

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80038**

This is to certify that: **DARRELL M FUNK AND/OR
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>
45-14464	WR/DECREED	10/25/1948	2.000 cfs	586.0 af	N/A	146.5	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
45-2318	WR/DECREED	1/23/1950	0.960 cfs	468.4 af	150.0	898.0	GROUND WATER
45-487C	WR/DECREED	3/1/1879	3.200 cfs	N/A	662.0	683.0	DRY CREEK
45-488A	WR/DECREED	3/1/1884	0.590 cfs	N/A	662.0	683.0	DRY CREEK
45-489	WR/DECREED	3/1/1879	3.060 cfs	N/A		357.0	DRY CREEK
45-490	WR/DECREED	3/1/1884	0.540 cfs	N/A		357.0	DRY CREEK
45-494	WR/DECREED	5/14/1904	3.920 cfs	N/A	198.0	357.0	DRY CREEK
45-505	WR/DECREED	4/23/1910	0.560 cfs	N/A	77.0	357.0	DRY CREEK
45-506	WR/DECREED	3/10/1911	1.600 cfs	N/A		80.0	DRY CREEK
45-533	WR/DECREED	4/1/1870	1.000 cfs	N/A	67.0	75.0	COLD SPRING CREEK
45-2290	WR/DECREED	1/12/1949	1.800 cfs	520.0 af	130.0	898.0	GROUND WATER
45-2291	WR/DECREED	1/12/1949	1.060 cfs	320.0 af	80.0	898.0	GROUND WATER
45-2292	WR/DECREED	1/12/1949	1.060 cfs	440.0 af	110.0	898.0	GROUND WATER
45-2317	WR/DECREED	5/21/1951	3.740 cfs	748.0 af	187.0	898.0	GROUND WATER
45-2319	WR/DECREED	1/23/1950	3.000 cfs	756.0 af	189.0	898.0	GROUND WATER
45-4142	WR/DECREED	3/15/1953	0.860 cfs	256.0 af	105.0	898.0	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>
45-14464	YES	YES	YES	YES	YES	YES

SUPPORT DATA

Transfer No. 80038

IN FILE # 45-14464

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

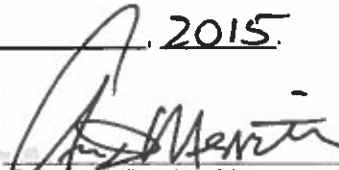
TRANSFER OF WATER RIGHT
TRANSFER NO. 80038

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>
45-14464	45-14469	0.290 cfs	97.3 af	N/A	N/A	45-14464	1.710 cfs	460.4 af	N/A	115.1
COMBINED TOTALS		0.290 cfs	97.3 af	N/A	0.0		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 16th day of July, 2015.


Southern Region Manager

WATER RIGHT NO. 45-14464
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-14464 is now described as follows:

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

Priority Date: 10/25/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.710 cfs	460.4 af
			1.710 cfs	460.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSE	Sec 36 Twp 11S Rge 19E	TWIN FALLS County
GROUND WATER	L3 (SWNWWSW)	Sec 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SENWNW)	Sec 6 Twp 12S Rge 20E	CASSIA County
GROUND WATER	L5 (SWSWNW)	Sec 6 Twp 12S Rge 20E	CASSIA 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	19E	36														10.0	9.4		19.4
12S	19E	1				1.0													1.0
12S	20E	6						8.0	0.7	7.7	9.2	64.7						4.4	94.7
								L 4	L 5			L 6							

POU Total Acres: 115.1

CONDITIONS OF APPROVAL

1. Rights 45-487C, 45-488A and 45-14464 when combined shall not exceed the irrigation of 757.7 acres.
2. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.

WATER RIGHT NO. 45-14464
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

3. This right may be combined with Dry Creek surface water rights 45-487C and 45-488A on 19.4 acres in the NWSE and SWSE of Sec. 36, Twp 11S, Rge 19E. If this right is combined with surface water rights, 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.
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 place of use.
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 diversions.
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 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 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.

WATER RIGHT NO. 45-14469
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-14469 is now described as follows:

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

Priority Date: 10/25/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/1	to 12/31	0.290 cfs	97.3 af
STOCKWATER	1/1	to 12/31	0.290 cfs	97.3 af
			0.290 cfs	97.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (SWSW)	Sec 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SWNWSE	Sec 6 Twp 12S Rge 20E	CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	6									X	X							0.0
												L 6							

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	6									X	X							0.0
												L 6							

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 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. 45-14469
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

3. 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 diversions.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

WATER RIGHT NO. 45-2318**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2318 is now described as follows:

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

Priority Date: 1/23/1950

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.960 cfs
0.960 cfs

Diversion Volume
468.4 af
468.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SENWNW) Sec 6 Twp 12S Rge 20E TWIN FALLS County
GROUND WATER L5 (SWSWNW) Sec 6 Twp 12S 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2			L 3	L 4						
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 150.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

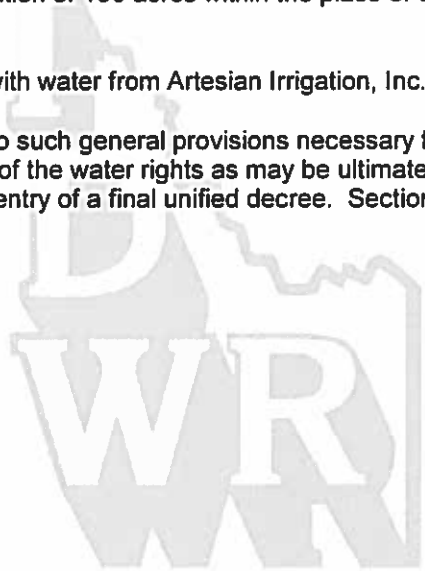
1. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
2. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
3. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

Transfer No. 80038

WATER RIGHT NO. 45-2318
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
5. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
7. Use of this right is combined with water from Artesian Irrigation, Inc.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-487C**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-487C is now described as follows:

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

Priority Date: 3/1/1879

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	19E	36														21.0	37.0	38.0	96.0
11S	20E	31						77.0	78.0			78.0	75.0	26.0					334.0
								L 1	L 2				L 3	L 4					
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 662.0

POU Total Acres: 683.0

CONDITIONS OF APPROVAL

1. Use of this right with right no. 45-488A is limited to the irrigation of a combined total of 662 acres in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
3. Rights 45-487C, 45-488A and 45-14464 when combined shall not exceed the irrigation of 757.7 acres.

Transfer No. 80038

WATER RIGHT NO. 45-487C
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. This right is limited to the irrigation of 662 acres within the place of use described above in a single irrigation season.
7. This right is split from former right 45-487.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

WATER RIGHT NO. 45-488A
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-488A is now described as follows:

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

Priority Date: 3/1/1884

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.590 cfs
 0.590 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	19E	36														21.0	37.0	38.0	96.0
11S	20E	31						77.0	78.0			78.0	75.0	26.0					334.0
								L 1	L 2				L 3	L 4					
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 662.0

POU Total Acres: 683.0

CONDITIONS OF APPROVAL

1. Use of this right with right no. 45-487C is limited to the irrigation of a combined total of 662 acres in a single irrigation season.
2. Rights 45-487C, 45-488A and 45-14464 when combined shall not exceed the irrigation of 757.7 acres.
3. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.

Transfer No. 80038

WATER RIGHT NO. 45-488A
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. This right is limited to the irrigation of 662 acres within the place of use described above in a single irrigation season.
7. This right is split from former right 45-488.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

WATER RIGHT NO. 45-489
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-489 is now described as follows:

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

Priority Date: 3/1/1879

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 3/15 **to** 11/15

Diversion Rate
 3.060 cfs
 3.060 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	20E	31										78.0	75.0	26.0					179.0
												L 3	L 4						
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

POU Total Acres: 357.0

CONDITIONS OF APPROVAL

1. Use of the rights listed below is limited to the irrigation of a combined total of 357 acres in a single irrigation season. Right Nos: 45-489, 45-490, 45-494, 45-505.
2. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
3. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
4. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.

Transfer No. 80038

WATER RIGHT NO. 45-489
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-490
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-490 is now described as follows:

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

Priority Date: 3/1/1884

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
 0.540 cfs
 0.540 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	20E	31										78.0	75.0	26.0					179.0
												L 3	L 4						
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

POU Total Acres: 357.0

CONDITIONS OF APPROVAL

1. Use of the rights listed below is limited to the irrigation of a combined total of 357 acres in a single irrigation season. Right Nos: 45-489, 45-490, 45-494, 45-505.
2. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
3. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
4. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.

Transfer No. 80038

WATER RIGHT NO. 45-490
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-494
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-494 is now described as follows:

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

Priority Date: 5/14/1904

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
 3.920 cfs
 3.920 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	20E	31										78.0	75.0	26.0					179.0
												L 3	L 4						
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 198.0

POU Total Acres: 357.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 198 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 357 acres in a single irrigation season. Right Nos: 45-489, 45-490, 45-494, 45-505.
3. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

Transfer No. 80038

WATER RIGHT NO. 45-494
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-505
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-505 is now described as follows:

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

Priority Date: 4/23/1910

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.560 cfs
 0.560 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	20E	31										78.0	75.0	26.0					179.0
												L 3	L 4						
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 77.0

POU Total Acres: 357.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 357 acres in a single irrigation season. Right Nos: 45-489, 45-490, 45-494, 45-505.
3. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

Transfer No. 80038

WATER RIGHT NO. 45-505
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-506
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-506 is now described as follows:

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

Priority Date: 3/10/1911

Source: DRY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
 1.600 cfs
 1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA 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	19E	36				40.0									40.0				80.0

POU Total Acres: 80.0

CONDITIONS OF APPROVAL

1. Use of this right with right no. 45-2291 is limited to the irrigation of a combined total of 80 acres in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
3. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
4. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Transfer No. 80038

WATER RIGHT NO. 45-533
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-533 is now described as follows:

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

Priority Date: 4/1/1870

Source: COLD SPRING CREEK

Tributary: DRY CREEK

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 1.000 cfs
 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

COLD SPRING CREEK NWNWNE Sec 12 Twp 12S Rge 19E CASSIA County (R)
 COLD SPRING CREEK NENENW Sec 12 Twp 12S Rge 19E CASSIA County (I)

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	
12S	19E	1	39.0			36.0													75.0
			L 1																

Right Acre Limit: 67.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 67 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 742 acres in a single irrigation season. Combined Right Nos: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.
3. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
4. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.

Transfer No. 80038

WATER RIGHT NO. 45-533
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

5. A measuring device of a type approved by IDWR shall be maintained on Cold Spring Creek as a part of the diverting works.
6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-2290
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2290 is now described as follows:

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

Priority Date: 1/12/1949

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 1.800 cfs
 1.800 cfs

Diversion Volume
 520.0 af
 520.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 36 Twp 11S Rge 19E 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0				78.0	75.0	14.0			38.0	360.0
								L 1	L 2				L 3	L 4					
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 130.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

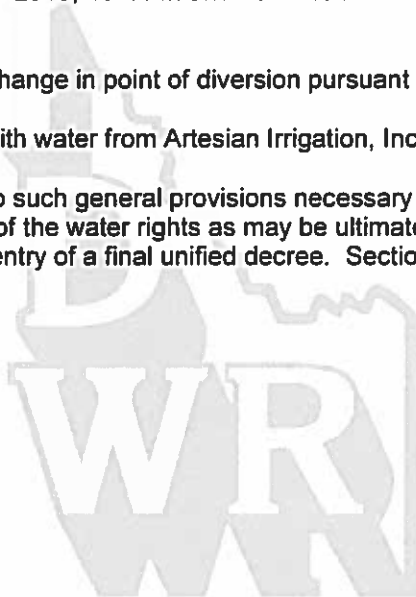
1. This right is limited to the irrigation of 130 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
3. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

Transfer No. 80038

WATER RIGHT NO. 45-2290
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. Use of this right is combined with water from Artesian Irrigation, Inc.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-2291**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2291 is now described as follows:

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

Priority Date: 1/12/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.060 cfs	320.0 af
			1.060 cfs	320.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNESE Sec 36 Twp 11S Rge 19E 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2			L 3	L 4						
12S	19E	1	39.0			35.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 80.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

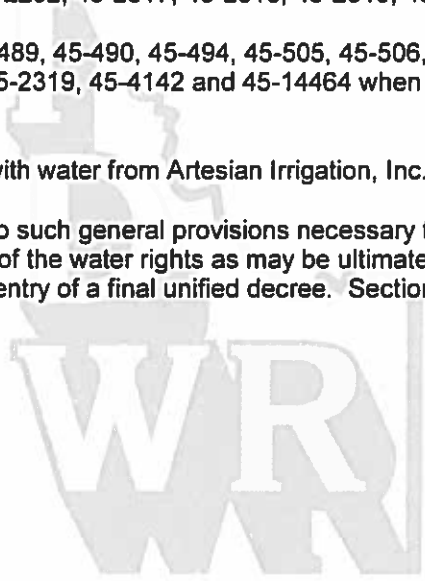
1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Use of this right with right no. 45-506 is limited to the irrigation of a combined total of 80 acres in a single irrigation season.
3. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

Transfer No. 80038

WATER RIGHT NO. 45-2291
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
6. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
7. Use of this right is combined with water from Artesian Irrigation, Inc.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-2292**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2292 is now described as follows:

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

Priority Date: 1/12/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.060 cfs	440.0 af
			1.060 cfs	440.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SWNWSW) Sec 31 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2			L 3	L 4						
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 110.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 110 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
3. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

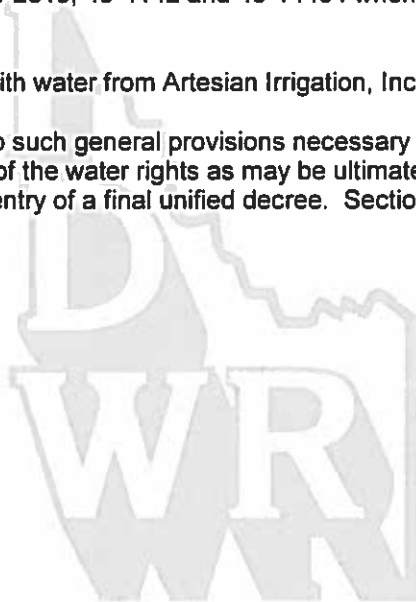
Transfer No. 80038

WATER RIGHT NO. 45-2292

As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. Use of this right is combined with water from Artesian Irrigation, Inc.
7. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 45-2317**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2317 is now described as follows:

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

Priority Date: 5/21/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.740 cfs	748.0 af
			3.740 cfs	748.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SENWNW) Sec 6 Twp 12S Rge 20E CASSIA 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2			L 3	L 4						
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 187.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 187 acres within the place of use described above in a single irrigation season.
2. Use of this right with right no. 45-2319 is limited to the irrigation of a combined total of 364 acres in a single irrigation season.
3. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

WATER RIGHT NO. 45-2317

As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
6. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
7. Use of this right is combined with water from Artesian Irrigation, Inc.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

WATER RIGHT NO. 45-2319
As Modified by Transfer No. 80038

In accordance with the approval of Transfer No. 80038, Water Right No. 45-2319 is now described as follows:

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

Priority Date: 1/23/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3,000 cfs	756.0 af
			3,000 cfs	756.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L5 (SWSWNW) Sec 6 Twp 12S Rge 20E CASSIA 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2				L 3	L 4					
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 189.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 189 acres within the place of use described above in a single irrigation season.
2. Use of this right with right no. 45-2317 is limited to the irrigation of a combined total of 364 acres in a single irrigation season.
3. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

WATER RIGHT NO. 45-2319

As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

4. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
6. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
7. Use of this right is combined with water from Artesian Irrigation, Inc.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

WATER RIGHT NO. 45-4142**As Modified by Transfer No. 80038**

In accordance with the approval of Transfer No. 80038, Water Right No. 45-4142 is now described as follows:

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

Priority Date: 3/15/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.830 cfs	256.0 af
			0.860 cfs	256.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSE	Sec 36 Twp 11S Rge 19E	TWIN FALLS County
GROUND WATER	L3 (SWNWWSW)	Sec 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SENWNW)	Sec 6 Twp 12S Rge 20E	CASSIA County
GROUND WATER	L5 (SWSWNW)	Sec 6 Twp 12S Rge 20E	CASSIA 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	19E	36	40.0	39.0	40.0	40.0									40.0	29.0	19.0	38.0	285.0
11S	20E	31						77.0	78.0			78.0	75.0	14.0			38.0		360.0
								L 1	L 2			L 3	L 4						
12S	19E	1	39.0			36.0													75.0
			L 1																
12S	20E	6					38.0	64.0	76.0										178.0
							L 3	L 4	L 5										

Right Acre Limit: 105.0

POU Total Acres: 898.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 898 acres in a single irrigation season. Combined Right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.

WATER RIGHT NO. 45-4142

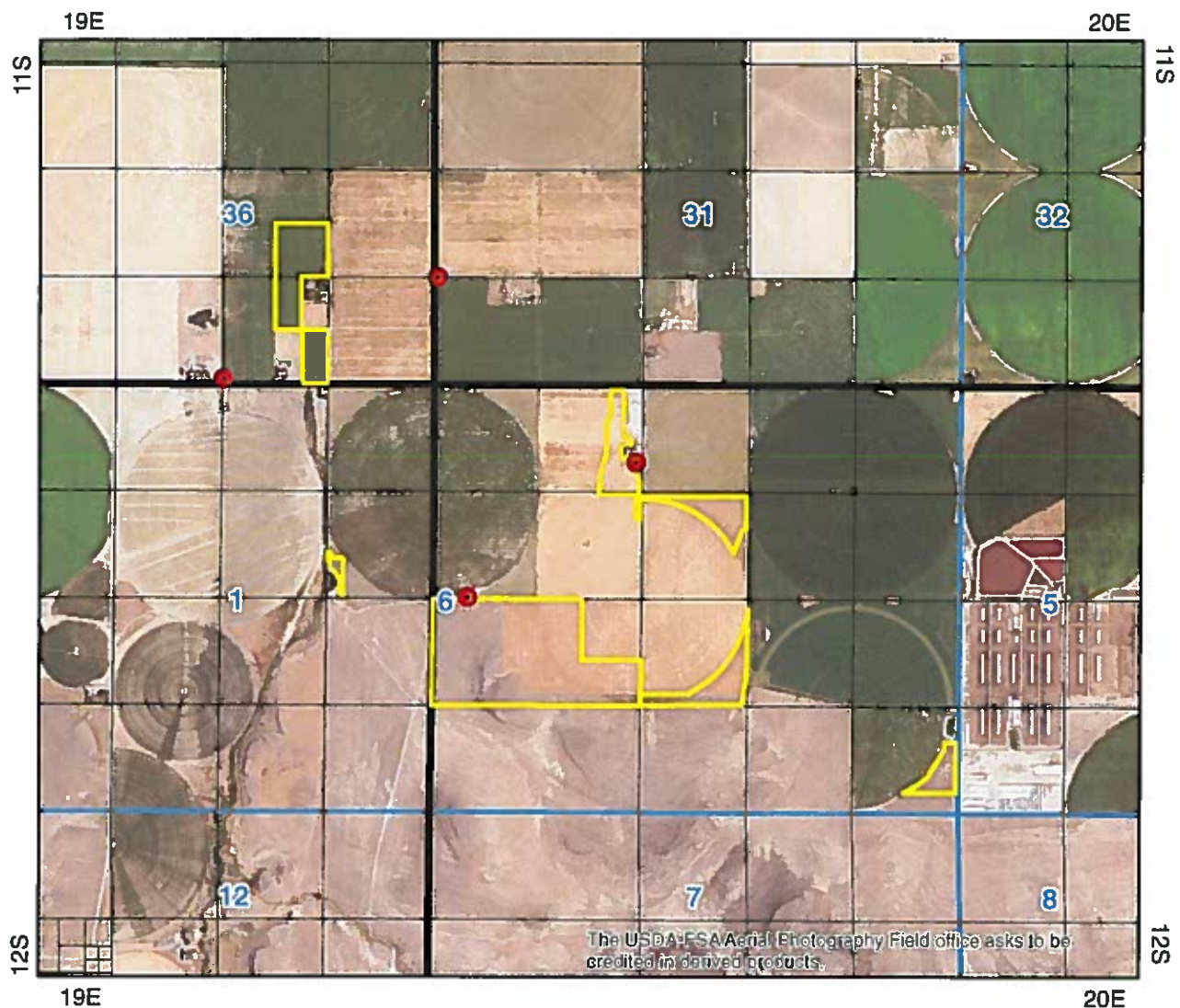
As Modified by Transfer No. 80038

CONDITIONS OF APPROVAL

3. Use of the rights listed below is limited to a total combined diversion rate of 11.62 cfs and to a total combined annual diversion volume of 3508.4 af. Combined right Nos: 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
4. Use of the rights listed below is limited to the irrigation of a combined total of 939 acres in a single irrigation season. Combined right nos.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142.
5. Rights 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142 and 45-14464 when combined shall not exceed the irrigation of 1034.7 acres.
6. Use of this right is combined with water from Artesian Irrigation, Inc.
7. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 80038
45-14464

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.



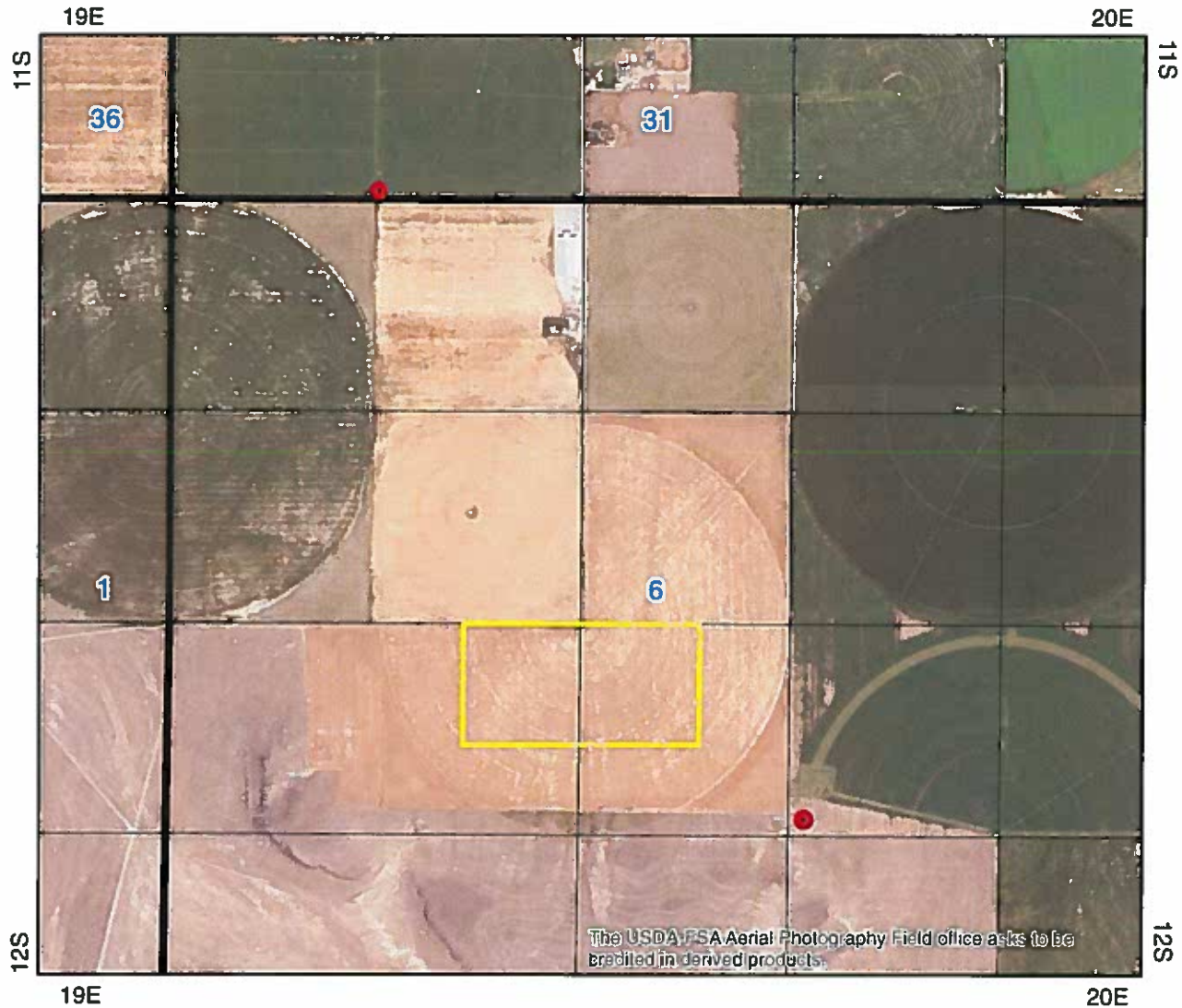
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.25 0.5 1 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 80038
45-14469

This map depicts the COMMERCIAL and STOCKWATER 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
-  Quarter Quarters

0 0.125 0.25 0.5 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

July 17, 2015

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

Re: Transfer No: 80038

Water Right No(s): 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506,
45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142, 45-14464

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", with a stylized flourish at the end.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

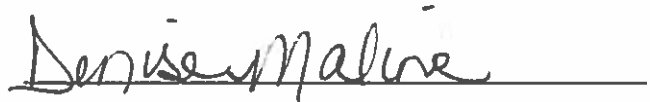
I hereby certify that on July 17, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80038

**Water Right No(s): 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506,
45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142, 45-14464**

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

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

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

Maline, Denise

From: Maline, Denise
Sent: Friday, July 17, 2015 8:55 AM
To: 'Brian Higgs'
Subject: Approved Transfer 80038 Darrell Funk
Attachments: Transfer 80038 - Funk.pdf

Hi Brian,

For your information and records, attached is a copy of an approved Transfer within your District. If you have any questions, please contact this office, or the applicant.

Have a good weekend,

Denise @ IDWR

Denise Maline
Administrative Assistant
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



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

July 17, 2015

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Via e-mail

Re: **APPROVED Transfer No. 80038 (Darrell & Patricia Funk)**

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

*** Proof of Publication ***

RECEIVED

JUN 15 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301
Twin Falls County

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ORDER NUMBER 1167

Ruby Aufderheide
(Legals Clerk)

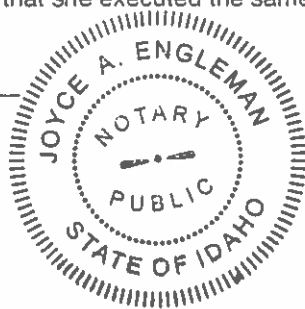
STATE OF IDAHO)
)SS

COUNTY OF TWIN FALLS)

On this 11th day of June in the year of 2015 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Joyce A. Engleman
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho

My Commission expires: 6/8/19



PUBLISHED ON:

6/4/15 6/11/15

✓ OK DM 6/22/2015

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80037

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 80037 for changes to the following water rights within CASSIA County(s): Right No(s) 45-10107, 45-2075, 45-2176, 45-2220, 45-2408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes rearranging the authorized place of use for approximately 8.4 acres from four irrigation ground water rights and one Dry Creek water right that when combined authorize a total diversion of 5.06 cfs and 302 acres of irrigation. All acres will remain within currently authorized tracts for the water rights. Place of use is located 5.2 to 6.2 miles south and 0.1 mile to 0.8 miles east of Murtaugh.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80038

DARRELL M FUNK and PATRICIA M FUNK, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 80038 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s) 45-14464. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use; point of diversion; place of use and period of use for a 0.29 cfs and 97.3 acre foot portion of an irrigation ground water right. Irrigation use will be changed to commercial stockwater use at a proposed dairy facility. The application indicates that the primary point of diversion is an existing well that isn't currently in use and the secondary well is a proposed well to be drilled. PODs and POU are located approximately 4.8 to 5.9 miles south and 0.8 miles west to 0.9 miles east of Murtaugh.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.aspx. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 22, 2015. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published on June 4th & 11th, 2015