

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80682**

This is to certify that: **DARRELL M FUNK AND
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-13914	WR/DECREED	3/8/1948	2.570 cfs	560.0 af	140.0	343.0	GROUND WATER
45-2326	WR/DECREED	4/14/1950	4.120 cfs	N/A	206.0	234.0	UNNAMED STREAM
45-2443	WR/DECREED	4/24/1953	2.580 cfs	740.0 af	185.0	443.0	GROUND WATER
45-4102	WR/DECREED	3/15/1962	0.840 cfs	138.0 af	34.5	443.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

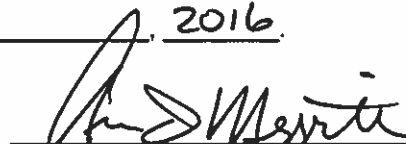
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-13914	NO	NO	YES	NO	NO	NO
45-2326	NO	NO	YES	NO	NO	NO
45-2443	NO	NO	YES	NO	NO	NO
45-4102	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-13914	45-13914	2.570 cfs	560.0 af	140.0	343.0	N/A	N/A	N/A	N/A	N/A
45-2326	45-2326	4.120 cfs	N/A	206.0	343.0	N/A	N/A	N/A	N/A	N/A
45-2443	45-2443	2.580 cfs	740.0 af	185.0	343.0	N/A	N/A	N/A	N/A	N/A
45-4102	45-4102	0.840 cfs	138.0 af	34.5	343.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.110 cfs	N/A	343.0	343.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of April, 2016.


Southern Region Manager

Transfer No. 80682

SUPPORT DATA

IN FILE # 45-2326

WATER RIGHT NO. 45-2326**As Modified by Transfer No. 80682**

In accordance with the approval of Transfer No. 80682, Water Right No. 45-2326 is now described as follows:

Right Holder: DARRELL M FUNK AND
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 4/14/1950

Source: UNNAMED STREAM

Tributary: MURTAUGH LAKE

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
4.120 cfs
4.120 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM NWSWNE Sec 22 Twp 11S Rge 20E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	19					26.2	35.7	35.8	24.2		34.3	23.8						180.0
								L 1	L 2			L 3	L 4						
11S	21E	30					7.5	34.5			25.1	35.6	35.5	24.8					163.0
								L 1				L 3	L 4						

Right Acre Limit: 206.0

POU Total Acres: 343.0

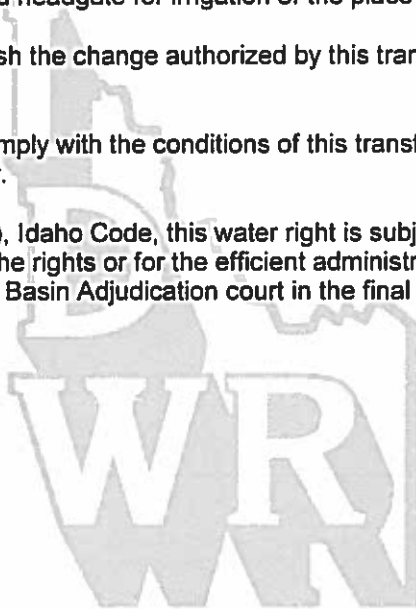
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 206 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2326 and 45-2443 when combined shall not exceed the irrigation of 206 acres.
3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
4. 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. 140.

WATER RIGHT NO. 45-2326
As Modified by Transfer No. 80682

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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. 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.



WATER RIGHT NO. 45-13914**As Modified by Transfer No. 80682**

In accordance with the approval of Transfer No. 80682, Water Right No. 45-13914 is now described as follows:

Right Holder: DARRELL M FUNK AND
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 3/8/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> 04/01	<u>To</u> to 10/31	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION			2.570 cfs	560.0 af
			2.570 cfs	560.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSNW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	19					26.2	35.7	35.8	24.2		34.3	23.8						180.0
								L 1	L 2			L 3	L 4						
11S	21E	30					7.5	34.5			25.1	35.6	35.5	24.8					163.0
								L 1				L 3	L 4						

Right Acre Limit: 140.0

POU Total Acres: 343.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.
3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.

Transfer No. 80682

WATER RIGHT NO. 45-13914

As Modified by Transfer No. 80682

CONDITIONS OF APPROVAL

4. 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.
5. 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. 140.
6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. Prior to the diversion and use of water under Transfer approval 80682, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

WATER RIGHT NO. 45-2443**As Modified by Transfer No. 80682**

In accordance with the approval of Transfer No. 80682, Water Right No. 45-2443 is now described as follows:

Right Holder: DARRELL M FUNK AND
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 4/24/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> 04/01	<u>To</u> to 10/31	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION			2.580 cfs	740.0 af
			2.580 cfs	740.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	19					26.2	35.7	35.8	24.2		34.3	23.8						180.0
								L 1	L 2			L 3	L 4						
11S	21E	30					7.5	34.5			25.1	35.6	35.5	24.8					163.0
								L 1				L 3	L 4						

Right Acre Limit: 185.0

POU Total Acres: 343.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443 and 45-2326 when combined shall not exceed the irrigation of 206 acres.
3. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.

WATER RIGHT NO. 45-2443

As Modified by Transfer No. 80682

CONDITIONS OF APPROVAL

4. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.
5. 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. 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. 140.
7. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Prior to the diversion and use of water under Transfer approval 80682, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.

WATER RIGHT NO. 45-4102**As Modified by Transfer No. 80682**

In accordance with the approval of Transfer No. 80682, Water Right No. 45-4102 is now described as follows:

Right Holder: DARRELL M FUNK AND
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344

Priority Date: 3/15/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.840 cfs	138.0 af
			0.840 cfs	138.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec 21 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSNW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec 22 Twp 11S Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	19					26.2	35.7	35.8	24.2		34.3	23.8						180.0
								L 1	L 2			L 3	L 4						
11S	21E	30					7.5	34.5			25.1	35.6	35.5	24.8					163.0
								L 1				L 3	L 4						

Right Acre Limit: 34.5

POU Total Acres: 343.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34.5 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2443, 45-4102 and 45-13914 when combined shall not exceed a total diversion rate of 5.99 cfs and a total annual maximum diversion volume of 1372 af.
3. Rights 45-2326, 45-2443, 45-4102, and 45-13914 when combined shall not exceed the irrigation of 343 acres.

Transfer No. 80682

WATER RIGHT NO. 45-4102

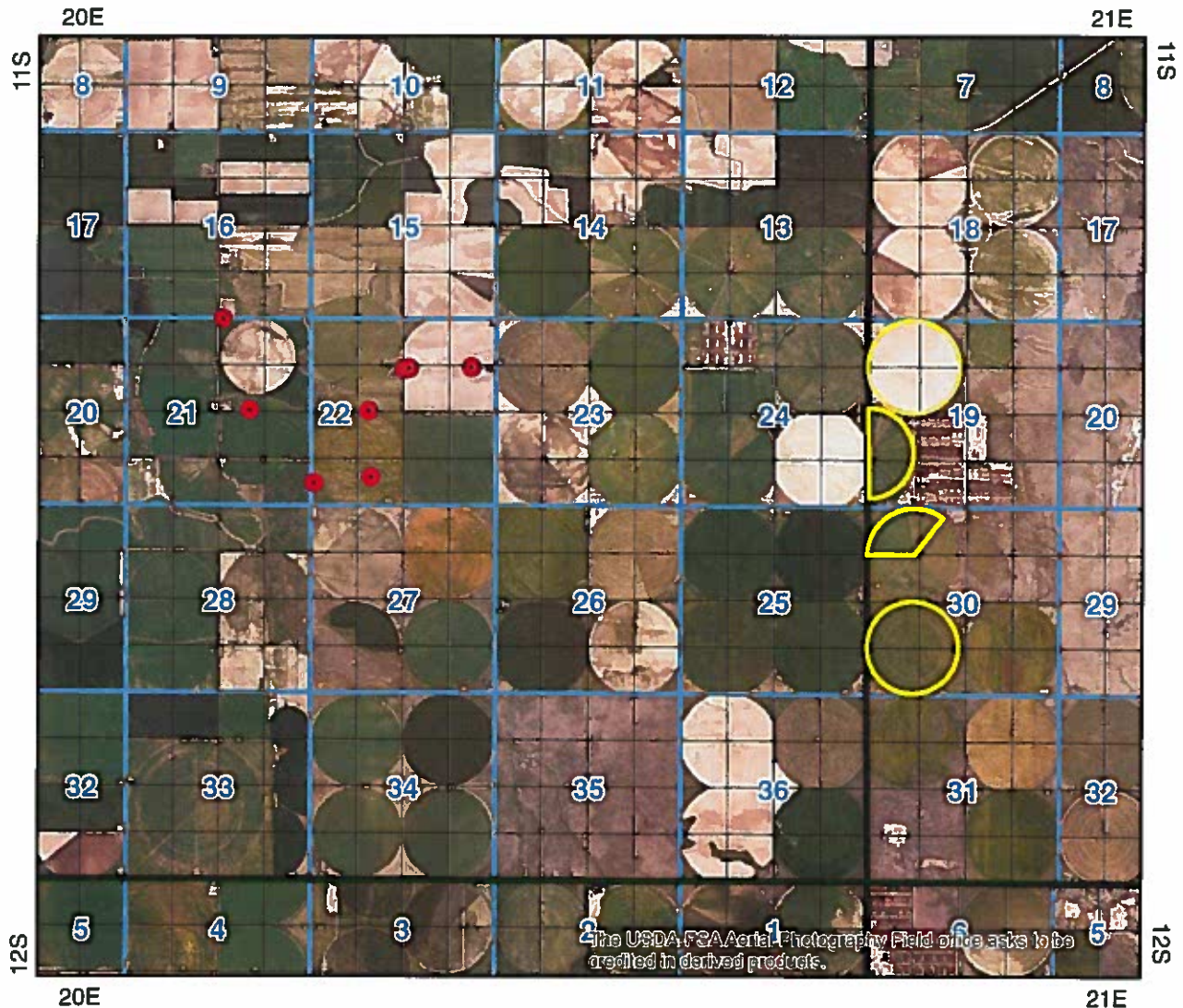
As Modified by Transfer No. 80682

CONDITIONS OF APPROVAL

4. 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.
5. 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. 140.
6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. Prior to the diversion and use of water under Transfer approval 80682, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80682
Rights: 45-2443, 45-4102 and 45-13914

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80682
Right: 45-2326

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.45 0.9 1.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 12, 2016

DARRELL M FUNK
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH ID 83344

Re: Transfer No: 80682
Water Right No(s): 45-2326, 45-2443, 45-4102, 45-13914

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O HATTIE ZOBOTT
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

BRIAN HIGGS WATER MASTER
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80682

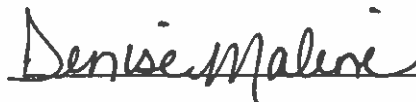
Water Right No(s): 45-2326, 45-2443, 45-4102, 45-13914

**DARRELL M FUNK
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH ID 83344**

**BROCKWAY ENGINEERING PLLC
C/O HATTIE ZOBOTT
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**BRIAN HIGGS WATER MASTER
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318**

Via e-mail

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer # 80682 File

FROM: Corey Skinner

DATE: April 8, 2016

SUBJECT: Conversation with Twin Falls Canal Company

This day I contacted the Twin Falls Canal Company to determine if there are any recorded shares located on the current place of use for the rights involved in Transfer # 80682. This land is located within the south ½ of the north ½, and the south ½ of Section 22, Township 11 south, Range 20 East. The canal company indicated that they did not have any record of any canal shares on this property.

MEMORANDUM

Date: April 7, 2016
To: Transfer 80682
From: William Mills
Re: Legal Notice Not Required

Legal Notice Not Required
4/7/2016

Since there is no change to PODs, this transfer will result in no hydrologic change and as such, legal notice is not required.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Mills, William

From: Mills, William
Sent: Friday, March 11, 2016 3:50 PM
To: 'brian@waterwellconsultants.com'
Cc: Maline, Denise
Subject: RE: Comment Letter for Transfer 80682 Darrell Funk

Brian,
Denise forwarded your email to me since I'm the agent processing the Funk transfer #80682. The primary surface water right that those three rights are supplemental to, 45-2326, is also being transferred to the new place of use and when available is supposed to be delivered to the place of use through the same pipeline. According to the consultant representing the Funks, this surface water source is rarely available for use. If you have additional questions or concerns let me know. Otherwise, please reply indicating whether you oppose, do not oppose, or have additional comments regarding the approval of this transfer,
Sincerely,
Bill Mills
Senior Water Resource Agent

From: Maline, Denise
Sent: Friday, March 11, 2016 1:07 PM
To: Mills, William
Subject: FW: Comment Letter for Transfer 80682 Darrell Funk

From: Brian Higgs [<mailto:brian@waterwellconsultants.com>]
Sent: Friday, March 11, 2016 11:19 AM
To: Maline, Denise
Cc: Jaxon Higgs
Subject: Re: Comment Letter for Transfer 80682 Darrell Funk

Hi Denise.

This email is in reference of transfer 80682.

The rights being transferred, 45-13914, 45-2443, and right 45-4102, all contain the condition:

"The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right."

It appears as though this transfer is proposing to move supplemental ground water to a location where it will be the primary source of water.

Thank you.

Brian Higgs, P.G.

From: Maline, Denise

Sent: Thursday, March 03, 2016 9:17 AM

To: Brian Higgs

Subject: Comment Letter for Transfer 80682 Darrell Funk

Hi Brian,

Attached is a copy of transfer 80682 for Darrell & Patricia Funk, which is currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

Denise @ IDWR

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov

Maline, Denise

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Cc: Jaxon Higgs
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Denise @ IDWR

*Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*