

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2017

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-7632A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14442	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14443	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Joanne Toevs and William Toevs
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Lance Funk and/or Lisa Funk
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- PO Box 310 American Falls Idaho 83211
Mailing address City State ZIP
- (208) 226-5551 _____
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☒ Filing fee (see instructions for further explanation):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE #

35-7632A

8. Signature: _____ Title, if applicable: _____ Date: 2-7-17
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by dy Date 2-14-07 Receipt No. C103028 Receipt Amt. 1075.00

Active in the Water Supply Bank? Yes ☒ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒ on file

Name on W-9 _____ Approved by _____ Processed by [Signature] Date 3-1-17

QUITCLAIM DEED

For value received, Joanne Toevs and William Toevs, as grantor hereby quitclaims unto Lance Funk and Lisa Funk, the grantee whose current address is PO Box 310 American Falls, Idaho 83211, all of the grantor's right, title, and interest in and to the following described water rights situated in Power County, Idaho.

All of water right 35-7632A, priority date 08/05/1976, for 0.02 cfs, 8.0 acre feet annually and irrigation of 2.0 acres.

All of water right 35-14442, priority date 09/05/1972, for 0.39 cfs, 156.0 acre feet annually and irrigation of 39.0 acres.

All of water right 35-14443, priority date 09/05/1972, for 0.11 cfs, 36.0 acre feet annually and irrigation of 9.0 acres.

See Exhibit A for details of the place of use of the 50.0 acres located in Township 06 South Range 29 East Section 30 in Power County, Idaho.

Grantor has caused this quitclaim deed to be executed this 08 day of February, 20 17.

By: [Signature]
William Toevs

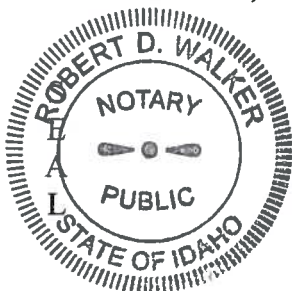
[Signature]
Owner

By: [Signature]
Joanne Toevs

[Signature]
Owner

State of IDAHO)
) S.S.
County of POWER)

On this 8TH day of FEBRUARY, in the year of 2017, before me, a Notary Public, personally appeared WILLIAM TOEVS, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



[Signature]

Notary Public
In and for said State and County

11-7-2017

My Commission Expires on

Exhibit A

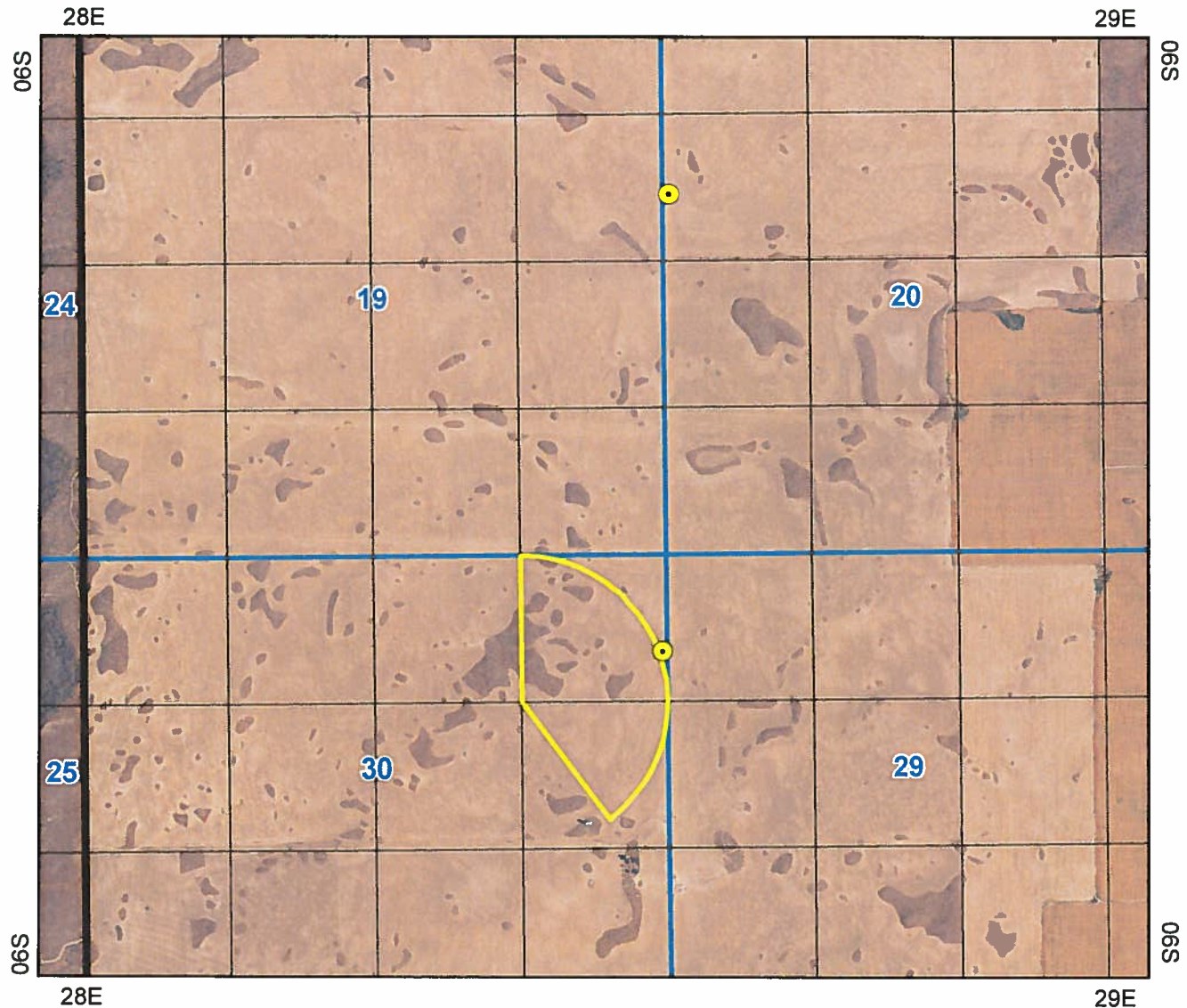
State of Idaho
Department of Water Resources

Water Right

35-7632A , 35-14442 and 35-14443

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



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/16/2016

WATER RIGHT NO. 35-7632A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE TOEVS
Current Owner	WILLIAM R TOEVS
	2841 W 1800 S
	ABERDEEN, ID 83210
	(208)604-2599

Priority Date: 08/05/1976
Basis: Decreed
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	0.02 CFS	8 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 20	Township 06S	Range 29E	POWER County
GROUND WATER	NENE	Sec. 30	Township 06S	Range 29E	POWER County

IRRIGATION Use:
Acre Limit: 2

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	30		NENE	31.4		SENE	18.6						

Total Acres: 50

Conditions of Approval:

1.

X27

This right is limited to the irrigation of 2.0 acres within the authorized place of use in a single irrigation season.
2.

X35

Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
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. Prior to the diversion and use of water under Transfer approval 80631, 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.
5.

214

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.
6.

213

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.
7.

R64

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8.

046

This right does not grant any right-of-way or easement across the land of another.
9.

004

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10.

T07

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11.

T08

12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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Dates:

Licensed Date:

Decreed Date: 02/19/2002

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: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 264

Combined Volume Limit:

Combined Rate Limit:

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/16/2016

WATER RIGHT NO. 35-14442

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE TOEVS
Current Owner	WILLIAM R TOEVS 2841 W 1800 S ABERDEEN, ID 83210 (208)604-2599
Original Owner	FOUR DOT RANCHES , ID
Original Owner	HAROLD TOEWS 328 MIDLAND APT NO 1 NAMPA, ID 83651 (208)463-1927

Priority Date: 09/05/1972
Basis: Decreed
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	0.39 CFS	156 AFA
Total Diversion			0.39 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 20|Township 06S|Range 29E|POWER County
GROUND WATER|NENE|Sec. 30|Township 06S|Range 29E|POWER County

IRRIGATION Use:
Acre Limit: 39

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
06S	29E	30		NENE	31.4		SENE	18.6						

Total Acres: 50

Conditions of Approval:

1.

X27

This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2.

X35

Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
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. Prior to the diversion and use of water under Transfer approval 80631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in
5.

214

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.

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.
8.

046

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

- | | | |
|-----|-----|---|
| 9. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 10. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 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. |
| 12. | 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014. |

Dates:

Licensed Date:

Decreed Date: 06/02/2003

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: S

Owner Name Connector: AND

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/16/2016

WATER RIGHT NO. 35-14443

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE TOEVS
Current Owner	WILLIAM R TOEVS
	2841 W 1800 S
	ABERDEEN, ID 83210
	(208)604-2599

Priority Date: 09/05/1972
Basis: Decreed
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	0.11 CFS	36 AFA
Total Diversion			0.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 20	Township 06S	Range 29E	POWER County
GROUND WATER	NENE	Sec. 30	Township 06S	Range 29E	POWER County

IRRIGATION Use:

Acre Limit: 9

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	30		NENE	31.4		SENE	18.6						

Total Acres: 50

Conditions of Approval:

1. X27 This right is limited to the irrigation of 9.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
Use of water under this right will be regulated by a watermaster with responsibility for the
3. R05 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. Prior to the diversion and use of water under Transfer approval 80631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in
5. 214 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.
Upon specific notification of the Department, the right holder shall install and maintain data
6. 213 loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 place of use.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.

12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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Dates:

Licensed Date:

Decreed Date: 02/19/2002

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: S

Owner Name Connector: AND

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

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 1, 2017

LANCE FUNK
LISA FUNK
PO BOX 310
AMERICAN FALLS ID 83211

Re: Change of Ownership for Water Right/Permit No(s): 35-7632A, 35-14442 and 35-14443

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Water District No. 120
Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, March 01, 2017 11:03 AM
To: Cefalo, James; 'Greg Sullivan'
Subject: Ownership Change for Lance and Lisa Funk
Attachments: DOC

For your information.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*