

RECEIVED

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Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82964**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.

Name of Applicant(s) County Line Farms**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: Water right split worksheet

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) County Line Farms Phone (208) 226-5207
Mailing address P.O. Box 360 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 Jason C. Helms, P.E. Phone (208) 308-2109
Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

☐ 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.

Monte Funk
Signature of Applicant or Authorized Representative

Monte Funk - owner
Print Name and Title if applicable

01-03-2019
Date

Caroline Funk
Signature of Applicant or Authorized Representative

Caroline Funk
Print Name and Title if applicable

01-03-2019
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 Split right 35-14209
- 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 adjusts 5.6 acres within the remaining place of use under combined water rights 35-7968A, 8660A & 14209 allowing removal of a portion of 35-14209 to another location (see companion transfer #2). Total irrigation authorized will remain unchanged.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	35-7968A	0.067/16.4	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-8660A	0.015/5.0	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-14209	0.003/1.1	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.49 cfs and/or 1,362.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 22.4 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 #

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	
06S	29E	1									30.9	30.2	30.5	31.7	30.3	30.7	31.3	31.0	246.6
		2														30.8	31.2	32.1	94.1
Total Acres (for irrigation use)																			340.7

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 well, lockable valve, flow meter and center pivot system

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

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: _____

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:

Land will be dried up at existing location to offset the same extent of irrigation at the new locations.

- 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:

none

- 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:

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

Current Water Right No.: 35-7968a

Current Owner: MONTY FUNK
Priority Date: 3/23/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

4.06 CFS

Annual Volume

996 AF

Total Diversion

4.06 CFS

996 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4SE1/4

Sec. 1, Twp 06S, Rge 29E B.M.

POWER County

Place of Use

IRRIGATION Within POWER County

T06S R29E S1	NESW	34.30	T06S R29E S1	NWSW	33.00
T06S R29E S1	SWSW	33.20	T06S R29E S1	SESW	34.50
T06S R29E S1	NESE	34.70	T06S R29E S1	NWSE	33.20
T06S R29E S1	SWSE	34.40	T06S R29E S1	SESE	34.50
T06S R29E S2	NWSE	29.50	T06S R29E S2	SWSE	29.70
T06S R29E S2	SESE	29.30			

Total Acres: 360.3

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. 214 Prior to the diversion and use of water under Transfer approval 78213, 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. 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.
4. 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.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. X27 This right is limited to the irrigation of 249.0 acres within the authorized place of use in a single irrigation season.
9. 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.
10. X35 Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 acres.
11. X35 Rights 35-7968A and 35-8660A when combined shall not exceed a total diversion rate of 4.33 cfs.

Decreed Date: 1/31/2002

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

Current Water Right No.: 35-8660a

Current Owner: MONTY FUNK
Priority Date: 10/26/1987
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.93 CFS	302 AF
	<u>Total Diversion</u>	0.93 CFS	302 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 1, Twp 06S, Rge 29E B.M.
POWER County

Place of Use

IRRIGATION Within POWER County

T06S R29E S1	NESW	34.30	T06S R29E S1	NWSW	33.00
T06S R29E S1	SWSW	33.20	T06S R29E S1	SESW	34.50
T06S R29E S1	NESE	34.70	T06S R29E S1	NWSE	33.20
T06S R29E S1	SWSE	34.40	T06S R29E S1	SESE	34.50
T06S R29E S2	NWSE	29.50	T06S R29E S2	SWSE	29.70
T06S R29E S2	SESE	29.30			

Total Acres: 360.3

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Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 78213, 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.
2. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. X27 This right is limited to the irrigation of 75.5 acres within the authorized place of use in a single irrigation season.
6. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. X35 Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 acres.
8. 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.
9. X35 Rights 35-7968A and 35-8660A when combined shall not exceed a total diversion rate of 4.33 cfs.
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 lands above.
11. 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.

Licensed Date: 6/16/1995

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

Current Water Right No.: 35-14209

Current Owner: MONTY FUNK
CAROLENE FUNK
Priority Date: 10/26/1987
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.35 CFS	143.2 AF
	<u>Total Diversion</u>	0.35 CFS	143.2 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 1, Twp 06S, Rge 29E B.M.
POWER County

Place of Use

IRRIGATION Within POWER County

T06S R29E S1	NESW	34.30	T06S R29E S1	NWSW	33.00
T06S R29E S1	SWSW	33.20	T06S R29E S1	SESW	34.50
T06S R29E S1	NESE	34.70	T06S R29E S1	NWSE	33.20
T06S R29E S1	SWSE	34.40	T06S R29E S1	SESE	34.50
T06S R29E S2	NWSE	29.50	T06S R29E S2	SWSE	29.70
T06S R29E S2	SESE	29.30			

Total Acres: 360.3

Conditions of Approval:

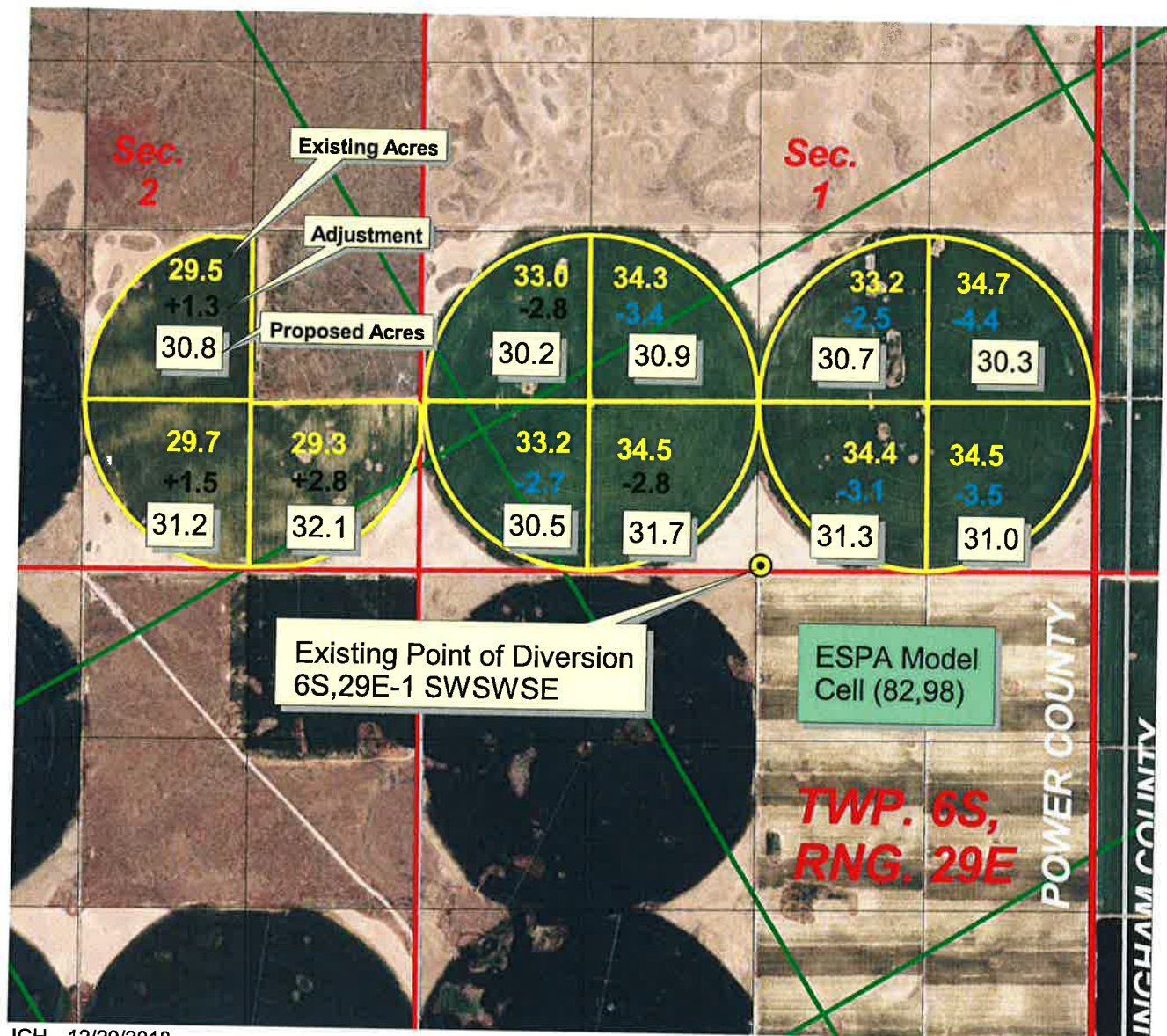
1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 214 Prior to the diversion and use of water under Transfer approval 78213, 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.
4. 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.
5. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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.
8. X27 This right is limited to the irrigation of 35.8 acres within the authorized place of use in a single irrigation season.
9. X35 Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 acres.
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 lands above.

Licensed Date: 6/16/1995

County Line Farms							
Proposed Water Right Changes							
				Combined Limits			
Water Right	Priority	Rate [cfs]	Volume [afa]	Acres	Rate [cfs]	Volume [afa]	Acres
GROUP1 (fields 43,44,45)							
Existing Rights							
35-7968A	3/23/1981	4.06	996.0	249.0	4.33		
35-8660A	10/26/1987	0.93	302.0	75.5			
35-14209	10/26/1987	0.35	143.2	35.8			
TOTAL		4.68	1441.2	360.3	4.68		
Proposed Reduction							
35-14209	10/26/1987	0.19	78.4	19.6	0.19		
Remaining Rights							
35-7968A	3/23/1981	4.06	996.0	249.0	4.33		
35-8660A	10/26/1987	0.93	302.0	75.5			
35-14209	10/26/1987	0.16	64.8	16.2			
TOTAL		4.49	1362.8	340.7	4.49		
Transfer #1							
Acreage Adjustment (relocate 5.6 acres within existing system)							
35-7968A	3/23/1981	0.067	16.4	4.1	0.07		
35-8660A	10/26/1987	0.015	5.0	1.2			
35-14209	10/26/1987	0.003	1.1	0.3			
TOTAL		0.07	22.4	5.6	0.07		

Application for Water Right Transfer

Proposed Point of Diversion & Place of Use



JCH - 12/29/2018

0.25 0 0.25 0.5 Miles

2017 NAIP Aerial Photo

- Existing Point of Diversion
- Proposed Irrigation Place of Use (Yellow)
340.7 Total Acres

- Sections
- ESPA Model Grid
- 40s (Power County)



Attachment #7a, 7b

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