

RECEIVED

AUG 29 2010

42-222 POD - 09/14

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Lance & Lisa Funk Partnership Phone (208)226-55512. MAILING ADDRESS PO BOX 310 City American FallsState Idaho Zip 832111 Email _____

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-14081, 35-14084, 35-14089, 35-14092, 35-13608 and 35-7914

☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4.32 cubic feet per second and/or 1384 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	NW	NE	5	07S	29E	Power	Ground Water	
		NW	NW	NE	7	07S	29E	Power	Ground Water	
X			NE	NE	6	07S	29E	Power	Ground Water	

6. 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:

The proposed well will be connected to the existing irrigation mainlines and delivery systems.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Lance Funk
Print name and title if applicable

8-2-16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 845- Date 8/29/16

Received by SC Receipt # E042403

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

820 - transfer fee
25 - C/O. fee.

81174

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

Current Water Right No.: 35-14084

Current Owner: LANCE & LISA FUNK PARTNERSHIP

Priority Date: 10/17/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/25 to 10/25	0.26 CFS	53.1 AF
	<u>Total Diversion</u>	0.26 CFS	53.1 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4NE1/4

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

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S5	Lot 1	NENE	22.50	T07S R29E S5	Lot 2	NWNE	22.50
Total Acres: 45							

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. 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. Rights 35-14081, 35-14084 and 35-14089 when combined shall not exceed a total diversion rate of 0.5 cfs, a total annual maximum diversion volume of 116.4 af at the field headgate, and the irrigation of 29.1 acres.
4. X35 Rights 35-14081, 35-14084, 35-14089 and 35-14092 when combined shall not exceed a total diversion rate of 0.61 cfs, a total annual maximum diversion volume of 180.0 af at the field headgate, and the irrigation of 45.0 acres.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
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. 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. 214 Prior to the diversion and use of water under Transfer approval 77023, 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.
10. X27 This right is limited to the irrigation of 13.2 acres within the authorized place of use in a single irrigation season.
11. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
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 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.
13. 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.

Decreed Date: 2/19/2002

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

Current Water Right No.: 35-14089

Current Owner: LANCE & LISA FUNK PARTNERSHIP

Priority Date: 12/26/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/25 to 10/25	0.04 CFS	8.7 AF
	<u>Total Diversion</u>	0.04 CFS	8.7 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4NE1/4

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

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S5	Lot 1	NENE	22.50	T07S R29E S5	Lot 2	NWNE	22.50
Total Acres: 45							

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. Rights 35-14081, 35-14084 and 35-14089 when combined shall not exceed a total diversion rate of 0.5 cfs, a total annual maximum diversion volume of 116.4 af at the field headgate, and the irrigation of 29.1 acres.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 214 Prior to the diversion and use of water under Transfer approval 77023, 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.
8. X35 Rights 35-14081, 35-14084, 35-14089 and 35-14092 when combined shall not exceed a total diversion rate of 0.61 cfs, a total annual maximum diversion volume of 180.0 af at the field headgate, and the irrigation of 45.0 acres.
9. 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.
10. 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.
11. X27 This right is limited to the irrigation of 2.2 acres within the authorized place of use in a single irrigation season.
12. 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.
13. 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: 2/19/2002

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

Current Water Right No.: 35-14081

Current Owner: LANCE & LISA FUNK PARTNERSHIP

Priority Date: 7/9/1963

Origin: Water Right

Status: Active

Basis: Decreed

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	0.27 CFS	54.6 AF
	<u>Total Diversion</u>	0.27 CFS	54.6 AF

Location of Point(s) of Diversion

GROUND WATER

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

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

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S5	Lot 1	NENE	22.50	T07S R29E S5	Lot 2	NWNE	22.50
Total Acres: 45							

Conditions of Approval:

1. 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.
2. Rights 35-14081, 35-14084 and 35-14089 when combined shall not exceed a total diversion rate of 0.5 cfs, a total annual maximum diversion volume of 116.4 af at the field headgate, and the irrigation of 29.1 acres.
3. X27 This right is limited to the irrigation of 13.7 acres within the authorized place of use in a single irrigation season.
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. 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. 214 Prior to the diversion and use of water under Transfer approval 77023, 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.
8. 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.
9. 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.
10. X35 Rights 35-14081, 35-14084, 35-14089 and 35-14092 when combined shall not exceed a total diversion rate of 0.61 cfs, a total annual maximum diversion volume of 180.0 af at the field headgate, and the irrigation of 45.0 acres.
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.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 2/19/2002

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

Current Water Right No.: 35-14092

Current Owner: LANCE & LISA FUNK PARTNERSHIP

Priority Date: 5/23/1979

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	0.32 CFS	63.6 AF
	<u>Total Diversion</u>	0.32 CFS	63.6 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4NE1/4

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

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S5	Lot 1	NENE	22.50	T07S R29E S5	Lot 2	NWNE	22.50
Total Acres: 45							

Conditions of Approval:

1. 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.
2. 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.
3. 214 Prior to the diversion and use of water under Transfer approval 77023, 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. X27 This right is limited to the irrigation of 15.9 acres within the authorized place of use in a single irrigation season.
7. 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. X35 Rights 35-14081, 35-14084, 35-14089 and 35-14092 when combined shall not exceed a total diversion rate of 0.61 cfs, a total annual maximum diversion volume of 180.0 af at the field headgate, and the irrigation of 45.0 acres.

Licensed Date: 5/25/1999

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

Current Water Right No.: 35-7914

Current Owner: LANCE D FUNK
DIANE BENSON FUNK

Priority Date: 9/8/1980

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	3.65 CFS	1184 AF
	<u>Total Diversion</u>	3.65 CFS	1184 AF

Location of Point(s) of Diversion

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	Lot 1 NWNW	20.00	T07S R29E S7	Lot 2 SWNW	19.00
T07S R29E S7	SENW	36.00			

Total Acres: 296

Conditions of Approval:

1. 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.
2. 214 Prior to the diversion and use of water under Transfer approval 76038, 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. 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.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 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.
6. 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.

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.: 35-13608

Current Owner: REID G STEWART

Priority Date: 9/5/1972

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	04/01 to 10/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.06 CFS	20 AF
0.06 CFS	20 AF

Location of Point(s) of Diversion

GROUND WATER

BINGHAM County

NW1/4NE1/4 Sec. 5, Twp 07S, Rge 29E B.M.

Place of Use

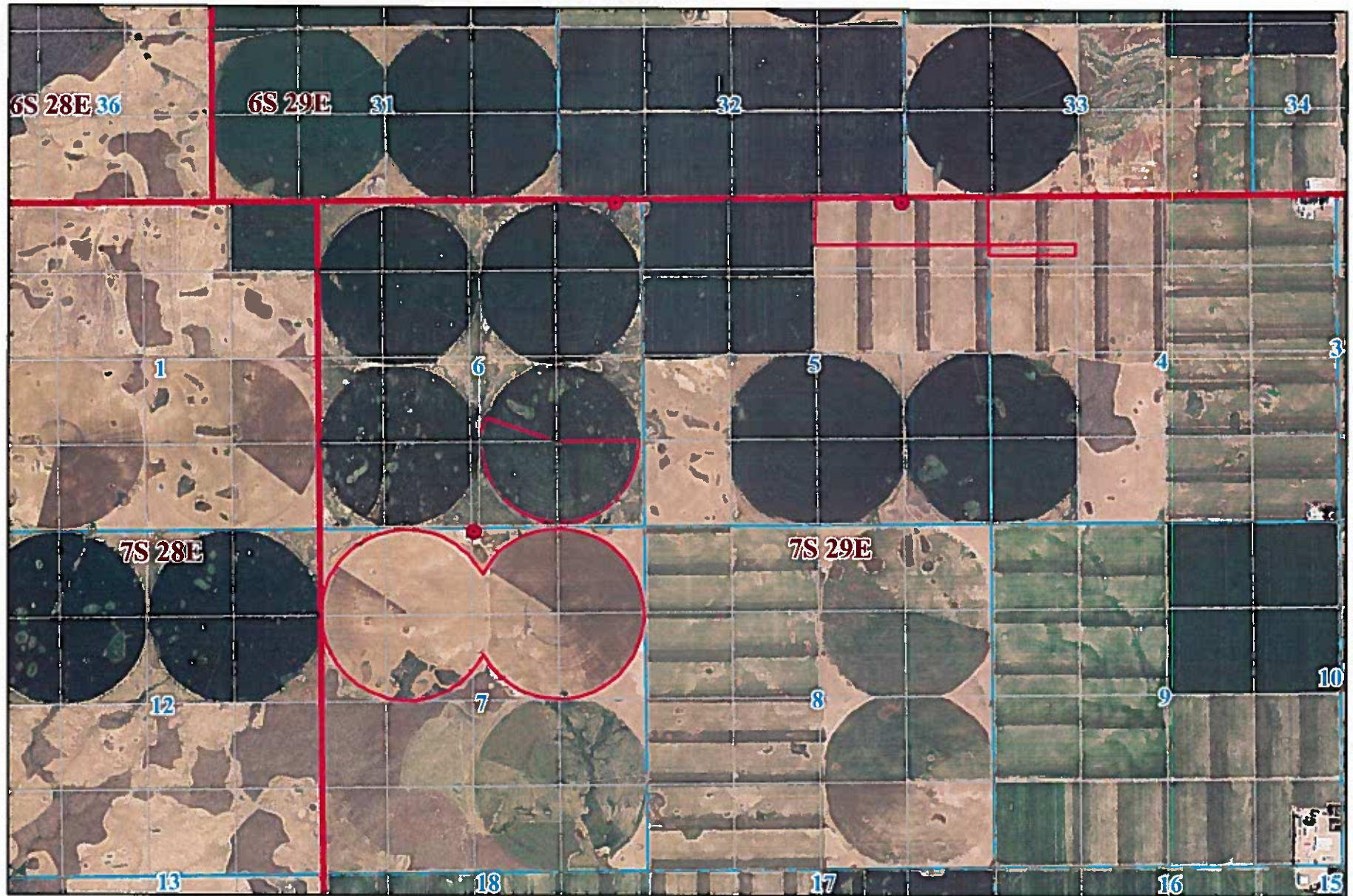
IRRIGATION Within BINGHAM County

T07S R29E S4	NWNW	5.00
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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. 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. 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.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
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. 214 Prior to the diversion and use of water under Transfer approval 78388, 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.
9. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Decreed Date: 2/19/2002



0 600 1,200 2,400 Feet

Lance & Lise Funk Partnership

POD TRANSFER FOR 35-7914, 35-13608,
35-14081, 35-14084, 35-14089 AND 35-14092
2015 AERIAL

Legend

- Proposed PODs
- Funk WR POU



8 11 74

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

Instrument # 188725

POWER COUNTY, IDAHO

2008-02-09 04:16:18 No. of Pages: 4

Recorded for: FIRST AMERICAN TITLE

CHRISTINE STEINLIGHT

Fee: 12.00

Ex-Officio Recorder Deputy

Maurice Schelke

4-1

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 137001B (jb)

Date: February 07, 2006

For Value Received, L. Burgemeister & Sons, Ltd., a Limited Partnership, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Lance Donald Funk and Lisa Irigoyen Funk, husband and wife, hereinafter called the Grantee, whose current address is 3853 East Road, American Falls ID 83211, the following described premises, situated in Power County, Idaho, to-wit:

See Attached Legal Description

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

4-2

Date: 02/07/2006

Warranty Deed
- continued

File No.: 1370018 ()

L. Burgemeister & Sons, Ltd., a Limited
Partnership

Kenneth N. Burgemeister
By: Kenneth N. Burgemeister

STATE OF Idaho)
SS.
COUNTY OF Bannock)

On this **eightth day of February, 2006**, before me, a Notary Public in and for said State, personally appeared **Kenneth N. Burgemeister**, known or Identified to me to be one of the partners in the partnership of **L. Burgemeister & Sons Ltd., a limited partnership**, and the partner or one of the partners who subscribed said partnership name to the foregoing Instrument, and acknowledged to me that he executed the same in said partnership name.

Jerrilee J. Brower
Notary Public of Idaho
Residing at: Teton / o, Idaho
Commission Expires: 2-27-10

4-3

EXHIBIT 'A'**LEGAL DESCRIPTION:****TOWNSHIP 7 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO.****SECTION 4: LOT 2 AND SW1/4SE1/4****SECTION 5: LOTS 1, 2 AND 4; S1/2N1/2; W1/2SW1/4****TOWNSHIP 6 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO****SECTION 33: THE E1/2E1/2****SECTION 34: THE W1/2W1/2****EXCEPTING THEREFROM:****A PARCEL OF LAND IN THE SW1/4SW1/4 OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN IN POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:****COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34 WHICH IS MARKED BY A 5/8" REBAR AND ALUMINUM CAP PLS 843; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 740.44 FEET TO THE TRUE POINT OF BEGINNING;****THENCE NORTH 00°05'26" WEST 30.00 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF NORTH PLEASANT VALLEY ROAD; THENCE NORTH 00°05'26" WEST 201.39 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843; THENCE EAST 504.24 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843 ON THE WESTERLY RIGHT OF WAY OF QUIGLEY ROAD; THENCE SOUTH 05°09'59" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 155.46 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843; THENCE WEST 66.18 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843; THENCE SOUTH 00°05'26" EAST 46.56 FEET TO A 1/2" REBAR AND PLASTIC CAP PLS 843, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF NORTH PLEASANT VALLEY ROAD; THENCE SOUTH 00°05'26" EAST 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 34; THENCE WEST ALONG SAID SOUTH LINE 423.82 FEET TO THE TRUE POINT OF BEGINNING.****ALSO EXCEPTING THEREFROM:**

4-4

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO; THENCE NORTH ONE MILE; THENCE WEST 50 FEET; THENCE SOUTH ONE MILE; THENCE EAST 50 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND IN SECTIONS 33 AND 34, TOWNSHIP 6 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE W1/16 CORNER ON THE SOUTH LINE OF SAID SECTION 34, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP STAMPED PLS 843; THENCE NORTH 89°57'49" WEST ALONG THE SOUTH LINE OF SAID SECTION 34 A DISTANCE OF 1287.09 FEET; THENCE FROM A TANGENT BEARING OF NORTH 76°29'54" WEST ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1047.92 FEET, THROUGH A CENTRAL 250°04'55", FOR AN ARC LENGTH OF 4573.91 FEET TO A POINT ON THE W1/16 LINE OF SAID SECTION 34; THENCE SOUTH 0°03'15" EAST ALONG SAID W1/16 LINE 1136.89 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A STRIP OF LAND 30 FEET WIDE DESCRIBED AS THE NORTH, SOUTH AND EAST, 30.00 FEET OF THE ABOVE DESCRIBED PARCEL FOR COUNTY ROAD RIGHT OF WAY.

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE BUREAU OF HEALTH POLICY AND VITAL STATISTICS

DATE FILED BY STATE REGISTRAR:

State of Idaho

CERTIFICATE OF DEATH

STATE FILE NO.

Local Reg. No. 11

1. DECEDENT'S LEGAL NAME (Include AKA's if any) (Print, Middle, Last, Suffix)		2. SEX		3. SOCIAL SECURITY NUMBER	
Diane Aileen Funk		Female		518-52-0300	
4a. AGE - Last birthday		4b. UNDER 1 YEAR		4c. UNDER 1 DAY	
60 (Years)					
5. DATE OF BIRTH (Month/Day/Year)		6. BIRTHPLACE (City and State, Territory, or Foreign Country)			
July 28, 1944		Pocatello, ID			
7a. RESIDENCE - STATE OR FOREIGN COUNTRY		7b. COUNTY		7c. CITY OR TOWN	
Idaho		Power		American Falls	
7d. STREET AND NUMBER		7e. APT. NO.		7f. ZIP CODE	
1233 Idanha St.				83211	
7g. INCIDENT CITY LIMITS?		7h. YES ☐ NO ☐			
8. MARITAL STATUS AT TIME OF DEATH					
☐ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown					
9. SURVIVING SPOUSE'S NAME (If wife, give maiden name)					
10. AKA IN U.S. ARMED FORCES?		11a. FATHER'S NAME (Print, Middle, Last, Suffix)		11b. BIRTHPLACE (State, Territory, or Foreign Country)	
Yes ☐ No ☒		Donald Samuel Benson		Canada	
12a. MOTHER'S MAIDEN NAME (Print, Middle, Last, Suffix)		12b. BIRTHPLACE (State, Territory, or Foreign Country)			
Aileen Afton Heaton		Idaho			
13a. INFORMANT'S NAME (Type or Print)		13b. RELATIONSHIP TO DECEDENT		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code)	
Tara Funk		Daughter		718 Birch Pocatello, ID 83201	
14. METHOD OF DISPOSITION		15. PLACE OF DISPOSITION (Name and address of cemetery, crematory, other place)		16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY	
☐ Burial ☐ Cremation ☐ Donation ☐ Entombment ☐ Removal from Idaho ☐ Other (Specify)		Fallview Cemetery American Falls, ID		Davis-Rose Mortuary 170 Idaho St. American Falls, ID 83211	
17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH		17b. LICENSE NUMBER (Of licensee)		18. WAS CORONER CONTACTED?	
<i>[Signature]</i>		M-738		Yes ☐ No ☒	
19a. IF DEATH OCCURRED IN A HOSPITAL: ☒ YES ☐ NO ☐ 19b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Inpatient ☐ Outpatient ☐ D.O.A. ☐ Hospice facility ☐ Nursing home/Long term care facility ☐ Decedent's home ☐ Other (Specify)					
20. FACILITY NAME (If not known, give street and number)		21. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE		22. COUNTY OF DEATH	
Harris Memorial Hospital		American Falls, 83211		Power	
23. DATE OF DEATH (Month/Day/Year) (Spell month)		24. TIME OF DEATH (24 hr)		25. DATE REPRODUCED DEAD (Month/Day/Year) (Spell month)	
February 19, 2005		2200		February 19, 2005	
26. TIME REPRODUCED DEAD (24 hr)		27. CAUSE OF DEATH			
		PART I. Enter the chain of events, diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events, such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT abbreviate. Enter only one cause on a line.			
IMMEDIATE CAUSE (Final diagnosis or condition resulting in death)		a. <i>Cerebral edema</i>		Approximate Interval Onset to Death: <i>2 hrs</i>	
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE LAST (disease or injury that initiated the events resulting in death)		b. <i>Glioblastoma multiforme</i>		15 years	
c. <i></i>		d. <i></i>			
PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in Part I.					
28. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☒ No ☐ Unknown					
29. IF FEMALE (Aged 15-54): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Not pregnant, but pregnant within 42 days of death ☐ Unknown if pregnant within the past year					
30. DATE OF INJURY (Month/Day/Year) (Spell month)		31. TIME OF INJURY (24 hr)		32. PLACE OF INJURY (Decedent's home, farm, school, construction site, nursing home, restaurant, forest, etc.)	
33. LOCATION OF INJURY: State _____ City/Town or County _____ Zip Code _____		34. DESCRIBE HOW INJURY OCCURRED. IF TRANSPORTATION INJURY, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) SPECIFY WHICH VEHICLE DECEDENT OCCUPIED, if applicable			
35. TRANSPORTATION INJURY ONLY: ☐ Pedestrian ☐ Other (Specify)		36. WHAT SAFETY DEVICES DID DECEDENT USE/EMPLOY? ☐ Seat belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ None ☐ Unknown			
37a. CERTIFIER (Check only one, based on official capacity for the certificate)		37b. CERTIFICATE NUMBER		37c. DATE SIGNED	
☐ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the natural cause(s)/manner stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		M-3687		02.23.2005	
Signature and Title of Certifier: <i>Dean L. Williams, MD</i>		38a. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or Print)		38b. CORONER'S SUBSEQUENT SIGNATURE (If necessary: The coroner's signature in the den supersedes that of the physician, and the coroner becomes the certifier of record.)	
Dean L. Williams, M.D. 590 Clifford, American Falls, ID 83211				40b. DATE SIGNED	
40a. CORONER'S SIGNATURE (If necessary: The coroner's signature in the den supersedes that of the physician, and the coroner becomes the certifier of record.)		40c. DATE SIGNED		41b. DATE SIGNED	
<i>[Signature]</i>		02.25.2005		02.25.2005	
41a. REGISTRAR'S SIGNATURE		41c. DATE SIGNED			
<i>[Signature]</i>		02.25.2005			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: *February 25, 2005*

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

81174

STATE OF IDAHO County of Bannock

This copy of a death certificate was issued by
the District Health Department prior to filing
with the Idaho Bureau of Health Statistics.



Local Vital Statistics Registration Official

QUITCLAIM DEED

For value received, Reid G Stewart, as grantor hereby quitclaims unto Lance & Lisa Funk Partnership, 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, on record with the Idaho Department of Water Resources:

Water right 35-13608, priority date 9/8/1972, for 0.06/20 cfs/afa and irrigation of 5.0 acre.

Grantor has caused this quitclaim deed to be executed this 12 day of August, 2016.

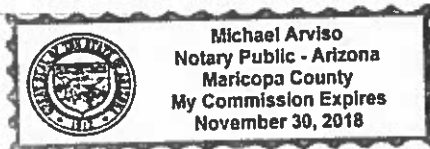
By: Reid G Stewart
Reid G Stewart

State of Arizona)
) S.S.
County of Maricopa)

On this 12 day of August, in the year of 20 16, before me, a Notary Public, personally appeared Reig G Stewart, 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.

With Love

Notary Public
In and for said State and County



11-30-12

My Commission Expires on

**S
E
A
L**