

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

35-7477A split
County Line Farms
Irrigation 6S29E-10

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Monty Funk & Carolene Funk

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes **N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

19463

RECEIVED

JUL 20 2014

Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Monty Funk & Carolene Funk Phone (208) 226-5207
Mailing address P.O. Box 360 American Falls, ID 83321 Email monty@countylinefarms.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

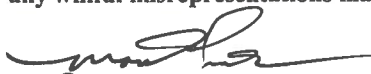
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Jason C. Helms, P.E. Phone (208) 308-2109
Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

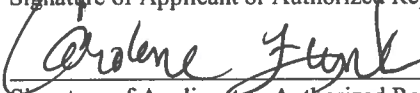
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Monty Funk
Print Name and Title if applicable

07-11-2014
Date


Signature of Applicant or Authorized Representative

Carolene Funk
Print Name and Title if applicable

07-11-2014
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split Water Right
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This application seeks to transfer a portion of purchased water right 35-7477A to provide permanent irrigation water to lands currently irrigated by water supply bank rental. These acres will be dried up at the existing place of use. Both the existing and proposed wells lie within the same ESPA model cell so no ESPA analysis appears necessary.

RECEIVED

AUG 14 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	35-7477A	1.20 / 284.0	Irrigation	04/01 to 10/31	Ground Water - ESPA
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.20 cfs and/or 284.0 acre-feet.2. Total amount of water proposed to be transferred or changed 1.20 cubic feet per second and/or 284.0 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
n		NW	SW	NW	15	06S	29E	Power	Ground Water	S.10 Irrigation Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	10										35.5	35.5						71.0
Total Acres (for irrigation use)																			71.0

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	35-7477A	1.20 / 284.0	Irrigation	04/01 to 10/31	Ground Water - ESPA
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

- Total authorized under rights 1.20 cfs and/or 284.0 acre-feet.
2. Total amount of water proposed to be transferred or changed 1.20 cubic feet per second and/or 284.0 acre-feet per annum.
3. Point(s) of Diversion:
- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
 - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
n		NW	SW	NW	15	06S	29E	Power	Ground Water	S.10 Irrigation Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)
- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	10							35.5	35.5									71.0
Total Acres (for irrigation use)																			71.0

SUPERCEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Existing well with single operating configuration to allow flow measurement by power consumption/run-time.

Additional flow measurement devices will be installed as required by IDWR.

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

These acres will be dried up at the existing place of use to allow these acres to be irrigated at the new place of use.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None.

- f. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

Current Water Right No.: 35-7477a

Current Owner: MPH FARMS
Priority Date: 2/12/1975
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	12.56 CFS	2976 AF
	<u>Total Diversion</u>	12.56 CFS	2976 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4SW1/4	Sec. 15,	Twp 06S,	Rge 29E B.M.
POWER County				
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 15,	Twp 06S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T06S R29E S15	NESW	40.00	T06S R29E S15	NWSW	34.00
T06S R29E S15	SWSW	34.00	T06S R29E S15	SESW	36.00
T06S R29E S15	NWSE	36.00	T06S R29E S15	SWSE	34.00
T06S R29E S16	NESW	40.00	T06S R29E S16	NWSW	39.00
T06S R29E S16	SWSW	38.00	T06S R29E S16	SESW	38.00
T06S R29E S16	NESE	39.00	T06S R29E S16	NWSE	40.00
T06S R29E S16	SWSE	33.00	T06S R29E S16	SESE	39.00
T06S R29E S17	NESW	35.00	T06S R29E S17	SESW	38.00
T06S R29E S17	NESE	34.00	T06S R29E S17	NWSE	39.00
T06S R29E S17	SWSE	40.00	T06S R29E S17	SESE	38.00

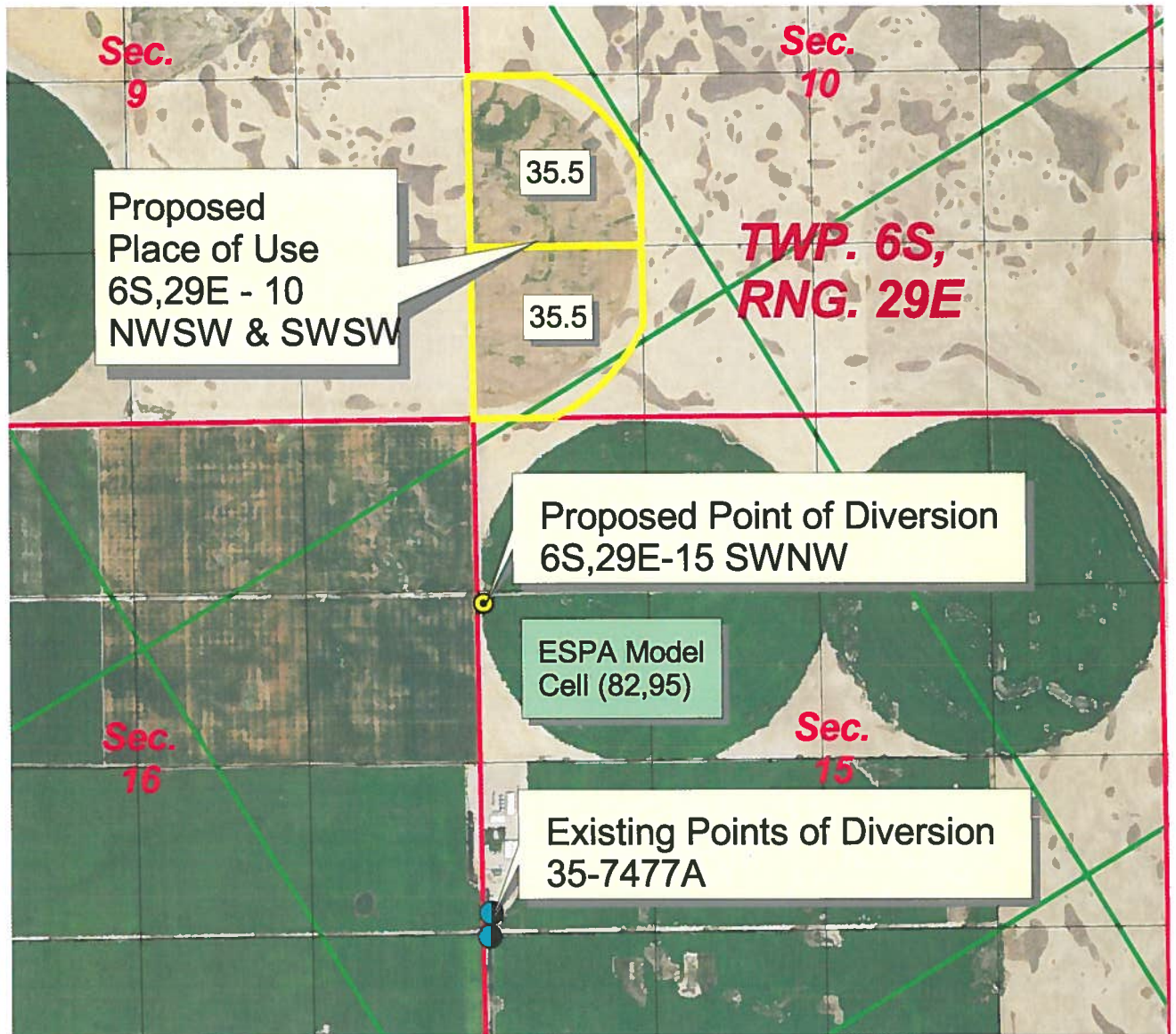
Total Acres: 744

Conditions of Approval:

1. C18 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.

Application for Water Right Transfer

Proposed Point of Diversion & Place of Use



JCH - 06/17/2014

2013 NAIP Aerial Photo

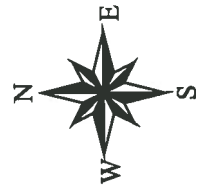
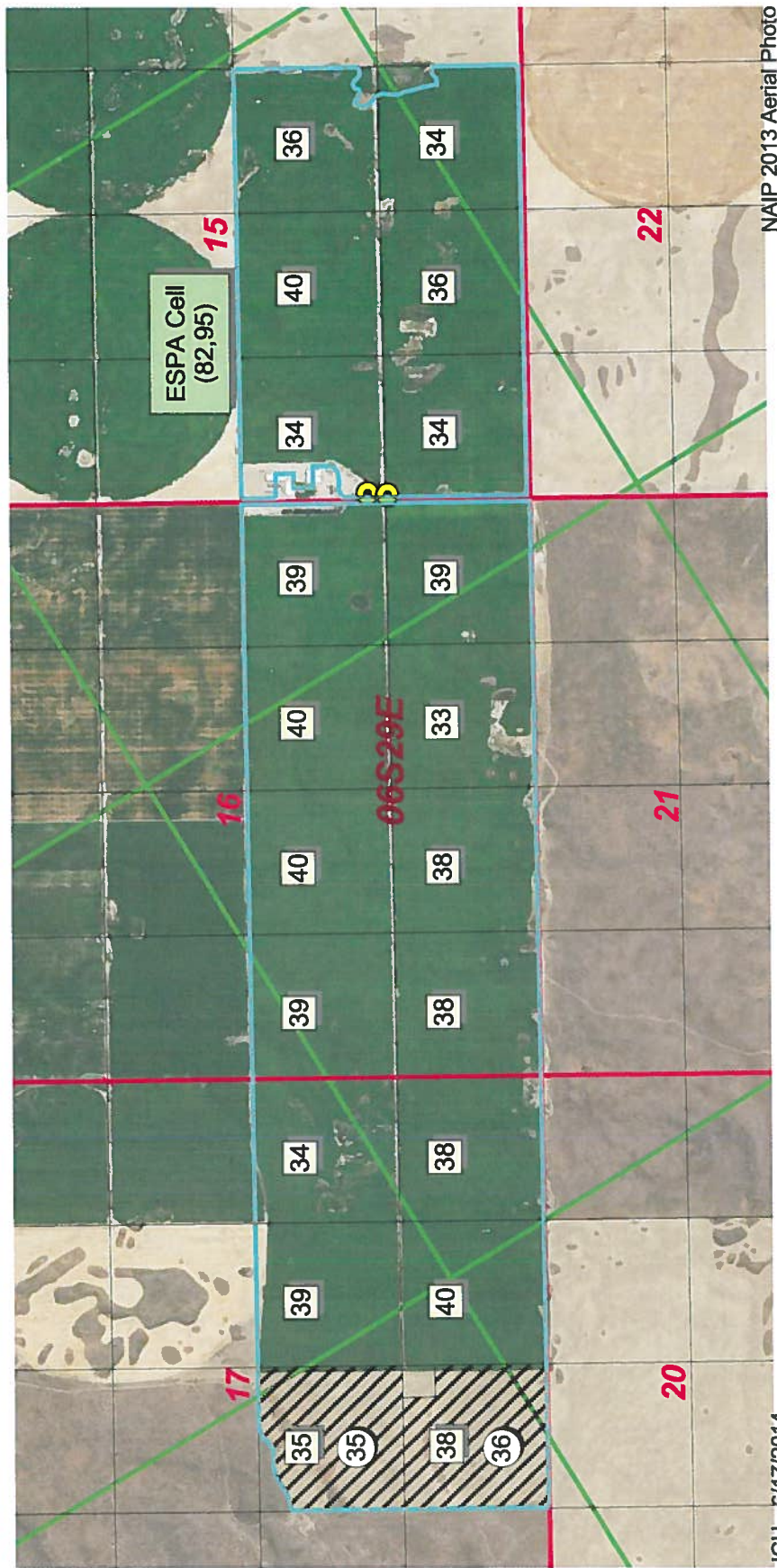
0.25 0 0.25 0.5 0.75 Miles

- Proposed New Point of Diversion
- 35-7477A Existing Points of Diversion
- Proposed New Irrigation Place of Use (Yellow)
71.0 Total Acres

- Sections
- ESPA Model Grid
- 40s (Power County)



Attachment #7a



0.25 0 0.25 0.5 0.75 1 Miles

- 35-7477A Existing Place of Use
- 35-7477A Existing Place of Use
- 35-7477A Dry-up Place of Use
- 35-7477A Dry-up Place of Use
- 35-7477A Existing Points of Diversion
- Sections
- Township & Range
- 40s (Power County)
- ESPA Model Grid

Attachment #7b

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

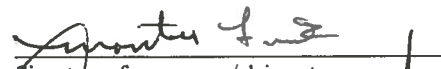
JUL 21 2014

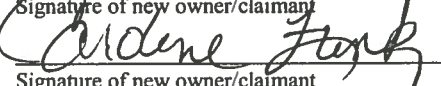
Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-7477A	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: MPH Farms
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Monty & Carolene Funk
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 2254 County Line Rd. American Falls ID 83211
Mailing address City State ZIP
- (208) 226-5207 countylinefarms@countylinefarms.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 4/22/2014
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
7. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

8. Signature:  owner 07-11-2014
Signature of new owner/claimant Title, if applicable Date

Signature:  owner 07-11-2014
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SC Date 7/21/14 Receipt No. E040070 Receipt Amt. 100-

Approved by _____ Processed by _____ Date _____

79463

July 21, 2014

JCH Engineering & Consulting, PLLC

6755 N. Albert Lane
Idaho Falls, ID 83401
(208) 308-2109
jasoncivil@alumni.nd.edu

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

JUL 21 2014

Re: **Applications for Transfer 35-7477A to Monty & Carolene Funk**

Department of Water Resources
Eastern Region

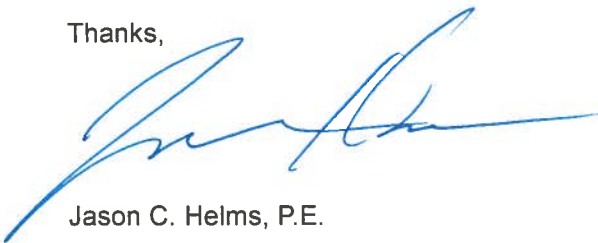
Dear Reviewing Agent:

Please find attached two applications for water right transfer prepared on behalf of Monty & Carolene Funk. One transfer seeks to change the place of use for a 2.0 acre proportional fraction of existing water right 35-7477 for use within a new potato storage facility to provide consumptive use of new evaporative humidifier equipment. The second transfer seeks to change the irrigation place of use to a new well for irrigation of new lands nearby. Both transfers seek water from a new well within the same ESPA model cell as the existing water right so no ESPA analysis appears necessary.

A total of 2.00 cfs of existing water right 35-7477A should be changed to new ownership by Monty & Carolene Funk, however only the 73 acres are proposed for transfer at this time. The remaining 45.5 acre water right portion should stay within a shared water right place of use for use by MPH farms until the additional acreage to be dried up is identified in accordance with the existing agreement.

If you have any questions regarding the change of ownership or transfers or need any additional information to assist with processing, please don't hesitate to contact me at your earliest convenience.

Thanks,



Jason C. Helms, P.E.

Attachments: Change of Ownership 35-7477A (2.00 cfs, 473.9 afa, 118.5 ac)
(2) Applications for Transfer (0.03 cfs, 4.2 afa, 2.0 ac ; 1.77 cfs. 284.0 afa, 71.0 ac)
Purchase Agreement (Toevs - Funk)
JCH Engineering Ck# 1018 \$80 +
County Line Farms. Ck# 24423 \$800 (COO:\$100 + #1: \$200 + #2: \$580)

cc: Monty & Carolene Funk
MPH Farms

79 463

ADDENDUM/AMENDMENT AGREEMENT TO PURCHASE AGREEMENT

Addendum/Amendment Agreement to the Real Estate Purchase Agreement dated April 22, 2008 by and between William R. Toevs and Joanne L. Toevs, Sellers and Monty M. Funk and Carolene K. Funk, Buyers dated this 30th day of April, 2008 as follows:

1. The parties acknowledge that Buyers' intention is to proceed with the steps and procedures necessary for the transfer and use of the two (2) cfs diversion rate from Water Right No. 35-07477A. Buyers acknowledge that such steps include "drying up" of certain acres of irrigated by said water on the land sold by Seller to MPH. Buyers assume the sole obligation for such transfer. Buyers represent and warrant to Sellers, that Buyers have entered into a separate agreement with MPH to effectuate such transfer. Buyers agree that said reserved water right shall remain in the name of Sellers and the water is to be used by MPH, subject to Sellers' obligation to convey the water to Buyers at such time as Buyers provide Sellers with a description of lands that the water right is to be transferred and Buyers pay an unscheduled and additional payment of principal and interest which reduces the existing principal balance on said \$ [REDACTED] promissory note in the amount of \$ [REDACTED] principal. Said payment shall not change the amount of or due date of semi-annual installments as scheduled in said promissory note which shall continue in the amount of \$ [REDACTED] each until the remaining principal and interest are paid in full.

SELLERS:

William R. Toevs
William R. Toevs

Joanne L. Toevs
Joanne L. Toevs

BUYERS:

Monty M. Funk
Monty M. Funk

Carolene K. Funk
Carolene K. Funk