

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 24 2016

Department of Water Resources
Eastern Region

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) Ronald J. Funk & Rita K. Funk Phone 208.339.2129
2. MAILING ADDRESS 3826 Funk Lane City American Falls
State Idaho Zip 83211 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) 35-8868 A

- ☐ 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 4.46 cubic feet per second and/or _____ 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 #
			SW	SW	26	6S	29 E	Power	Deep Well	

CURRENT + PROPOSED PODs IN ADJACENT CELLS.
ESPA ANALYSIS NOT REQUIRED.

80735

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/17/2016

WATER RIGHT NO. 35-8868A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RITA K FUNK
Current Owner	RONALD J FUNK 3826 FUNK LN AMERICAN FALLS, ID 83211 (208)226-5900
Security Interest	IDAHO AGCREDIT FLCA PO BOX 300 AMERICAN FALLS, ID 83211

Priority Date: 12/15/1989

Basis: License

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	4/01	10/31	4.46 CFS	1056 AFA
Total Diversion			4.46 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSE|Sec. 26|Township 06S|Range 29E|POWER County

Licensed Diversion Capacity: 4.46

180735

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	26		NESW	34		NWSW	33		SWSW	32		SESW	33
				NESE	33		NWSE	34		SWSE	33		SESE	32

Total Acres: 264

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. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Dates:

Licensed Date: 09/15/1998

Decreed Date:

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:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

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:

350 hp deep well with 200 hp booster. Measuring device required by Groundwater and Surface Water Term Sheet - installed by 2018 or sooner.

- b. Who owns the property at the point(s) of diversion? Ronald J Funk

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Ronald J. Funk
Signature of applicant or authorized agent

Ronald J. Funk owner
Print name and title if applicable

2-19-16
Date

Rita K. Funk
Signature of applicant or authorized agent

RITA K. FUNK owner
Print name and title if applicable

2-19-16
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 MH

Date 2/24/16

Fee paid \$820.00 Date 2-24-2016

Received by MH

Receipt # E041851

Preliminary review by MH

Date 3/4/16

Active in the Water Supply Bank? Yes ☐ No ☒

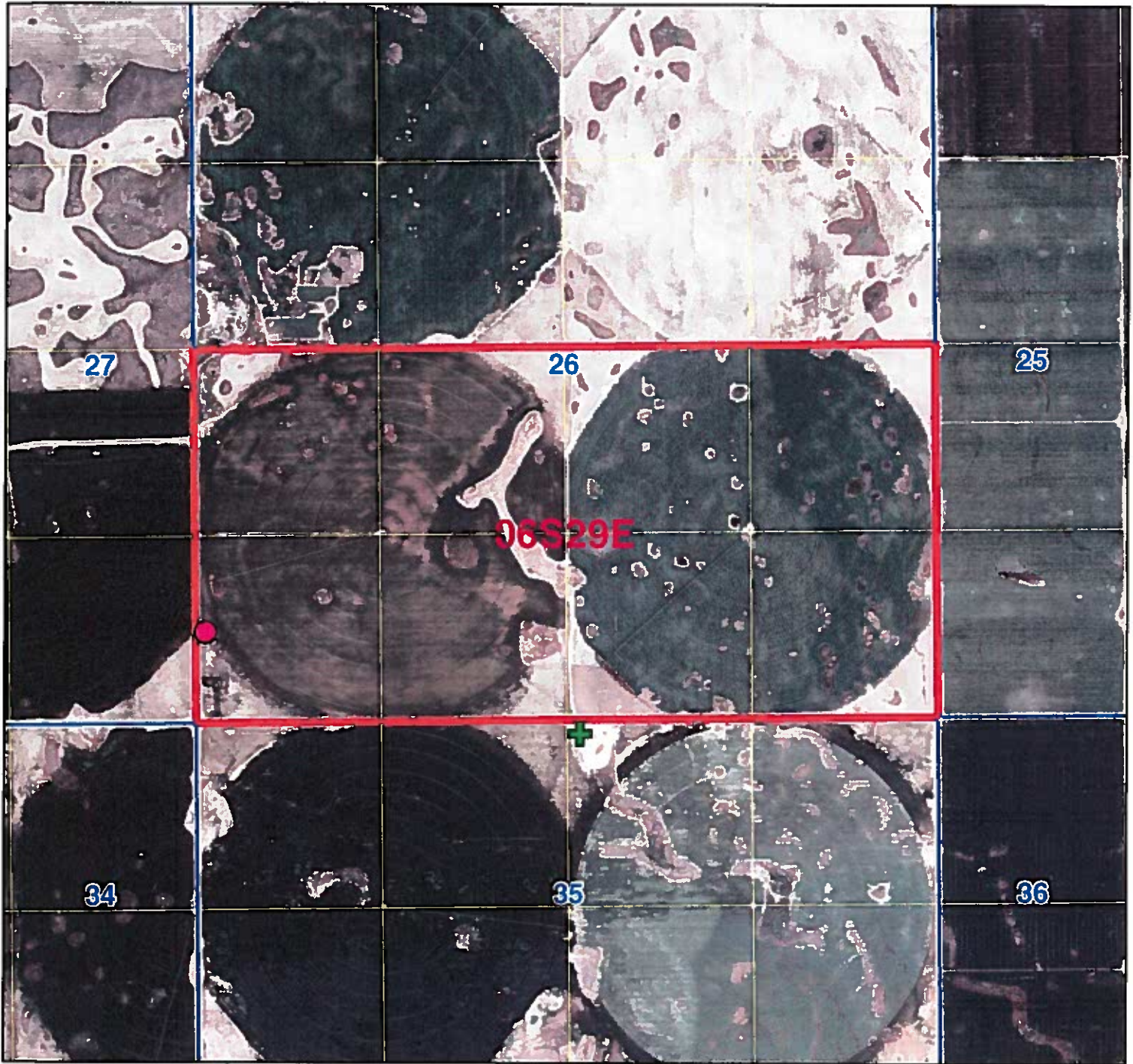
W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

State of Idaho
Department of Water Resources
POD Transfer of Right 35-8868A



Legend

-  Current_POD
-  Proposed POD
-  Place of use
-  Township/Range
-  Sections
- QQ

0 0.125 0.25 0.5 Miles



80735

Map prepared by Michael Holliday



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2016

RITA K FUNK
RONALD J FUNK
3826 FUNK LN
AMERICAN FALLS, ID 83211

RE: Transfer No. 80735
Water Right No(s). 35-8868A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POWER COUNTY PRESS on 3/16/2016 and 3/23/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, March 10, 2016 11:45 AM
To: 'Power County Press (press1@press-times.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Power County Press E-Mail.doc

Contacts: Power County Press

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80735

RITA K FUNK and RONALD J FUNK, 3826 FUNK LN, AMERICAN FALLS, ID 83211; has filed Application No. 80735 for changes to the following water rights within POWER County(s): Right No(s). 35-8868A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion. The point of diversion is in the SWSW Sec 26 T6S R29E for 4.46 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 4/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/16/2016 and 3/23/2016

Holliday, Michael

From: Funk, Ronald [ronald.funk@simplot.com]
Sent: Friday, March 04, 2016 2:25 PM
To: Holliday, Michael
Subject: RE: water right transfer map

Yes, if you would. Thanks

From: Holliday, Michael [<mailto:Michael.Holliday@idwr.idaho.gov>]
Sent: Friday, March 04, 2016 1:40 PM
To: Ron Funk <rjffarms@gmail.com>
Cc: Funk, Ronald <ronald.funk@simplot.com>
Subject: RE: water right transfer map

Ron, before advertisement, I think it would be wise to explain on the face of the application that the ESPA analysis is not required. Something like, "Current and proposed PODs in adjacent cells. ESPA analysis not required." Would you like me to add that to your application? Thanks. Michael.

From: Ron Funk [<mailto:rjffarms@gmail.com>]
Sent: Friday, March 04, 2016 12:02 PM
To: Holliday, Michael
Subject: Re: water right transfer map

It looks right to me. Thank you for your help.

On Mar 4, 2016 11:36 AM, "Holliday, Michael" <Michael.Holliday@idwr.idaho.gov> wrote:

Hi Ron.

As we discussed this morning, attached is a map illustrating the current and proposed points of diversion. Let me know if this looks right to you. If so, I will insert it into your application. If not, let me know where we need to make adjustments. Thanks.

Michael Holliday

Water Rights Supervisor

Phone: [208-525-7161](tel:208-525-7161)

Fax: [208-525-7177](tel:208-525-7177)