

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4247
(PART 1 OF 2)
WATER RIGHT NO(S). 35-02448A/35-02833A

RECEIVED

APR 15 1996

Department of Water Resources
Eastern District Office

This is to certify that: **MEL FUNK FARMS**
PO BOX 360
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02448A :			
IRRIGATION	04/01 to 10/31	1.83 CFS	773.1 AF
Priority: 01/16/1956			
Right No. 35-02833A :			
IRRIGATION	04/01 to 10/31	3.78 CFS	1256.0 AF
Priority: 08/25/1966			
TOTALS:		* 5.61 CFS	* 1256.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 31, Township 06S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	36	NESE 39	NWSE 40	SWSE 39	
			SESE 39			157
30E	31		NESW 40	NWSW 39	SWSW 39	
			SESW 39			157
Total number of acres irrigated:						** 314

CONDITIONS OF APPROVAL AND REMARKS

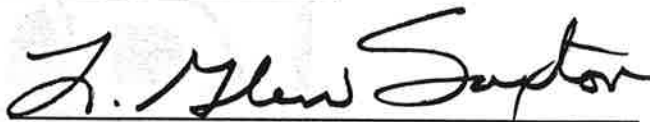
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4247
(PART 1 OF 2)
WATER RIGHT NO(S). 35-02448A/35-02833A

CONDITIONS OF APPROVAL AND REMARKS

2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right No. 35-02448A is limited to the irrigation of 248 acres in the place of use described above in a single irrigation season.
- * 7. Combined Right Nos. 35-02448A and 35-02833A are limited to the total combined annual diversion volume of 1,256.0 af for the total combined irrigation of 314 acres.

Dated this 11th day of April, 1996.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 35-02448 & 35-02833

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4247

DATE: March 29, 1996

RECEIVED
APR 15 1996
Department of Water Resources
Eastern District Office

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Transfer No. 4247 was filed to reflect the sale of a portion of land and the splitting of the two associated water rights. The transfer changes the points of diversion and place of use under Right Nos. 35-02448 and 35-02833, splitting the rights into parts A and B. Both portions of the rights are changed through this approval and both the original applicant, Winding Brook Corp, and the original owner Mel Funk Farms have approved of the final revised application and recommendations.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include permissible place of use, combined limits, irrigation overlap, future measuring device/annual reporting and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4247
(PART 2 OF 2)
WATER RIGHT NO(S). 35-02448B/35-02833B

RECEIVED

APR 15 1996

Department of Water Resources
Eastern District Office

This is to certify that: **WINDING BROOK CORP**
C/O BATTERYMARCH: AGRIVEST INC
RODNEY MOORE
PO BOX 53
NAMPA ID 83653

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02448B :			
IRRIGATION	04/01 to 10/31	1.27 CFS	536.6 AF
Priority: 01/16/1956			
Right No. 35-02833B :			
IRRIGATION	04/01 to 10/31	2.62 CFS	868.0 AF
Priority: 08/25/1966			
TOTALS:		3.89 CFS	* 868.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 31, Township 06S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	30E	31	NESE 40	NWSE 40	SWSE 39	
			SESE 39			158
		32	NWSW 20	SWSW 39		59
Total number of acres irrigated:						** 217

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4247
(PART 2 OF 2)
WATER RIGHT NO(S). 35-02448B/35-02833B

CONDITIONS OF APPROVAL AND REMARKS

2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right No. 35-02448B is limited to the irrigation of 172 acres in the place of use described above in a single irrigation season.
- * 7. Combined Right Nos. 35-02448B and 35-02833B are limited to the total combined annual diversion volume of 868.0 af for the total combined irrigation of 217 acres.

Dated this 11th day of April, 1996


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 35-02448 & 35-02833

FROM: PAM SKAGGS³/STATE OFFICE

SUBJECT: TRANSFER NO. 4247

DATE: March 29, 1996

RECEIVED

APR 15 1996

Department of Water Resources
Eastern District Office

=====

Transfer No. 4247 was filed to reflect the sale of a portion of land and the splitting of the two associated water rights. The transfer changes the points of diversion and place of use under Right Nos. 35-02448 and 35-02833, splitting the rights into parts A and B. Both portions of the rights are changed through this approval and both the original applicant, Winding Brook Corp, and the original owner Mel Funk Farms have approved of the final revised application and recommendations.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include permissible place of use, combined limits, irrigation overlap, future measuring device/annual reporting and standard transfer conditions.

MEMORANDUM

TO: FILE NOS. 35-02448A & 35-02833A

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: VOID PARTIAL TRANSFER APPROVAL
TRANSFER NO. 4247

DATE: May 8, 1996

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When Transfer No. 4247 was approved, an effort to update both the transferred portion (Part B's) and remaining portions (Part A's) of Right Nos. 35-02448 and 35-02883 was made. Upon further review, those changes identified under the non-transferred portions should be addressed in the SRBA review. The approval, Part 1 of 2, has been voided and the database updated to reflect the remaining portions as licensed.

WR0749NP
No. 35-02448A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OTTO FUNK	01/16/1956	IRRIGATION	00/00 00/00	1.830 CFS	
TOTAL DIVERSION:					1.830 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R30E S31 NESW POWER 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	30E	3	:					:					:	40	40	40	40	:					:	160.0
06S	30E	32	:					:					:	40	30		40	:					:	110.0
																						TOTAL ACRES		270.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-02833A T35-02833A

Other Water Rights Listing Overlapping Place(s) of use:
35-02448B 35-02610 35-02833B 35-07106

Dates: App. Received: Priority Date: 01/16/1956
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/07/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/09/1993 User-ID: SKAGGS Subject: TRANSFER NO. 4247
Transfer No. 4247 was filed to change the point of diversion for
a portion of Right Nos. 35-02448 and 35-02833, splitting the
rights into parts A and B.

Audit: 11/09/93 SKAGGS 11/10/93 SKAGGS 03/19/96 PSKAGGS 03/29/96 PSKAGGS
05/08/96 PSKAGGS

WR0749NP
No. 35-02833A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN R FUNK	08/25/1966	IRRIGATION	04/01 11/01	3.780 CFS	1099.00 AFA
TOTAL DIVERSION:					3.780 CFS	1099.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R29E S36 NESE POWER County
R30E S31 NESW POWER 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	29E	36	:					:					:					:	39	40	39	39	:	157.0
06S	30E	31	:					:					:	40	39	39	39	:					:	157.0
																						TOTAL ACRES		314.0

Pou County: POWER

Other Rights: LIC. 35-2448.

Other Water Rights with Same Point(s) of Diversion and Source:
35-02448A T35-02833A

Other Water Rights Listing Overlapping Place(s) of use:
T35-02833A

Remarks: Subject to the condition that the maximum volume per year shall not exceed 1,099.0 acre feet when combined with License No. 26158/35-02448A.

Dates: App. Received: Priority Date: 08/25/1966
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/07/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/09/1993 User-ID: SKAGGS Subject: TRANSFER NO. 4247
Transfer No. 4247 was filed to change the point of diversion for a portion of Right Nos. 35-02448 and 35-02833, splitting the rights into parts A and B.

Audit: 11/09/93 SKAGGS 11/10/93 SKAGGS 03/29/96 PSKAGGS 05/08/96 PSKAGGS

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4247

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Winding Brook Corp c/o Battery March Agri-Vest Inc. Phone (208) 466-0419
 Post Office address Rodney Moore, P.O. Box 53, Nampa, ID 83653

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Sale of portion of place of use of both rights listed below. Only one point of diversion is to be sold to new owners. This transfer splits ownership of the two involved rights and moves the point of diversion for the sold portion of 35-02448 to the sold point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|--------------|-----------|--------------------|---------------|---------------|
| Fynke { | 35-02448A | 1-16-1956 | 1.83 | Irrigation | 4-01 to 10-31 |
| | 35-02833A | 8-25-1966 | 3.78 | " | " to " |
| Winding Brook { | 35-02448B | 1-16-1956 | 1.27 | " | " to " |
| | 35-02833B | 8-25-1966 | 2.62 | " | " to " |
- Total amount of water being transferred 9.50 cubic feet per second and/or _____ acre-feet per annum.
 - Source of water Groundwater tributary to _____
 - Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	31	6S	30E	Power	"A" well for Mel Fynke Farms
		SE	SE	31	6S	30E	Power	"B" well for Winding Brook

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
B {	6S	30E	31												40	40	39	39	158
			32								20	39							59
A {	6S	29E	36												39	40	39	39	157
			31								40	39	39	39					157

Total acres 531

 = WINDING BROOK OWNERSHIP

 = FUNK OWNERSHIP

14 AC 0.25 cfs (35-02833)	203 AC 1.88 cfs (35-02833)	SW 1/4 SEC 31 157 AC 1.46 cfs (35-02833)	SE 1/2 SEC 36 157 AC 2.81 cfs (35-02833)
	SE 1/4 SEC 31; NW 1/4 SEC 32 200 AC 1.72 cfs (35-02448)	SW 1/4 SEC 31 160 AC 1.37 cfs (35-02448)	

PROPORTIONATE SHARE

	<u>35-02448</u>	<u>35-02833</u>
Funk	160 ac 1.38 cfs	314 ac 4.27 cfs
WINDING BROOK	200 ac 1.72 cfs	217 ac 2.13 cfs
TOTAL	<u>360 ac</u> <u>3.10 cfs</u>	<u>531 ac</u> <u>6.40 cfs</u>

TOTAL

$$\frac{314 \text{ ac}}{5.65 \text{ cfs}} = 0.0179 \text{ ac/cfs}$$

$$\frac{217 \text{ ac}}{2.85 \text{ cfs}} = 0.0177419 \text{ ac/cfs}$$



COPY
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 4247

AMENDED

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant WINDING BROOK CORP. Batterymarch Agri-Vest Inc. Phone (208)466-0419
 Post Office address Rodney Moore, P.O. Box 53, Nampa, Idaho 83653

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Sale of portion of place of use of both rights
listed below. Only one point of diversion is to be sold to new owners. This transfer
splits ownership of the two involved rights and moves the point of diversion for the
sold portion of 35-02448 to the sold point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-------------------|------------------|-----------------------|-------------------|---------------------------|
| <u>35-02448 B</u> | <u>1-16-1956</u> | <u>1.72 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| <u>35-02833 B</u> | <u>8-25-1966</u> | <u>2.13 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | <u>3.85 cfs</u> | _____ | _____ to _____ |
2. Total amount of water being transferred 3.85 cfs cubic feet per second and/or 759.50 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	31	6S	30E	Power	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
35-02448																			
6S	30E	31													30	40	40	40	150
		32									10	40							50
																			200 ac.
35-02833																			
6S	30E	31													40	40	39	39	158 ac.
		32									20	39							59
																			217 ac.

Total acres 217 AC.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02448 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 1-16-1956

5. Water is used for the following purpose:

amount 3.10 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.10 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	31	6S	30E	Power	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	30E	31									40	40	40	40	30	40	40	40	310
		32									20	10	40	40					110

Total acres 420

9. Describe any other water rights used for the same purpose as described above 35-02833

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02833 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 8-25-1966

5. Water is used for the following purpose:

amount 6.40 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.40 cfs cubic feet per second and/or 1858.50 afa acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	6S	29E	Power	
		NE	SW	31	6S	30E	Power	
		SE	SE	31	6S	30E	Power	

8. Lands irrigated or place of use:

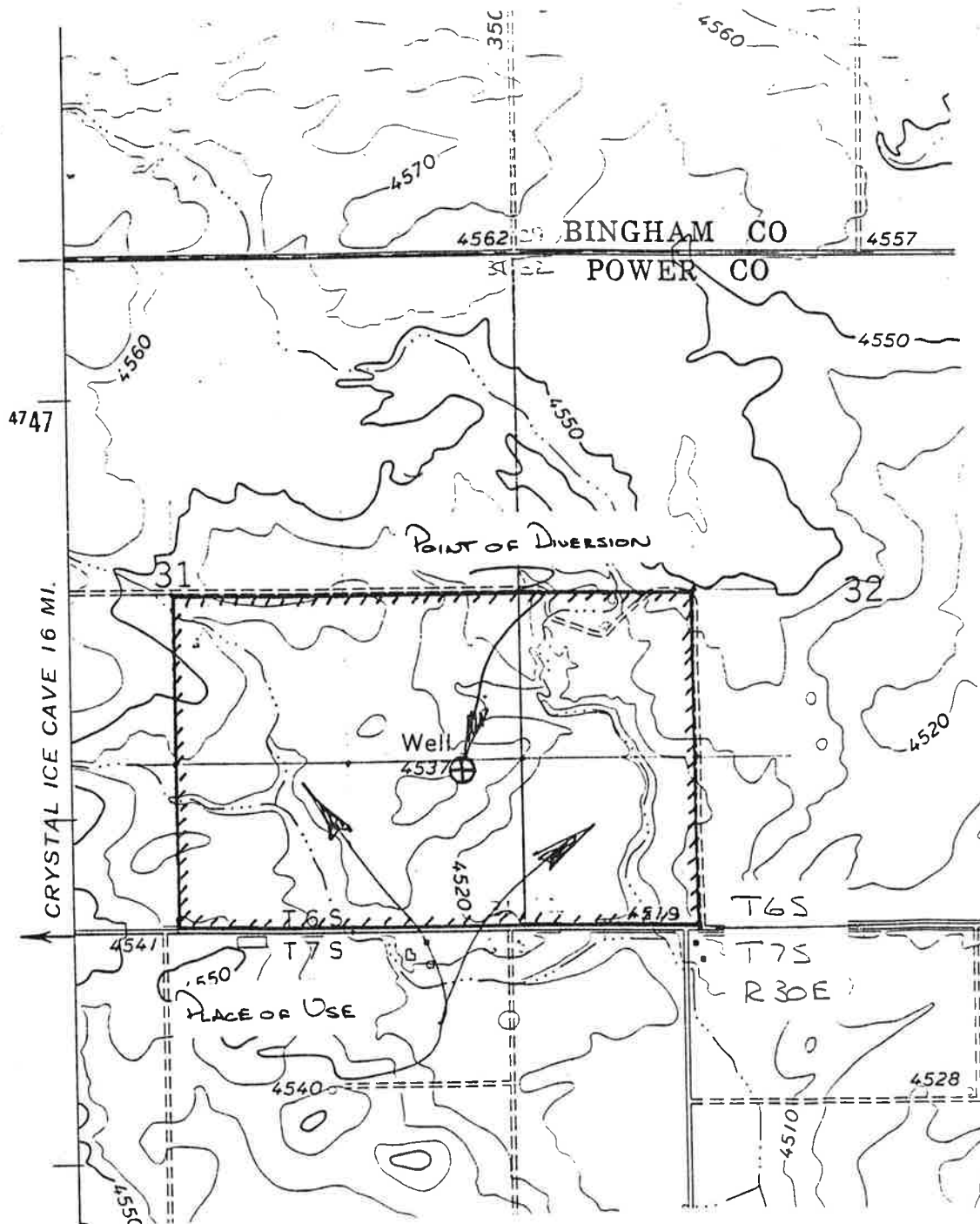
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	29E	36													39	40	39	39	157
	30E	31									40	39	39	39	40	40	39	39	315
		32										20	39						59

Total acres 531 ac.

9. Describe any other water rights used for the same purpose as described above 35-02448

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

