Cefalo:

Lance Funk is submitting two transfer applications at this time. Both transfers propose to move 46.7 acres of irrigation water right. In essence, the two transfers will swap the 46.7 acres of irrigation water under 35-7914 and 35-14240. These transfer will allow for better management of the irrigated fields and water rights in the future.

No ESPA Modelling was performed because the TO and FROM ESPA Cells for the two transfers are in adjacent model cells.

The ownership, beneficial use and period of use for these water rights will not be changing with transfers.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Lance Funk
Enc: Transfer Applications, Aerial Maps, Limited Power of Attorney, WMIS Data,
Brockway Engineering Check # 15624 for \$1,000.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506