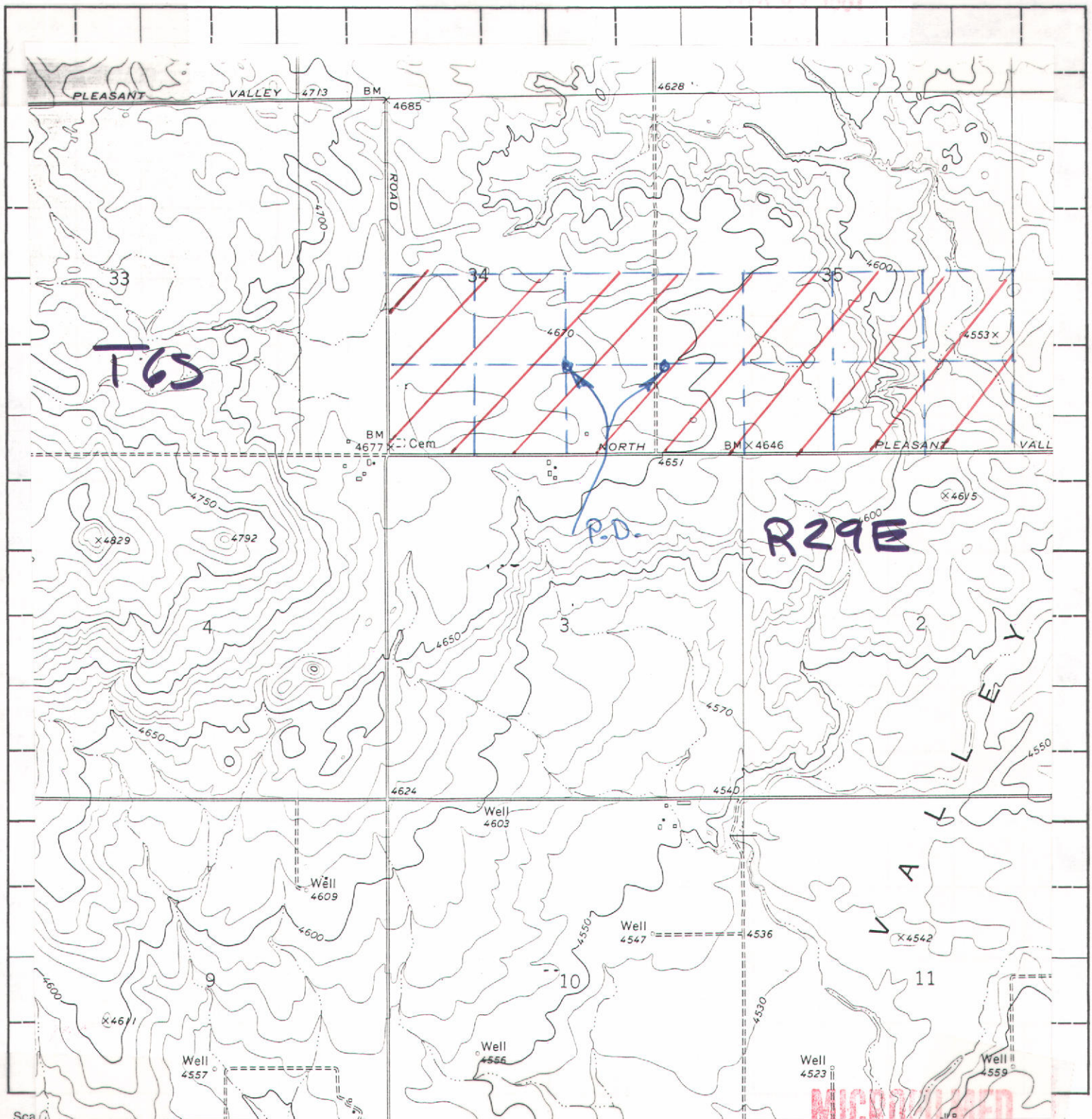


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Ronald J. Funk
(Applicant)

MAY 31 1991

P L E A S A N T V A L L

4630

TLS

TTS

35-08873 B

MICROFILMED

SEP 21 1998

15-
2.2
27

16-
134.2

WAL#2

18-
5.1

19-
88.3

20-
5.4

27

34

34

POINT OF
DIVERSION

See
Map

34
T89

PLACE OF
USE

T
115
RONALD J. HANK
S
R29E

35-08873B

MICROFILMED

32-
158.5 SEP 21 1998

34

34

43

T93

T94 (Jared Gehring)

R29E

P L E A S A N T

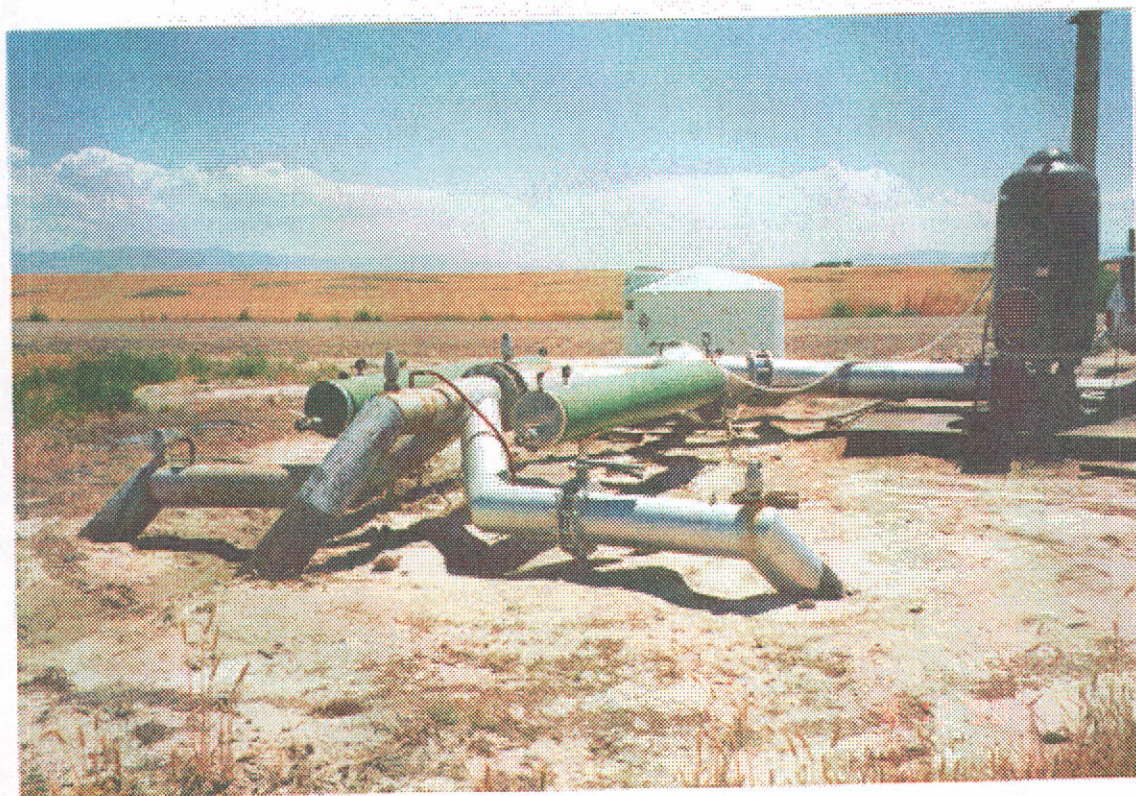
T
6
S

35-08873 B

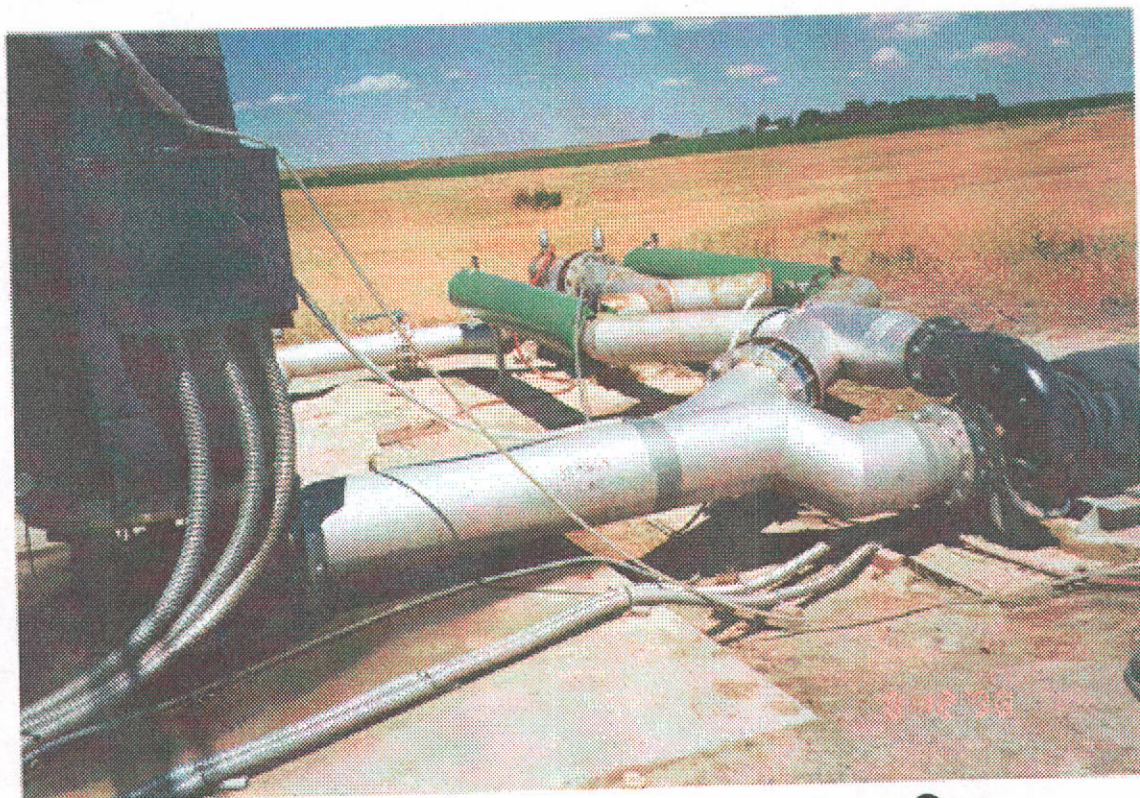
-  SYSTEM 2/3 NWSW SEC 35 #1
-  SYSTEM 2/3 SESW SEC 27 #2
-  SYSTEM 2/3 SWSW SEC 26 #3

IRRIGATION
SYSTEMS
35-08873 B

MICROFILMED
SEP 21 1998



POINT OF DIVERSION #2



MICROFILMED
SEP 21 1998

35-088736



POINT OF DIVERSION #2

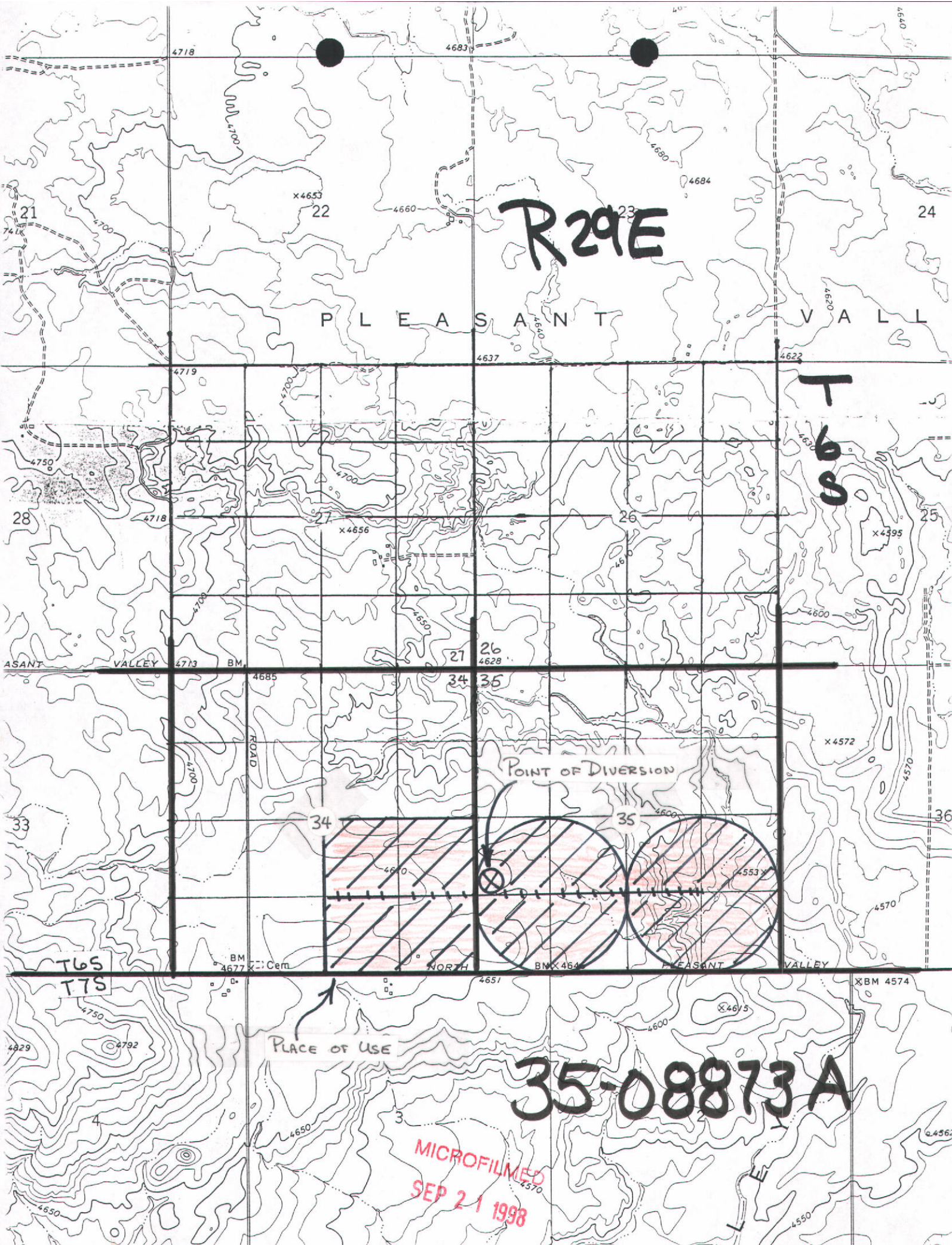


BOOSTER PUMP

35-08873B

MICROFILMED

SEP 21 1998



R29E

PLEASANT VALLEY

T6S

POINT OF DIVERSION

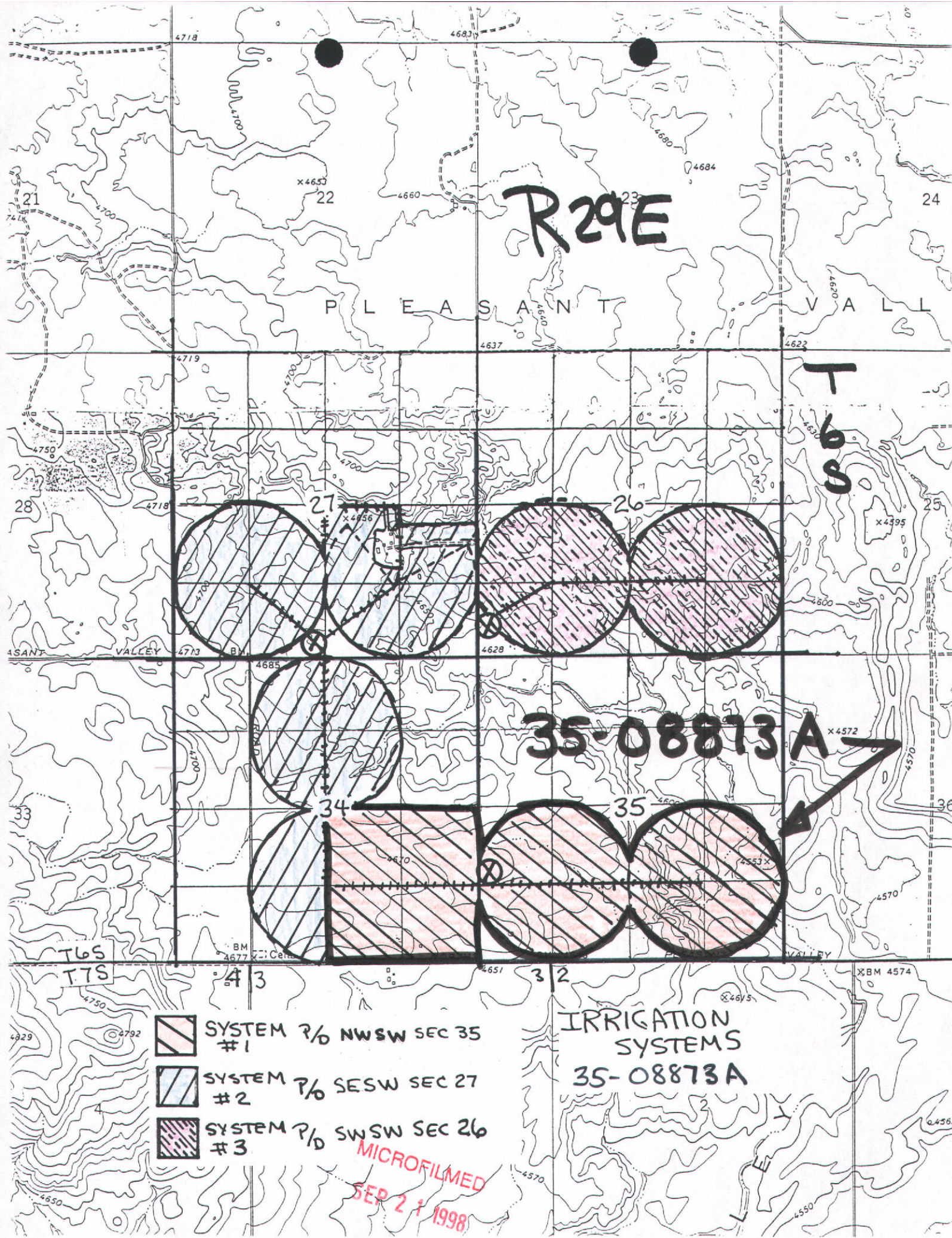
T6S
T7S

35-08873A

MICROFILMED
SEP 21 1998

PLACE OF USE

NORTH



R29E

P L E A S A N T V A L L E Y

T
6
S

35-08873A

-  SYSTEM 7/0 NWSW SEC 35 #1
-  SYSTEM 7/0 SESW SEC 27 #2
-  SYSTEM 7/0 SWSW SEC 26 #3

MICROFILMED
SEP 21 1998

IRRIGATION
SYSTEMS
35-08873A

88

B-29E

SEE MAP
H-7

T 6 R29E
Point of Diversion

Place of Use

34

35

118 T6S
158.5

34 35

34 35

North Pleasant Valley Rd

15.0

36

1235

37

1235

35

40

39

33

34

34

33

39

38

32

33

33

32

43 T7S

T93

1st (Jared
Chen)

100

66

#1791

3

2

Gate

35-08873A

T2213

#1737

35-08873A

Schritter Rd



POINT OF DIVERSION # 1



MICROFILMED
SEP 21 1998

35-08873 A

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08873B

Priority: December 15, 1989

Maximum Diversion Rate:

2.12 CFS

Maximum Diversion Volume:

560.0 AF

This is to certify, that RONALD J FUNK

RITA FUNK

3826 FUNK LANE

AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 15, 1989; and has submitted Proof of Beneficial Use on August 7, 1998. An examination indicates that the works have a diversion capacity of 7.370 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.12 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 27, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	34	SWNE 34	SENE 33	NESW 33	132
			SESW 32			

Total number of acres irrigated: 132

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.

MICROFILMED

SEP 21 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-08873B

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right 35-08868B is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of SEPTEMBER, 19 98.


KARL J. DREHER, Director

MICROFILMED
SEP 21 1998

State of Idaho
Department of Water Resources

RECEIVED

SEP 14 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08873B

Department of Water Resources

Date of Priority: December 15, 1989

Maximum Diversion Rate: 2.12 CFS

Maximum Diversion Volume: 560.0 AF

Comes now

RONALD J FUNK
RITA FUNK

3826 FUNK LANE

AMERICAN FALLS ID 83211

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-08873B, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.12 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 27, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 29E 34	SWNE 34	SENE 33	NESW 33	
	SESW 32			132

Total number of acres irrigated: 132

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Idaho, this 9 day of Sept., 1998.

MICROFILMED

SEP 21 1998

Ronald J. Funk
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08873B

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Received by SC # E024435 Date 9/9/98.

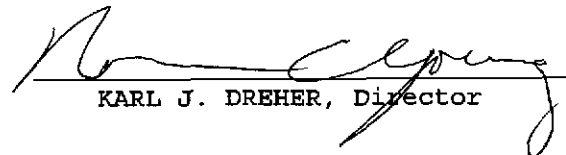
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08873B with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right 35-08868B is also diverted through the point(s) of diversion described above.

Witness my hand this 15TH day of SEPTEMBER, 1998.


KARL J. DREHER, Director

MICROFILMED
SEP 21 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08873A

Priority: December 15, 1989

Maximum Diversion Rate:

8.40 CFS

Maximum Diversion Volume:

1680.0 AF

This is to certify, that RONALD J FUNK
RITA FUNK

3826 FUNK LANE

AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 15, 1989; and has submitted Proof of Beneficial Use on August 7, 1998. An examination indicates that the works have a diversion capacity of 8.630 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	8.40 CFS	1680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 35, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	34	NESE 39	NWSW 40	SWSE 39	
			SESE 38			156
		35	NESW 34	NWSW 33	SWSW 32	
			SESW 33	NESE 33	NWSE 34	
			SWSE 33	SESE 32		264

Total number of acres irrigated: 420

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

MICROFILMED

SEP 21 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-08873A

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of SEPTEMBER, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 21 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08873A

Date of Priority: December 15, 1989

Maximum Diversion Rate: 8.40 CFS
Maximum Diversion Volume: 1680.0 AF

Comes now RONALD J FUNK
RITA FUNK

3826 FUNK LANE
AMERICAN FALLS ID 83211

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08873A, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	8.40 CFS	1680.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 35, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	34	NESE 39	NWSE 40	SWSE 39	
			SESE 38			156
		35	NESW 34	NWSW 33	SWSW 32	
			SESW 33	NESE 33	NWSE 34	
			SWSE 33	SESE 32		264

Total number of acres irrigated: 420

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at FDWR, this 9 day of Sept., 1989.

Ronald J. Funk

(Signature)
MICROFILMED

SEP 21 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08873A

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Received by SC # E024435 Date 9/9/98

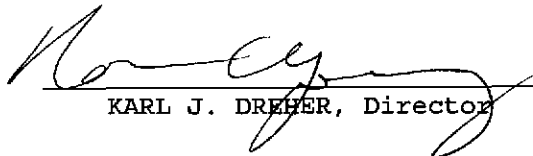
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08873A with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.
7. 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.

Witness my hand this 15TH day of SEPTEMBER, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 21 1998

330' - static level
of well

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

AUG 12 1998

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08873 Telephone No. (208) 226-5900

2. Name(s) of Permit Holder(s): Ronald/Rita Funk

3. Mailing Address: 3826 Funk Lane American Falls, ID 83211

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 2-23 / yr. 90

a. Well Driller: Arnold Elsing Drilling Permit Number: 35-90-E-006

b. OPTIONAL:
Pump Horsepower: 400hp + 125hp booster Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 560 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 11.20 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No _____

Has the measuring device been installed?

Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required?

Yes ☒ or No _____

Has the measurement port been installed?

Yes _____ or No ☒

8. Fee Enclosed: \$ 375 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: See above Telephone Number: _____

Address: _____

MICROFILMED

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Ronald J. Funk Date: 8-7-98
(include your title, if on behalf of company or organization)

Attention: Julie
Attention: Jo Thompson

For Office Use Only
\$50 Fee Received by _____
Date 5-30-96
Receipt No. 8022221

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 25 1996

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. #35-08873

Name(s) of Permit Holder: Ronald J. and Rita Link

Mailing Address: 3826 Funk Lane American Fork Idaho 83211

Date Proof is Due: June 3, 1996 Telephone No. 208-226-5900

Describe the work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

On this project we have drilled a well, built a power line
to the well, blasted rock out of the mainline trench and
put up two pumps and 8 wheel lines. We have also put a
400 horse pump with a 125 horse booster on. Costing \$ 371,000.00

We intend to complete the remainder of the work for the following seasons:

For 1990 we have drilled 3 wells, put up 6 pumps and
eleven wheel lines. We have developed 434 acres in this season.
We would like the additional time to develop the remaining 136
acres.

Permit holder(s) request an extension to June 1, 2001

FEE: \$50.00

Ronald J. Link
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

MICROFILMED

OCT 10 1996

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 2000.
IT IS FURTHER ORDERED that the permit is REINSTATED with no advance in priority.
IT IS FURTHER ORDERED that the permit may not be assigned without prior approval of the department of water resources.

On this 27th day of September 1996

J. M. Saxon
Chief, Water Allocation Bureau

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08873)
)
IN THE NAME OF RONALD J. AND RITA FUNK)
)

**ORDER OF
REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1996; and,

WHEREAS, the permit holder submitted an acceptable Request for Extension of Time at the Eastern Regional Office on May 30, 1996, however, the extension was not forwarded to the state office for processing; and

WHEREAS, on June 20, 1996, the Department lapsed the permit in error; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting an extension in a timely manner; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-08873 be REINSTATED with no advance in priority.

Dated this 27th day of September, 1996.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

OCT 10 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
35-08873 IN THE NAME OF)
RONALD J. FUNK AND RITA FUNK)

ORDER

_____)
This matter having come before the Idaho Department of Water Resources (department), as a result of a response by the permit holder to an order issued by the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the Director of the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (order) in connection with certain permits within the Eastern Snake River Plain Aquifer for which proof of beneficial use of water has not been filed with the department.

2. On January 30, 1995, the holder of Permit No. 35-08873 filed a response to the order with the Director in connection with Order Condition 2.B.1) to show that the permit holder has a substantial investment in facilities to divert and beneficially use water authorized for diversion under the permit.

CONCLUSIONS OF LAW

1. The permit holder has provided sufficient evidence to demonstrate that substantial investment has been made in facilities to divert and beneficially use the water contemplated under the permit.

2. The Director should allow the permit holder to continue the development authorized by the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the permit holder is authorized to continue with development under terms of the existing permit.

Dated this 1ST day of FEBRUARY, 1995.

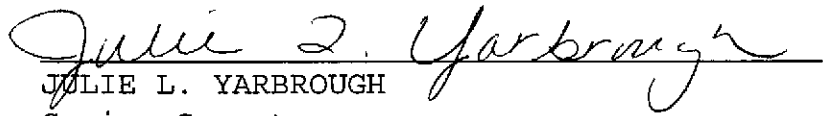
R. Keith Higginson
R. KEITH HIGGINSON
Director

RECEIVED
FEB 13 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER to the following:

Ronald J. & Rita Funk
3826 Funk Lane
American Falls, ID 83211


JULIE L. YARBROUGH
Senior Secretary

MAILED
FEB 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)	
FOR THE APPROPRIATION OF GROUND)	
WATER FROM THE EASTERN SNAKE RIVER)	ORDER FOR TEMPORARY
PLAIN AQUIFER FOR WHICH PROOF OF)	STAY OF DEVELOPMENT AND
BENEFICIAL USE HAS NOT BEEN)	NOTICE OF FORMAL PROCEEDINGS
SUBMITTED AND IS NOT PAST DUE)	

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

RECEIVED

FEB 13 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

FEB 13 1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

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- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

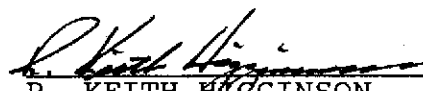
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

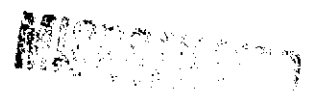
5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HOGGINS
Director


FEB 13 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08873

Proposed Priority: December 15, 1989 Maximum Diversion Rate: 11.20 CFS

This is to certify, that **RONALD J. FUNK**

RITA FUNK

3826 FUNK LANE

AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	11.20 CFS
------------	----------------	-----------

LOCATION OF POINT(S) OF DIVERSION:

SWSW	Sec. 35, Township 06S, Range 29E
SESE	Sec. 34, Township 06S, Range 29E
POWER County	

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	34	NESW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	240
	35		NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320

Total number of acres irrigated: 560

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 3, 1996**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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MAY 31 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 35-08873

CONDITIONS/REMARKS:

7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of May, 1991.

[Signature]
for R. Keith Higginson, Director

[Faint circular stamp]
MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ronald J. or Rita Funk Phone 226-5900
Post office address 3826 Funk Lane, American Falls, ID 83211
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 34 Township 06S Range 29E B.M. Power County; additional
points of diversion if any: SWSW Section 35 T6S R29E
4. Water will be used for the following purposes:
Amount 11.2 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 11.2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Two wells and pumps to sprinkler
irrigation
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 20 inches; proposed depth of well is 375 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MAY 31 1991

Remarks: Development plan: I would like to develop one well the first year then do the second one within a year or two of the first one. I would be pulling what time I can both projects.

Topographic map of Pleasant Valley showing a proposed road, wells, and contour lines. The map includes handwritten annotations 'T6S' and 'R29E'. A dashed line indicates a proposed road route, with a 'P.D.' (Proposed Ditch) marked. Several wells are labeled with their elevations: Well 4603, Well 4609, Well 4547, Well 4536, Well 4556, Well 4523, and Well 4559. Contour lines are shown at 10-foot intervals, with major contours labeled every 100 feet (4600, 4650, 4700, 4750). The map is divided into sections by a grid, with section numbers 33, 34, 35, 4, 3, 2, 9, 10, and 11 visible. The map is titled 'PLEASANT VALLEY' at the top and 'PLEASANT VALL' at the bottom right. A scale bar is located at the bottom left corner.

the public waters
MAY 31 1991

x Ronald J. Funk
(Applicant)

MAY 8 1 1991

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e. Other:

- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

Publication prepared by _____

Received by *DMD* Date *5 Dec 89* Time *11:25 AM* Preliminary check by _____

FOI1320

Date *5 Dec 1989*

Published in _____

Date *4-15-91*

Affidavit of Publication

State of Idaho

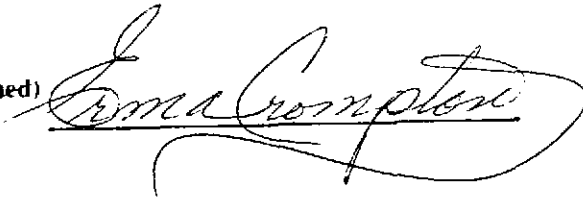
County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 3RD day of APRIL 1991 and the date of last publication being the 10TH day of APRIL 1991.

(Signed)



State of Idaho

County of Power

On this 10TH day of APRIL in the year of 1991, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Application for water right

Published in The Power County Press,
April, 3, 10, 1991.

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08747
PAHL & RUFF PARTNERSHIP
3005 W. 2100 S.
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: NWSW NW Sec 15 T
06S R 29E

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 4/7/1989

In: T06S R29E S10 NWSW SWSW
80.0 ACRES TOTAL

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08868
FUNK, RITA
FUNK, RONALD J.
3826 FUNK LN.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSE Sec 26 T 06S R
29E

SESW Sec 27 T 06S R 29E

Use: IRRIGATION (12.400 CFS)
Total Diversion: (12.400 CFS)

Date Filed: 12/15/1989

In: T06S R29E S26 NESW NWSW
SWSW SESW
NESE NWSE SWSE SESE
S27 NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

620.0 ACRES TOTAL

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08873
FUNK, RONALD J.
FUNK, RITA
3826 FUNK LN.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SESE Sec 34 T 06S R
29E

SWSW Sec 35 T 06S R 29E

Use: IRRIGATION (11.200 CFS)
Total Diversion: (11.200 CFS)

Date Filed: 12/15/1989

In: T06S R29E S34 NESW SESW
NESE NWSE
SWSE SESE
S35 NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

560.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203 C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 22, 1990.

R. Keith Higginson, Director

MAY 31 1991

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APR 12 1991

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1998

RONALD J FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

RE: Water Rights 35-08873A/35-08873B/35-08868A/35-08868B

Dear Mr. & Mrs. Funk:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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:

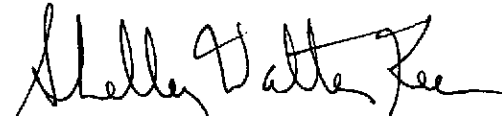
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of September, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

Water Rights 35-08873A/35-08873B/35-08868A/35-08868B

**RONALD J FUNK
RITA FUNK
3826 FUNK LAND
AMERICAN FALLS ID 83211**


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: Files 35-08868A & B, 35-08873A & B

FROM: Sharla

DATE: September 3, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for the above referenced permits are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	variable cfs	variable afa
------------	-------------	--------------	--------------

The standard irrigation season for this area is 4/1 to 10/31.

Exam Date: August 12, 1998
Examiner: Keith Wilson

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SEP 21 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08873B DATE 8/31/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV Chg ☒ Change (P39/P47) ☐ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE Chg ☒ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (pplu acre limit) 140

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate 11.2 cfs
 Fee limit 12.0 cfs \$375⁰⁰
 Measured 7.37 cfs
 Theoretical _____ cfs
 Recommended Total Div Rate 21.2 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>100</u>	<u>2.80</u> cfs	<u>140x40</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
	_____ cfs	_____ af	supp. gw (WB7/065/079)
	_____ cfs	_____ af	overlap spec. combined rts (W35)
	<u>2.12</u> cfs	_____ af	<1acre (W31)
	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>2.80</u> cfs	<u>560.0</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate 2.80 cfs X 214 days X 1.98 = 1186 af

REMARKS W38, 36 (7.37 cfs, 1832 af, 458 ac)

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority _____ yes ☒ no

SRBA Claim NA

Adjust Memo Season/100 etc
 Amend letters P37 P38
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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AUG 17 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08873 B

1. Owner: Ronald J. or Rita Funk

Phone No. (208) 226-5900

Current Address: 3826 Funk Lane, AMERICAN FALLS Id 83211

2. Accompanied by: Ronald J. Funk

EXAM DATE: 12 August 1998

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
# 2			SE	SW	27	6S	29E	Power	ON SITE, USGS Quad, FSA Aerial

2. Place(s) of Use:

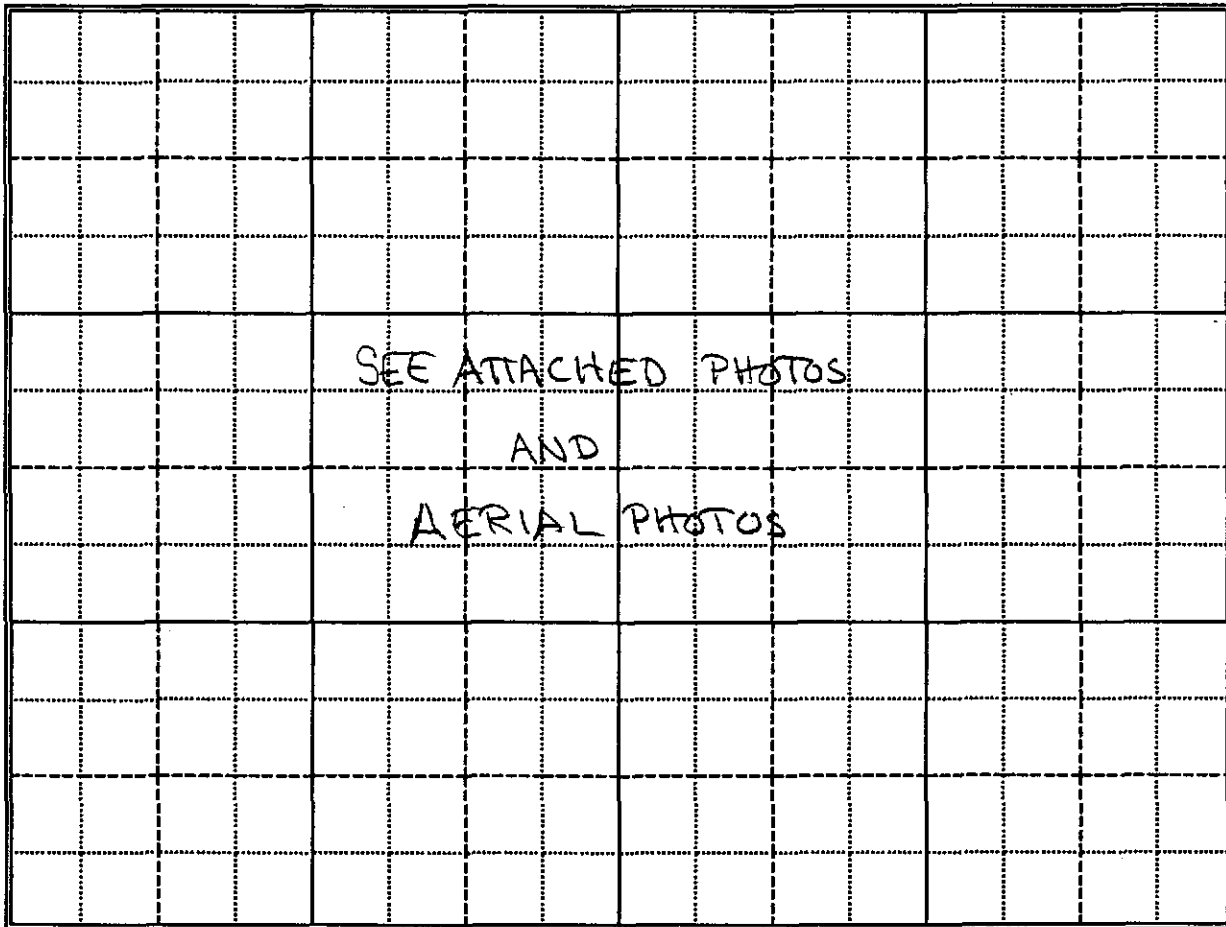
Indicate Method of Determination FSA Aerials

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	29E	34			34				33	33			32						132

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3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____



Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).



Aerial Photo Attached (required for irrigation of 10+ acres)



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
# 2 WELL	U.S. ELECTRIC	400	1095276	WORTHINGTON	12"
# 2 BOOSTER	MARATHON	200	P/N AIS102C-55	CORNELL	#106306

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SONIC		POLYSONIC	DCT-7088	32736		

2. Measurements: Total System capacity = 7.37 cfs / 458 ac = 0.01609 cfs/ac

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SEP 21 1998

35-08873B

E. NARRATIVE/REMARKS/COMMENTS

RECOMMEND SPLITTING OF WATER RIGHT BY SYSTEM. THE SYSTEM UNDER WELL #2 WILL REQUIRE SOME PORTION OF BOTH PERMIT # 35-08868 & 35-08873

SYSTEM UNDER WELL #1: Well pump, booster to two standard Quarter mile center pivots with endguns and Eight (8) wheel-lines with 33 - $\frac{5}{32}$ " sprinklers each. (Pivots are low pressure)

SYSTEM UNDER WELL #2: Well pump, booster to Two Full standard Quarter mile center pivots one $\frac{3}{4}$ circle Standard quarter mile center pivot, one $\frac{1}{2}$ circle Standard quarter mile pivot, and four wheel lines with a total of 76 - $\frac{5}{32}$ " sprinklers.
(ALL PIVOTS ARE LOW PRESSURE & have endguns)

SYSTEM UNDER WELL #3: Well pump mainline to two, Low pressure, standard quarter-mile center pivots with endguns.

Have conditions of permit approval been met? ☒ yes ☐ no

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SEP 21 1998

35-08873 B

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$\text{Total System Capacity} = 7.37 \text{ cfs} / 458 \text{ ac} = 0.01609 \text{ cfs/ac}$$

$$Q_{\text{LIMITED TO SYSTEM CAPACITY}} = (132 \text{ ac})(0.01609 \text{ cfs/ac}) = 2.12 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (132 \text{ ac}) 4 = 528 \text{ afa}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (2.12)(214) 1.9835 = 899.9 \text{ afa}$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 528 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS 35-08873B

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	2.12 cfs	528.0 afa
Totals:			2.12 cfs	528.0 afa

2. Recommended Amendments 35-08873B

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 12 August 1998

Reviewer _____ Date _____

SEAL

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SEP 21 1998

35-08873B

WELL # 1 (NWSW, SEC 35, T6S, R29E)

Observed Measurement DCT-7088 = $Q = 3875 \text{ gpm} = 8.63 \text{ cfs}$

WELL # 1 $Q = 8.63 \text{ cfs}$

WELL # 2 (SESW, SEC 27, T6S, R29E)

Pivot # 4 (SW $\frac{1}{4}$, SEC 27, T6S, R29E) Full Pivot

Observed Measurement on DCT-7088 = $Q = 895 \text{ gpm} = 1.99 \text{ cfs}$

Pivot # 5 (SE $\frac{1}{4}$, SEC 27, T6S, R29E) $\frac{3}{4}$ Pivot

Observed Measurement on DCT-7088 = $Q = 600 \text{ gpm} = 1.34 \text{ cfs}$

Pivot # 8 (W $\frac{1}{2}$ NE, E $\frac{1}{2}$ NW, SEC 34, T6S, R29E) Full Pivot

Observed Measurement on DCT-7088 = $Q = 890 \text{ gpm} = 1.98 \text{ cfs}$

Pivot # 9 (E $\frac{1}{2}$ SW $\frac{1}{4}$, SEC 34, T6S, R29E) $\frac{1}{2}$ Pivot

Observed Measurement on DCT-7088 = $Q = 560 \text{ gpm} = 1.25 \text{ cfs}$

WHEEL LINE # 1 w/15 sprinklers ($\frac{5}{32}$ ") Avg Pressure 30 psi

WHEEL LINE # 2 w/10 sprinklers ($\frac{5}{32}$ ") Avg Pressure 30 psi

$25 \times 4.01 \text{ g/sprinkler} = 100 \text{ gpm} = 0.22 \text{ cfs}$

WHEEL LINE # 3 w/34 sprinklers ($\frac{5}{32}$ ") Avg Pressure 50 psi

WHEEL LINE # 4 w/17 sprinklers ($\frac{5}{32}$ ") Avg Pressure 50 psi

$51 \times 5.15 \text{ g/sprinkler} = 263 \text{ gpm} = 0.59 \text{ cfs}$

WELL # 2 $Q = 7.37 \text{ cfs}$

WELL # 3 (SWSW, SEC 26, T6S, R29E)

Observed Measurement DCT-7088 = $Q = 2000 \text{ gpm} = 4.46 \text{ cfs}$

WELL # 3 $Q = 4.46 \text{ cfs}$

MICROFILMED

PERMIT # 35-08873 B

SEP 21 1998

PLEASE ANSWER VALUALLY

T
65

35-08873 B

MICROFILMED 570

SEP 21 1990

15-
7.2
27

16-
134.2

WAL 42

19-
88.3

20-
5.4

27

34

T91

POINT OF
DIVERSION

34

See
Map

34

T89

PLACE OF
USE

T
115
RONALD J. TANK
S
R29E

35-08873B

32-
158.5 SEP 21 1998

34

34

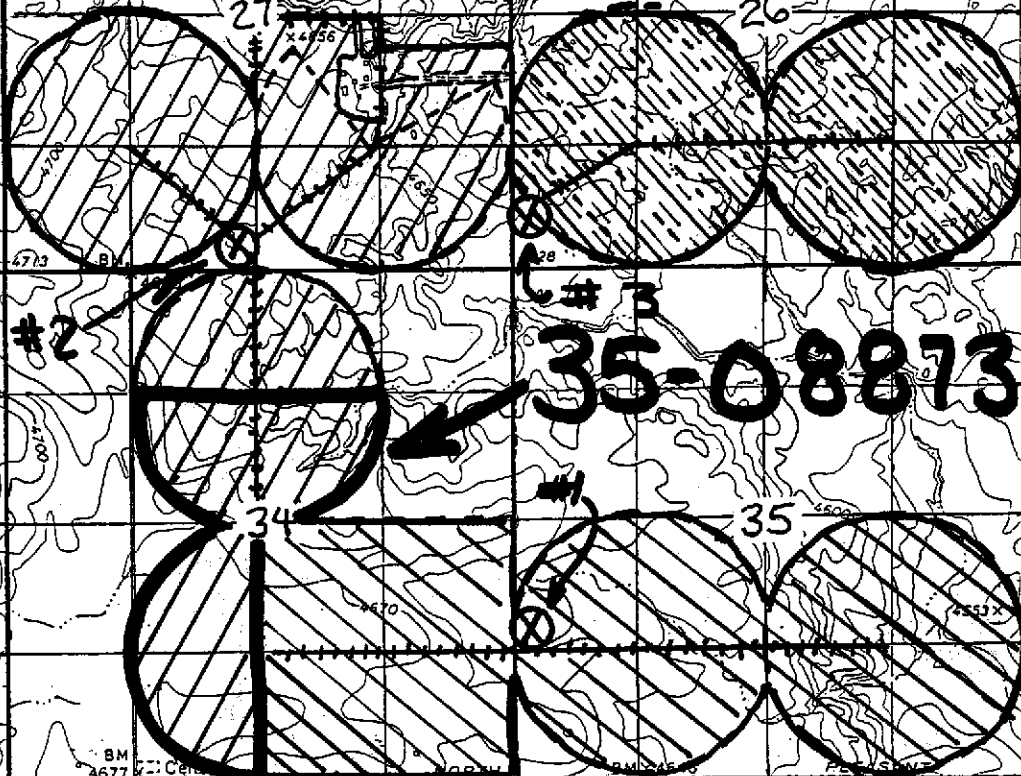
T93

T94 (Jared Gehring)

R29E

P L E A S A N T

T
6
S



35-08873 B

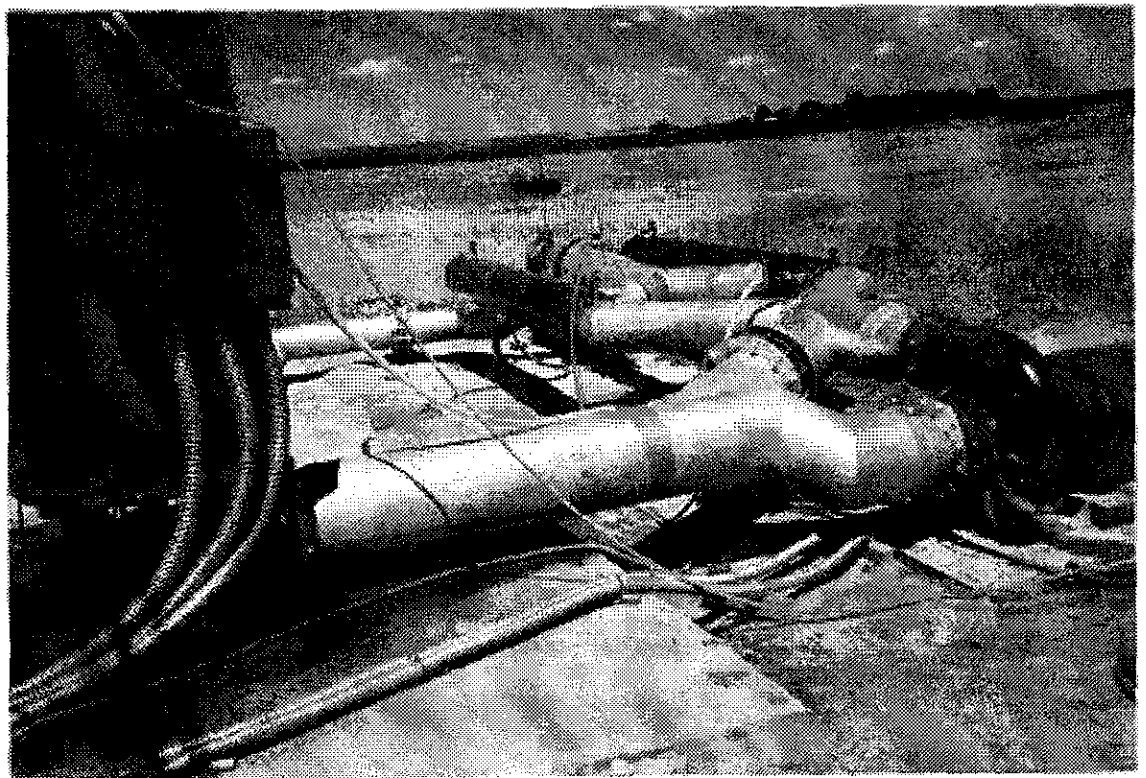
-  SYSTEM $\frac{7}{10}$ NWSW SEC 35 #1
-  SYSTEM $\frac{7}{10}$ SESW SEC 27 #2
-  SYSTEM $\frac{7}{10}$ SWSW SEC 26 #3

IRRIGATION
SYSTEMS
35-08873 B

MICROFILMED
SEP 21 1938

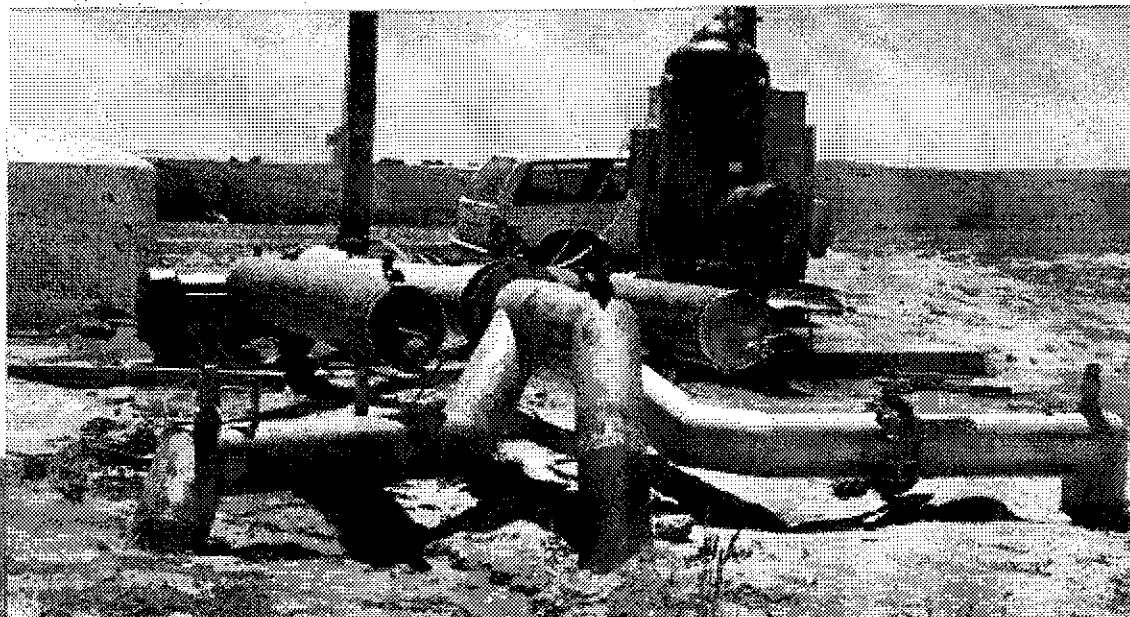


POINT OF DIVERSION #2



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SEP 21 1998

35-08873B



POINT OF DIVERSION #2



BOOSTER PUMP

35-08873B

MICROFILMED

SEP 21 1998

PART 4



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1998

RONALD J FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

RE: Water Rights 35-08873A/35-08873B/35-08868A/35-08868B

Dear Mr. & Mrs. Funk:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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:

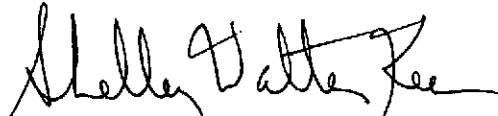
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosures

3
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SEP 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of September, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Rights 35-08873A/35-08873B/35-08868A/35-08868B

**RONALD J FUNK
RITA FUNK
3826 FUNK LAND
AMERICAN FALLS ID 83211**


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: Files 35-08868A & B, 35-08873A & B

FROM: Sharla

DATE: September 3, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for the above referenced permits are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	variable cfs	variable afa
------------	-------------	--------------	--------------

The standard irrigation season for this area is 4/1 to 10/31.

Exam Date: August 12, 1998
Examiner: Keith Wilson

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SEP 21 1998

LICENSE REVIEW CHECKLIST

PERMIT NO.

35.08873A

DATE

8/31/98

REVIEWER: SHARLA

NAME
Address

Change/OK

OK
OK

SOURCE

OK

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

chg

☒ Change (P39/P47)

☐ Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed ☐ Profile reports printed ☐

PLACE OF USE

OK

☐ Change (P41/P47)

☐ Add (P41/P42)

Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed ☐ Profile reports printed ☐

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate 11.2 cfs

Fee limit

12.0 cfs \$375⁰⁰

Measured

8.63 cfs

Theoretical

6.62 cfs @ 350' left and 60' right

Recommended Total Div Rate 8.40 cfs

WATER USES

OK

Change (P46)

W3.

8.40 cfs

120x4.0 af

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

_____ cfs

_____ af

supp. gw (WB7/065/079)

_____ cfs

_____ af

overlap spec. combined rts (W35)

_____ cfs

_____ af

<1acre (W31)

_____ cfs

_____ af

Domestic

(W01/WB5/070/071/075)

TOTALS

8.40 cfs

1680.0 af

Power

(W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Wtr Quality (081/R07)

Flow rate 8.40 cfs X 214 days X 1.98 = 3559.2 af

REMARKS

ADD'L CONDITIONS

☐ Watermaster Control WD# _____

☐ GW Measurement/Measuring Device

☐ Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority ☐ yes ☒ no

SRBA Claim NA

Adjust Memo

Amend letters

Season
P39, P38
P47

4/1-10/31
Season

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTRECEIVED
AUG 17 1998
Department of Water Resources**A. GENERAL INFORMATION**Permit No. 35-08873 A1. Owner: Ronald J. or Rita Funk Phone No. (208) 226-5900Current Address: 3826 Funk Lane, AMERICAN FALLS Id 832112. Accompanied by: Ronald J. Funk EXAM DATE: 12 August 1998

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1			NW	SW	35	6S	29E	Power	ON SITE, USGS Quad, FSA Aerial

2. Place(s) of Use:

Indicate Method of Determination FSA Aerials

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	29E	34													39	40	39	38	156
		35									34	33	32	33	33	34	33	32	264
																			420ac

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SEP 21 1998

35-08873 A

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.d. as applicable.

SEE ATTACHED PHOTOS AND AERIAL PHOTOS											

Scale: 1" = _____



Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).



Aerial Photo Attached (required for irrigation of 10+ acres)



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
# 1 Well	GE	400	YA473038	WORTHINGTON	12"
# 1 BOOSTER	MARATHON	125	AJ5100T55	CORNEIL	#65068

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SONIC		POLYSONIC	DCT-7088	32736		

2. Measurements:

3875 gpm = 8.63 cfs

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SEP 21 1998

35-08873A

E. NARRATIVE/REMARKS/COMMENTS

RECOMMEND SPLITTING OF WATER RIGHT BY SYSTEM. THE SYSTEM UNDER WELL #2 WILL REQUIRE SOME PORTION OF BOTH PERMIT # 35-08868 & 35-08873

SYSTEM UNDER WELL #1: Well pump, booster to two standard Quarter mile center pivots with endguns and Eight (8) wheel-lines with 33 - $\frac{5}{32}$ " sprinklers each. (Pivots are low pressure)

SYSTEM UNDER WELL #2: Well pump, booster to Two Full standard Quarter mile center pivots one $\frac{3}{4}$ circle Standard quarter mile center pivot, one $\frac{1}{2}$ circle Standard quarter mile pivot, and four wheel lines with a total of 76 - $\frac{5}{32}$ " sprinklers.
(ALL PIVOTS ARE LOW PRESSURE & have endguns)

SYSTEM UNDER WELL #3: Well pump mainline to two, low pressure, standard quarter-mile center pivots with end guns.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
SEP 21 1998

35-08873A

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method: $Q = 3875 \text{ gpm} = 8.63 \text{ cfs}$

$$Q_{\text{LIMITED}} = 0.02 \text{ cfs/ac} = (0.02 \text{ cfs})(420 \text{ ac}) = 8.40 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (420) 4.0 = 1680 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (8.40)(214)(1.9835) = 3566 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1680 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	8.40 cfs	1680 afa
Totals:			8.40 cfs	1680 afa

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 12 August 1998

Reviewer _____ Date _____

SEAL

 MICROFILMED
 SEP 21 1998

WELL # 1 (NWSW, SEC 35, T6S, R29E)

Observed Measurement DCT-7088 = $Q = 3875 \text{ gpm} = 8.63 \text{ cfs}$

WELL # 1 $Q = 8.63 \text{ cfs}$

WELL # 2 (SESW, SEC 27, T6S, R29E)

Pivot # 4 (SW $\frac{1}{4}$, SEC 27, T6S, R29E) Full Pivot

Observed Measurement on DCT-7088 = $Q = 895 \text{ gpm} = 1.99 \text{ cfs}$

Pivot # 5 (SE $\frac{1}{4}$, SEC 27, T6S, R29E) $\frac{3}{4}$ Pivot

Observed Measurement on DCT-7088 = $Q = 600 \text{ gpm} = 1.34 \text{ cfs}$

Pivot # 8 (W $\frac{1}{2}$ NE, E $\frac{1}{2}$ NW, SEC 34, T6S, R29E) Full Pivot

Observed Measurement on DCT-7088 = $Q = 890 \text{ gpm} = 1.98 \text{ cfs}$

Pivot # 9 (E $\frac{1}{2}$ SW $\frac{1}{4}$, SEC 34, T6S, R29E) $\frac{1}{2}$ Pivot

Observed Measurement on DCT-7088 = $Q = 560 \text{ gpm} = 1.25 \text{ cfs}$

WHEEL LINE # 1 w/15 sprinklers ($\frac{5}{32}$ ") Avg Pressure 30 psi

WHEEL LINE # 2 w/10 sprinklers ($\frac{5}{32}$ ") Avg Pressure 30 psi

$25 \times 4.01 \text{ g/sprinklers} = 100 \text{ gpm} = 0.22 \text{ cfs}$

WHEEL LINE # 3 w/34 sprinklers ($\frac{5}{32}$ ") Avg Pressure 50 psi

WHEEL LINE # 4 w/17 sprinklers ($\frac{5}{32}$ ") Avg Pressure 50 psi

$51 \times 5.15 \text{ g/sprinklers} = 263 \text{ gpm} = 0.59 \text{ cfs}$

WELL # 2 $Q = 7.37 \text{ cfs}$

WELL # 3 (SWSW, SEC 26, T6S, R29E)

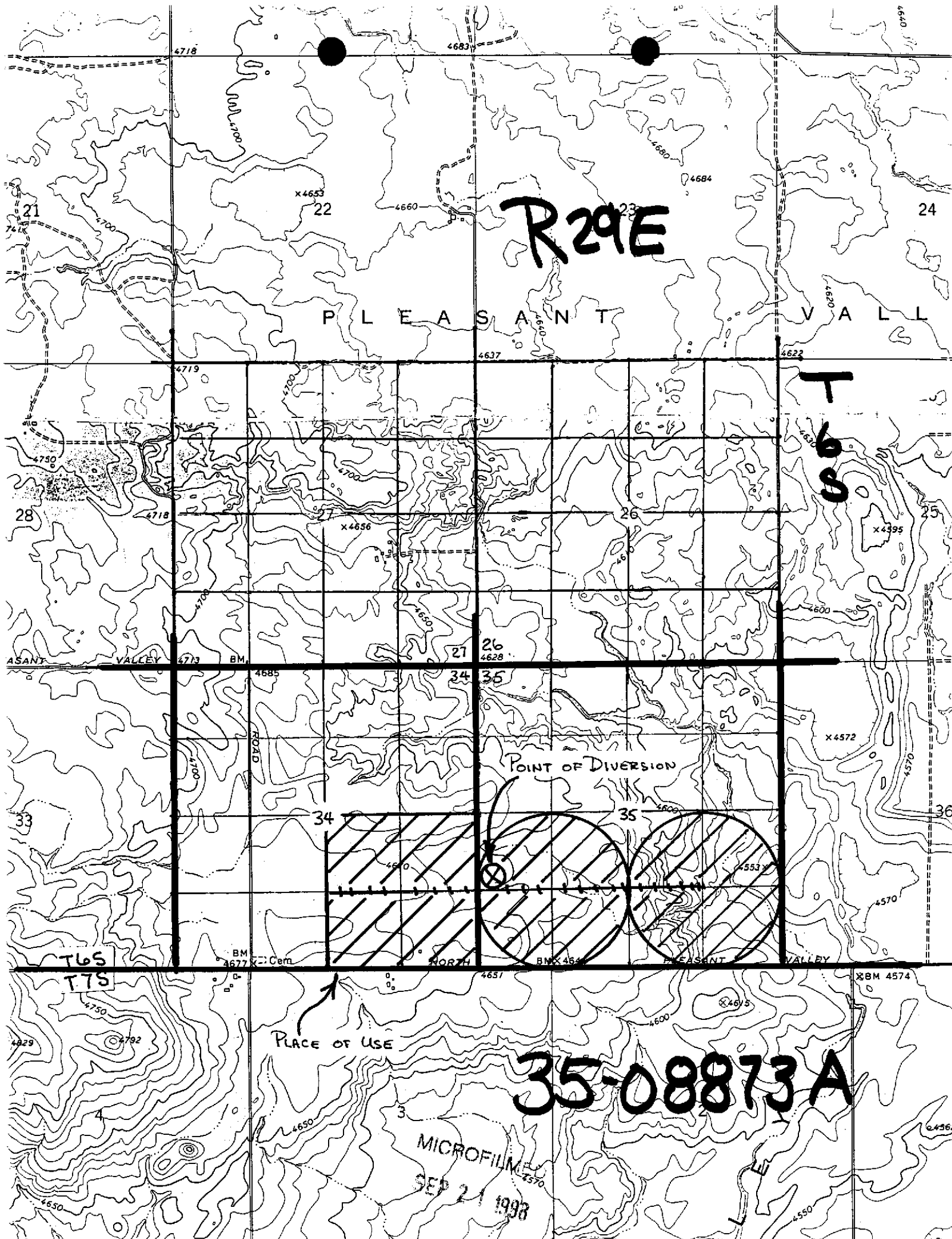
Observed Measurement DCT-7088 = $Q = 2000 \text{ gpm} = 4.46 \text{ cfs}$

WELL # 3 $Q = 4.46 \text{ cfs}$

PERMIT # 35-08873A

MICROFILMED

SEP 21 1998



R29E

P L E A S A N T

T
6
S

POINT OF DIVERSION

PLACE OF USE

35-08873A

MICROFILMED
SEP 21 1998

R29E

P L E A S A N T

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6
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35-08873A

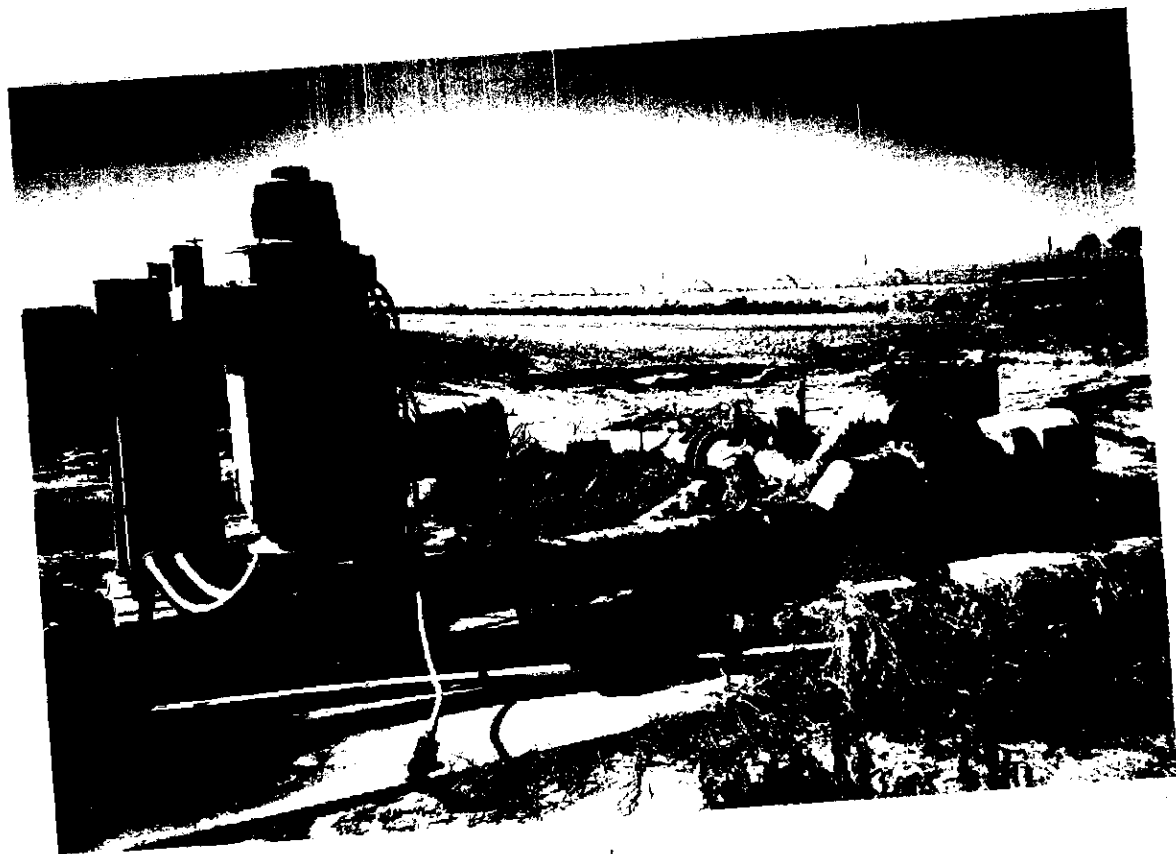
-  SYSTEM 7/8 NWSW SEC 35 #1
-  SYSTEM 7/8 SESW SEC 27 #2
-  SYSTEM 7/8 SWSW SEC 26 #3

MICROFILMED

IRRIGATION
SYSTEMS
35-08873A

SEP 2 1998

MICROFILMED
SEP 21 1998



POINT OF DIVERSION # 1



MICROFILMED

SEP 21 1998

35-08873 A

ORIGINAL



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-68873 Reviewed by [Signature] Date 8-24-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Loc.
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 35-90-E-0006-000
200 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
375- Amount Submitted
yes Correct?
yes Required?
yes Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 8-7-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 1998

Ronald and Rita Funk
3826 Funk Lane
American Falls ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08873

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **EASTERN** Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
SEP 21 1998

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 35-08873 Reviewed by [Signature] Date 9-26-96

BASIC INFORMATION

5-30-96 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend order to June 1, 2000. on basis of due diligence. Reinstated w/no advance in priority.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 6-1-2000
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 27, 1996

Ronald and Rita Funk
3826 Funk Lane
American Falls, ID 83211

RE: Permit No. 35-08873

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **June 1, 2000**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Enclosed is an order reinstating your permit since the department lapsed it in error. Please note that the priority date has not been advanced. Additionally, please note the condition on the extension stating that this permit cannot be assigned without prior approval of the department.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Regional Office

OCT 10 1996

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

~~MICROFILMED~~

June 20, 1996

RONALD J. FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

LAPSE NOTICE

RE: PERMIT NO. 35-08873

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECORDED

OCT 10 1996

CERTIFICATION OF MAILING

I hereby certify that on 6/20/96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

MEMORANDUM

TO: File No. 35-08873
FROM: Julie Yarbrough
RE: Field Examination
DATE: May 30, 1996

The permit holder (Ronald Funk) phoned to inform me that a field examination had been performed on his neighbors water right and the examiner told the Mr. Funk that he was going to use info. from the neighbors exam in place of conducting a separate exam for Mr. Funk. The permit holder is filing an extension of time to continue development to utilize his entire permit and would like another examination conducted when he submits proof.

MICROFILMED

OCT 10 1996

953

Date 5-30 Time 9:14 ☐ AM ☐ PM**WHILE YOU WERE OUT**M. Row Funk

of _____

Phone 208, 226-5900

Area Code

Number

Extension

TELEPHONED

CALLED TO SEE YOU

WANTS TO SEE YOU

PLEASE CALL

WILL CALL AGAIN

URGENT

RETURNED YOUR CALL ☐Message notice35-08873

Operator

March 31, 1996

RONALD J. FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 35-08873

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

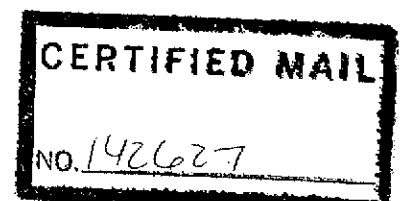
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
OCT 10 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 2, 1995

RE: Permit Nos. 35-08868, 35-08873 & 35-08872 in the
name of Ronald J. and Rita Funk

Dear Interested Parties:

I have enclosed copies of the **ORDERS** which
authorizes you to continue with development of the above
referenced water rights under the terms of the existing
permits.

If you have any questions regarding the enclosed
order, please feel free to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECORDED

FEB 13 1995

RECEIVED

JAN 30 1995

Department of Water Resources

January 26, 1994

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Sir:

I am writing in regards to Well Permit # 35-08873.

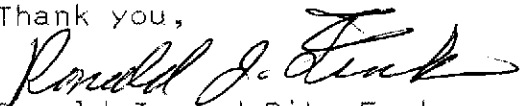
We wish at this time to request an indefinite stay in the development period for this project, until the conditions that resulted in this order have been alleviated if such should ever occur. This stated in #2 of Section B (Pages 3 & 4) in your letter of November 9, 1994. We will show proof of our investment.

On this project we have invested \$371,000.00 and would like to be able to finish it out.

The money invested went toward drilling the well, building a power line to the well, blasting rock out of the mainline trench, and setting up the pivots and wheel lines. We also put in a 400 horse motor with a 125 horse booster.

We have enclosed copies of bills we have paid while doing this project. We have developed 424 acres of the project and would like to be able to finish it out. We have also had expenses in moving rock piles, equipment, and labor for rock removal. We feel this constitutes a substantial amount of money invest on this project.

Thank you,


Ronald J. and Rita Funk
3826 Funk Lane
American Falls, Idaho 83211

RECORDED
FEB 13 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

RONALD J. FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

RE: Water Right No. 35-08873

Certified Mail No. 141763

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

A handwritten signature in cursive script, reading 'L. Glen Saxton'.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECORDED
FEB 13 1995

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

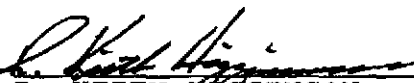
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH MCGINSON
Director

RECEIVED
FEB 13 1995



ORDER FORM

FUNK IRRIGATION & IMPLEMENT

FOR ALL YOUR IRRIGATION NEEDS

PUMPS - MAINLINE - ELECTRO ROLL - LINDSAY PIVOTS & LATERALS

PHONE (208) 226-5049 - AMERICAN FALLS, IDAHO 83211

- LINDSAY
- THUNDERBIRD
- WADE
- JOHNSTON PUMP
- CORNELL
- GHEEN
- RAIN BIRD
- WORTHINGTON PUMP
- NELSON IRRIGATION

CUSTOMER Ron Funk DATE 4-23, 19 94

ADDRESS _____ PHONE _____

QUAN.	ITEM	UNIT	PRICE
2	Pivots	43,645.00	87,290.00
1	Underground		25,930.00
1	Wire Redo @ Well (estimate)		4,355.00
1	Rock Work Extra (estimate)		1,000.00
1	6" Mainline North		1,935.00
2	Move Wheelines	400.00	800.00
		Sub	121,310.00
	TRADE IN		
6	1280 Electric Wheelines	2,750.00	(16,500.00)
			104,810.00
	Down Payment		2,000.00
	Blasting		750.00

TERMS:— CASH DOWN \$ _____ BALANCE \$ _____ PAYABLE AS FOLLOWS, AS INDIVIDUAL ITEMS ARE DELIVERED

Buyer agrees that should he fail or neglect to pay the unpaid balance due hereunder on or before the date listed above that a **FINANCE CHARGE** of 1½% PER MONTH will be assessed by Seller. Buyer understands that said 1½% MONTHLY FINANCE CHARGE amounts to an **ANNUAL PERCENTAGE RATE** of 18%.

Buyer further agrees that should unpaid balance not be paid within sixty (60) days of the date said unpaid balance is due, that Seller may employ an attorney and collect the same with or without suit and Buyer agrees to be responsible for any attorney fee so incurred.

If seller is to install the equipment and rock or other circumstances are encountered which increase costs, these additional costs will be added to the balance due and be paid by purchaser. All merchandise sold hereunder is subject to Seller's continuing ability to procure same from Seller's regular sources of supply and at Seller's present costs. In event of increases in Seller's cost of any item, the price of that item as herein quote shall be correspondingly increased.

I certify the property purchased pursuant hereto will be used directly for mining, manufacturing, processing or farming purposes.

I have read this document in its entirety; have received a true, signed copy of it; and I confirm that this is a firm offer on my part to purchase the items set forth hereon. If this offer is accepted by Seller by affixing its signature hereon, by delivery of all or any part of the items, or otherwise, I agree that I am bound by and understand all of the above terms and the **SPECIAL TERMS AND CONDITIONS** contained on the reverse side hereof.

APPROVED **FUNK IRRIGATION & IMPLEMENT**By Sam RoweIts: Irriagation Manager

Purchaser _____

Purchaser _____

Purchaser's residence _____

Purchaser's Chief Place of Business _____

NOTICE: See Other Side for Important Information.

FEB 18 1995

Wm. Froubidge
2727 with 3700 East
th. Falls
734 5609
519380359

March 19 1924

10

ADDRESS

CITY:

TERMS

Blasty water line

~~Please detach and return upper portion with your remittance.~~ \$

16-17-8 PD

12541 at 6.50

All Diff. Available by 10th of Month

FEB 13 1995

FEB 13 1995



Key Bank of Idaho
AMERICAN FALLS
TYHEE AND IDAHO STREET
AMERICAN FALLS, ID 83211
226-2316 (Lender)

BORROWER	
RONALD J. FUNK K. FUNK	
ADDRESS	
3826 FUNK LANE AMERICAN FALLS, ID 83211	
TELEPHONE NO.	IDENTIFICATION NO.
226-5900	

VARIABLE RATE AGRICULTURAL REVOLVING OR DRAW NOTE

OFFICER INITIALS	INTEREST RATE	PRINCIPAL AMOUNT/ CREDIT LIMIT	FUNDING/ AGREEMENT DATE	MATURITY DATE	CUSTOMER NUMBER	LOAN NUMBER
TJK	VARIABLE	\$106,006.00	04/11/94	07/15/94	0000050487	0002000113

PURCHASE PIVOTS

PROMISE TO PAY

For value received, Borrower promises to pay to the order of Lender indicated above the principal amount of ONE HUNDRED SIX THOUSAND SIX AND NO/100 Dollar

(\$ 106,006.00) or, if less, the aggregate unpaid principal amount of all loans or advances made by the Lender to the Borrower, plus interest on the unpaid principal balance at the rate and in the manner described below, until all amounts owing under this Note are paid in full. All amounts received by Lender shall be applied first to accrued unpaid interest, then to unpaid principal and then to unpaid late charges and expenses or in any other manner as determined by Lender, in Lender's sole discretion, as permitted by law.

REVOLVING OR DRAW FEATURE: ☒ This Note possesses a revolving feature. Upon satisfaction of the conditions set forth in this Note, Borrower shall be entitled to borrow up to the full principal amount of the Note and to repay and reborrow from time to time during the term of this Note. ☐ This Note possesses a draw feature. Upon satisfaction of the conditions set forth in this Note, Borrower shall be entitled to make one or more draws under this Note. Any repayment may not be reborrowed. The aggregate amount of such draws shall not exceed the full principal amount of this Note.

Information with regard to any loans or advances under this Note shall be recorded and maintained by Lender in its internal records and such records shall be conclusive as to the information set forth therein absent manifest error. The Lender's failure to record the date and amount of any loan or advance shall not limit or otherwise affect the obligations of the Borrower under this Note to repay the principal amount of the loans or advances together with all interest accruing thereon. Lender shall not be obligated to provide Borrower with a copy of the record on a periodic basis. Borrower shall be entitled to inspect or obtain a copy of the record during Lender's business hours.

CONDITIONS FOR ADVANCES: If there is no default under this Note, Borrower shall be entitled to borrow monies under this Note (subject to the limitations described above) under the following conditions:

INTEREST RATE: This Note has a variable rate feature. The interest rate on this Note may change from time to time if the Index Rate identified below changes. Interest shall be computed on the basis of 360 days and the actual number of days per year. Interest on this Note shall be calculated at a variable rate equal to TWO AND 500/1000 percent (2.500 %) per annum over the Index Rate. The initial Index Rate is currently SIX AND 750/1000 percent (6.750 %) per annum. The initial interest rate on this Note shall be NINE AND 250/1000 percent (9.250 %) per annum. Any change in the interest rate resulting from a change in the Index Rate will be effective on: the date the Index Rate changes.

INDEX RATE: The Index Rate for this Note shall be: Lender's Base or Reference Rate, which Lender may increase or decrease at any time in Lender's discretion and which may not necessarily reflect the rate Lender charges to its other customers.

MINIMUM/MAXIMUM RATE: The minimum interest rate on this Note shall be EIGHT AND 500/1000 percent (8.500 %) per annum. The maximum interest rate on this Note shall not exceed n/a percent (n/a %) per annum, or if less, or if a maximum rate is not indicated, the maximum interest rate Lender is permitted to charge by law.

DEFAULT RATE: In the event of any default under this Note, the Lender may, in its discretion, determine that all amounts owed to Lender shall bear interest at the lesser of: 4.00% PER ANNUM OVER THE INTEREST RATE INDICATED ABOVE. or the maximum interest rate Lender is permitted to charge by law.

PAYMENT SCHEDULE: Borrower shall pay the principal and interest according to the following schedule:

A SINGLE PAYMENT OF THE UNPAID PRINCIPAL BALANCE PLUS ACCRUED INTEREST IS DUE AND PAYABLE ON JULY 15, 1994.

All payments will be made to Lender at its address described above, or at any other address so designated by Lender, and in lawful currency of the United States of America.

RENEWAL: If checked, ☐ this Note is a renewal of Loan Number _____.

SECURITY: To secure the payment and performance of obligations incurred under this Note, Borrower grants Lender a security interest in, and pledges and assigns to Lender all of Borrower's rights, title, and interest, in all monies, instruments, savings, checking and other deposit accounts of Borrower's, (excluding IRA, Keogh and trust accounts and deposits subject to tax penalties if so assigned) that are now or in the future in Lender's custody or control. ☒ If checked, the obligations under this Note are also secured by a lien on and/or security interest in the property described in the documents executed in connection with this Note as well as any other property designated as security for this Note now or in the future. Equipment, Two Zimatic Center Pivots.

PREPAYMENT: This Note may be prepaid in part or in full on or before its maturity date. If this Note is prepaid in full, there will be: ☒ No minimum finance charge. ☐ A minimum finance charge of \$ _____.

LATE PAYMENT CHARGE: If a payment is received more than n/a days late, Borrower will be charged a late payment charge of n/a % of the unpaid payment amount; ☐ \$ _____ or _____ % of the unpaid payment amount, whichever is ☐ greater ☐ less, as permitted by law.

BORROWER ACKNOWLEDGES THAT BORROWER HAS READ, UNDERSTANDS, AND AGREES TO THE TERMS AND CONDITIONS OF THIS NOTE INCLUDING THE PROVISIONS ON THE REVERSE SIDE. BORROWER ACKNOWLEDGES RECEIPT OF AN EXACT COPY OF THIS NOTE.

NOTE DATE: **APRIL 11, 1994**

BORROWER: **RONALD J. FUNK**

BORROWER: **RITA K. FUNK**

FEB 13 1995

STANDARD-TWIN FALLS 21125-9



Key Bank of Idaho

AMERICAN FALLS
TYHEE & IDAHO
AMERICAN FALLS, ID 83211

BORROWER

RONALD J. FUNK
RITA K. FUNK
3826 FUNK LANE
AMERICAN FALLS, ID 83211

Telephone Number

COMMERCIAL SECURITY AGREEMENT

GRANTOR	GRANTOR'S TAXPAYER IDENTIFICATION	RESIDENCY/LEGAL STATUS
RONALD J. FUNK RITA K. FUNK 3826 FUNK LANE AMERICAN FALLS, ID 83211	Grantor's social security number or federal taxpayer identification number is: 	☒ Grantor is a resident of the state of: IDAHO ☐ Grantor is a: ☐ Corporation ☐ Partnership ☐ Non-Profit Association duly organized, validly existing and in good standing under the laws of the state of:

1. SECURITY INTEREST. Grantor grants to Lender identified above a continuing security interest in the Collateral described below to secure obligations described in this Agreement.

2. OBLIGATIONS. The Collateral shall secure the payment and performance of all of Borrower and Grantor's present and future, joint and/or severally direct and indirect, absolute and contingent, express and implied, indebtedness, (including costs of collection, legal expenses and attorneys' fees incurred by Lender upon the occurrence of a default under this Agreement, in collecting or enforcing payment of such indebtedness, or preserving, protecting, realizing on the Collateral herein), liabilities, obligations and covenants (cumulatively "Obligations") to Lender pursuant to:

a. this Agreement and the following promissory notes and agreements:

BORROWER OR GRANTOR	INTEREST RATE	PRINCIPAL AMOUNT/ CREDIT LIMIT	NOTE/ AGREEMENT DATE	MATURITY DATE	CUSTOMER NUMBER	LOAN NUMBER
RONALD J. FUNK	12.500	265,750.35	06/14/90	06/05/00	0502070	051901

- b. all other present or future, written or oral, agreements between Borrower or Grantor and Lender (whether executed for the same or different purposes than the preceding documents);
c. all amendments, modifications, replacements or substitutions to any of the foregoing; and
d. applicable law.

3. COLLATERAL. The Collateral shall consist of all of the following-described property and Grantor's rights, title and interest in such property whether now owned or hereafter acquired by Grantor and wherever located:

- ☒ All accounts and contract rights including, but not limited to, the accounts and contract rights described on Schedule A attached hereto and incorporated herein by this reference;
- ☒ All chattel paper including, but not limited to, the chattel paper described on Schedule A attached hereto and incorporated herein by reference;
- ☐ All documents including, but not limited to, the documents described on Schedule A attached hereto and incorporated herein by this reference;
- ☒ All equipment, including, but not limited to, the equipment described on Schedule A attached hereto and incorporated herein by this reference;
- ☒ All fixtures, including, but not limited to, the fixtures located or to be located on the real property described on Schedule B attached hereto and incorporated herein by this reference;
- ☒ All general intangibles including, but not limited to, the general intangibles described on Schedule A attached hereto and incorporated herein by this reference;
- ☒ All instruments including, but not limited to, the instruments described on Schedule A attached hereto and incorporated herein by this reference;
- ☒ All inventory including, but not limited to, the inventory described and located at the locations indicated on Schedule A attached hereto and incorporated herein by this reference;
- ☐ All minerals or the like located on or related to the real property described on Schedule B attached hereto and incorporated herein by reference;
- ☐ All standing timber located on the real property described on Schedule B attached hereto and incorporated herein by this reference;
- ☒ Other: **MORTGAGE ON REAL PROPERTY Dated June 14, 1990 All Irrigation Equipment**

All monies, instruments, and savings, checking or other deposit accounts deposited or maintained with Lender;
All accessions, accessories, additions, amendments, attachments, modifications, replacements and substitutions to any of the above;
All proceeds and products of any of the above;
All policies of insurance pertaining to any of the above as well as any proceeds and unearned premiums pertaining to such policies; and
All books and records pertaining to any of the above.

RECEIVED
FEB 13 1991

skull driller	28,000.00
Ed Smith lines	50,000.00
Mid Pacific	7,392.00
Junk Irrigation	152,122.09
Pump -	
lines	
Mainline	
Extra items	

Irroughbridge (blasting)	765.00
Ben Hopp (windguards)	4800.00
G ⁴ (Chemical mixer)	377.91
Reed Stewart	3200.00
Loan -	12000.00

Parts - Junk Irrigation	97.80
	19.00
	542.00

Grand Total \$259,707.80

150900.44
 47.55
 1174.10
 152122.09
 50000.00
 102122.09
 84
 102206.09

FEB 13 1995

FUNK

IRRIGATION & IMPLEMENT

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

W R 03002

Date 4/25/90

Customer Name

Job Location

Miles to Job

Hours on Job

Date Promised[illegible]

I certify that the property which I have here purchased
will be used by me for the following purpose:

☐ Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming.

In consideration of being given such credit now or at any other time, in the event I fail to pay and collection is made by suit or otherwise, I agree to pay all collection costs, including a reasonable attorney's fee for collection with or without suit. No Service or Carrying charge is made on accounts paid within 30 days of purchase. Accounts not paid within 30 days will, on the billing date following, be charged a **FINANCE CHARGE OF 1% PER MONTH** which is an **ANNUAL PERCENTAGE RATE OF 21%**. Returned parts are subject to 10% discount accompanied by invoice.

SUB-TOTAL	207	100
TAX		
TOTAL		



FUNK

IRRIGATION & IMPLEMENT
P.O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

FUNK IRRIGATION & IMPLEMENT

P.O. BOX 359
AMERICAN FALLS, IDAHO

PAGE 1
FARM PLAN BATCH #
FARM91

S
O
L
D
T
O
FARM91
FUNK PLAN BATCH #91
THIS PURCHASE IS SUBJECT
TO THE TERMS OF FARM PLAN
HAVE A NICE DAY!!!

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.	
05/10/90	SNV	FUNK90	05/10/90	04-FARM PLAN		00009720	
ITEM/DESCRIPTION/SERIAL NO.				QUANTITIES	UNIT	UNIT PRICE	AMOUNT
N 9309				Shipped	16.0000	EA	20.9000
205 2 1/4" IMPACT SPRINKLER							334.40
33101001 3310063238 FUNK RONALD J 226 5900 UNR02							
051190							
FEB 19 1995							
10% HANDLING CHARGE ON ALL RETURNED PARTS. NOT RETURNABLE AFTER 10 DAYS. I CERTIFY THAT THE PROPERTY WHICH I HAVE HEREPURCHASED WILL BE USED BY ME FOR THE FOLLOWING PURPOSE: ☐ DIRECTLY AND PRIMARILY IN THE PROCESS OF PRODUCING TANGIBLE PERSONAL PROPERTY BY MINING, MANUFACTURING, PROCESSING, OR FOR FARMING. Thank You WE APPRECIATE YOUR BUSINESS Received by: <i>[Signature]</i>							
PLEASE RETURN THIS PORTION OF THE INVOICE WITH YOUR PAYMENT							
INVOICE TOTAL						334.40	



IRRIGATION & IMPLEMENT

P.O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

FUNK IRRIGATION & IMPLEMENT

P.O. BOX 359
AMERICAN FALLS, IDA

PAGE 1 PAGE 1

FARM PLAN BATCH #574
FARM PLAN BATCH #574

S O S H S
L I I P
D P
T O
O
FARM PLAN BATCH #574
THIS PURCHASE IS SUBJECT
TO THE TERMS OF FARM PLAN
HAVE A NICE DAY!!!

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.
04/13/90	RAY	FLXN0N	04/13/90	04-FARM PLAN		00008862
ITEM/DESCRIPTION/SERIAL NO.	QUANTITIES	UNIT	UNIT PRICE	AMOUNT	INVOICE TOTAL	
11805 OVERALL DRAIN VALVE -STAR	Shipped	5.0000 EA	7.4000	37.00		
16304 1/2" 5/22 BRASS NOZZLE	Shipped	60.0000 EA	.3500	21.00		
HL 30173F ROAD GUARD, 30 LEVR FISHER	Shipped	4.0000 EA	9.9500	39.80		
22101001 33100062328 FUNK RONALD J 226 5900 2390 Ron Funk						
10% HANDLING CHARGE ON ALL RETURNED PARTS. NOT RETURNABLE AFTER 10 DAYS. CERTIFY THAT THE PROPERTY WHICH I HAVE HERE PURCHASED WILL BE USED BY ME FOR THE FOLLOWING PURPOSE: ☐ DIRECTLY AND PRIMARILY IN THE PROCESS OF PRODUCING TANGIBLE PERSONAL PROPERTY BY MINING, MANUFACTURING, PROCESSING, OR FOR FARMING. Thank You WE APPRECIATE YOUR BUSINESS Received by _____ In consideration of being given such credit now or at any other time, in the event I fail to pay and collection is made by suit or otherwise, I agree to pay all collection costs, including a reasonable attorney's fee for collection with or without suit. No Service or Carrying charge is made on accounts paid within 30 days of purchase. Accounts not paid within 30 days will, on the billing date following, be charged a FINANCE CHARGE OF 1 1/2% PER MONTH which is an ANNUAL PERCENTAGE RATE OF 21%. Returned parts are subject to 10% discount accompanied by invoice. Special Orders ARE NOT RETURNABLE.						
NON-TAXABLE TAXABLE SALES TAX FREIGHT MISC.						
97.80 .00 .00 .00 .00					97.80	
FARM PLAN					97.80	

PLEASE RETURN
THIS PORTION
OF THE INVOICE
WITH YOUR
PAYMENT

INVOICE TOTAL
97.80

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E011805

Date: 01/22/90
Time: 14:06:08

Received
From: FUNK, RON

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$25.00
	Total	\$25.00

CHECK 5438

WR/NO: A35-12668

Idaho Department of Water Resources

Region: EASTERN

Signature: Dennis M. Dunn

RECEIVED
FEB 13 1995

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E012042

Date: 02/13/90
Time: 14:46:26

Received
From: FUNK, RON

Type of Payment	Program Acct Class	Amount
ADMENDMENT TO A PERMIT	0630199 1238 6390	\$20.00
	Total	<u>\$20.00</u>

CHECK 5476

Idaho Department of Water Resources

Region: EASTERN

Signature: *Dennis Dunn*

MAILED FEB 13 1990
FEB 13 1995

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E011320

Date: 12/15/89
Time: 11:25:13

Received
From: FUNK, RON

Type of Payment	Program Acct Class	Amount
APPLICATION FOR PERMIT	0630199 1238 6390	\$675.00

Total \$675.00

CHECK 5352

Idaho Department of Water Resources

Region: EASTERN

Signature: *Annis W. Sumner*

RECEIVED
FEB 13 1995

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E012132

Date: 02/22/90
Time: 17:03:26

Received

From: RONALD J. FUNKE

Type of Payment	Program Acct Class	Amount
DRILLING PERMIT 35-90-E-006	0630350 1238 6390	\$100.00
	Total	<u>\$100.00</u>

CHECK 5485

Idaho Department of Water Resources

Region: EASTERN

Signature: Bodell

RECEIVED
FEB 13 1995

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E011804

Date: 01/22/90
Time: 13:38:25

Received
From: FUNK. RDN

Type of Payment	Program Acct Class	Amount
APPLICATION FOR TRANSFER	0630199 1238 6390	\$50.00
	Total	<u>\$50.00</u>

CHECK 5437

Idaho Department of Water Resources

Region: EASTERN

Signature: Dennis Sumner

RECEIVED
FEB 13 1995

**WINDGUARD**

Kopp Manufacturing
2804 Vollmer Loop
American Falls, Idaho 83211
(208) 226-2753 or 226-7279

INVOICE No. 045INVOICE DATE May 29, 1990

CUSTOMER NO. _____

SALES _____

SOLD TO Ron Funk
3826 Funk Ln.
American Falls,
Idaho 83211

SHIP TO _____

YOUR ORDER NO.		OUR ORDER NO.		DATE SHIPPED	SHIPPED VIA	FOB	ROUTING	TERMS	
ITEM	QUANTITY ORDERED	DESCRIPTION				QUANTITY SHIPPED	UNIT PRICE	AMOUNT DUE	
	16 pr.	Windbrakes					300.00	4,800.00	
FEB 13 1995									

Due 10th of month following purchase.

A finance charge of 1½% per month will be assessed on all past due accounts.

Received by _____

45444
CP Account
Page #1



FUNK

IRRIGATION & IMPLEMENT

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 228-5049

RON FUNK

SOLD TO

SHIP TO

INVOICE DATE 6/11/90		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.		CASH SALE	CHARGE SALE ✓	C.O.D.	MDSE. RET'D.
SHIP VIA Over Truck		TERMS Net		SALESMAN DAN ROWE		PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION		UNIT PRICE	AMOUNT			
700	700		15" 125" IPS PVC		8.42	5894	00		
3960	3920		12" 125" IPS PVC		6.66	23,755	20		
660	660		10" 125" IPS PVC		4.29	2831	40		
11	11		15x3 Saddles		6.80	748	00		
65	65		12x3 Saddles		5.50	3607	50		
10	9		10x3 Saddles		4.50	445	50		
88	88		3x30 Poly Risers		8.25	726	00		
88	88		4x3 Stub Valve		16.00	1408	00		
1	1		15x12 Reducer			128	00		
1	1		12x10 Reducer			92	00		
						SALES TAX			
45444 RECEIVED BY _____ Thank You						TOTAL THIS PAGE			
						TOTAL	39,635	00	

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

RECEIVED
FEB 13 1995



FUNK

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

RON FUNK

SOLD TO

S H I P T O

INVOICE DATE		CUSTOMER ORDER NO.	CUSTOMER I.D. NO.	CASH SALE	CHARGE SALE	C.O.D.	M/DSE. RET'D.
<u>6/11/90</u>					<u>-</u>		
SHIP VIA		TERMS	SALESMAN		PAID OUT	ON ACCT.	
<u>Our Truck</u>		<u>Nt</u>	<u>Dave Rocco</u>				
ORDER	SHIP	PART NO.	DESCRIPTION	UNIT PRICE	AMOUNT		
<u>1</u>	<u>1</u>		<u>14" WYE Tee</u>		<u>682</u>	<u>.50</u>	
<u>2</u>	<u>2</u>		<u>6" Outdies w/ surge</u>	<u>250~~00~~</u>	<u>500</u>	<u>.00</u>	
			<u>Air vent & Starter Cyls</u>				
<u>1</u>	<u>1</u>		<u>Trenching Backfill,</u>		<u>5410</u>	<u>.00</u>	
			<u>Installation & Thrust Block</u>				
<u>1</u>	<u>1</u>		<u>Road Crossing</u>		<u>549</u>	<u>.00</u>	
				Sales Tax			
				Total This Page			
				Total	<u>7151</u>	<u>.50</u>	
<u>45445</u>		RECEIVED BY _____		<u>Thank You</u>			

Grand Total 46,787 10

FEB 13 1995

45441

CP

**FUNK****IRRIGATION & IMPLEMENT**P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049S
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Ron Funk

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INVOICE DATE 6/11/90		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.		CASH SALE	CHARGE SALE ✓	C.O.D.	MOSE. RET'D.
SHIP VIA our Truck		TERMS Net		SALESMAN DAN ROWE		PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION				UNIT PRICE	AMOUNT	
	3		over Bid Mainline						
	1		Air Vent Assy.				63.40	190	30
	1		12 3/4 In. Dive Wextra Pipe					170	00
	1		Special Air Vent Assy @					425	19
	1		Pump						
			extra Backhoe work					1296	25
			for Rock work & bedding						
							SALES TAX		
							TOTAL THIS PAGE		
45447							TOTAL	2,081	64

RECEIVED BY

*Thank You*TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO
A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

FEB 13 1995

IRRIGATION & IMPLEMENT

P. O. BOX 358 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

RON FUNK

SOLD TO

SHIP TO C

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TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

FEB 13 1995

**FUNK****IRRIGATION & IMPLEMENT**P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049S
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Ron Funk

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INVOICE DATE 6/12/90		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.		CASH SALE	CHARGE SALE ✓	C.O.D.	MOSE. RET'D.
SHIP VIA Customer		TERMS Net		SALESMAN Dan Rowe		PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION				UNIT PRICE	AMOUNT	
	12	FG/480/03	3" Ames Gaskets				1.00	12.00	
	12	FG/480/03	3" Ames Springs				1.70	20.40	
	6	FG/514/04	5/8 Yoe Stem Gasket				1.15	6.90	
	11	GH/RL/TS	Springs				.75	8.25	
							SALES TAX		
							TOTAL THIS PAGE		
							TOTAL	47.55	

45450

RECEIVED BY

Thank You

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO
A FINANCE CHARGE of 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE of 18%.

FEB 13 1995

45552
1431.80



FUNK

IRRIGATION & IMPLEMENT

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

5. Ron Funk

SOLD TO

SHIPTON

INVOICE DATE 12 June 90		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.	CASH SALE	CHARGE SALE X X	C.O.D.	MOSE. RET'D.	
SHIP VIA		TERMS Net		SALESMAN JCT		PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION			UNIT PRICE		AMOUNT	
0	1		12" Water check valve w/ flanges gaskets & bolts to isolate West M.L.					732	55
			Additional booster wire 25'					534	50
			Additional tie in labor					164	75
			Chemigation requirements					56	90
						SALES TAX			
						TOTAL THIS PAGE			
						TOTAL		1488	70

45552

RECEIVED BY _____

Thank You

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

RECEIVED
FEB 13 1995

3d 66.11

45559



FUNK

IRRIGATION & IMPLEMENT

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049

SOLD TO

Ron Funk

SHIP TO

INVOICE DATE 12 June 90		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.		CASH SALE		CHARGE SALE		C.O.D.		MDSE. RET'D.	
SHIP VIA				TERMS Net		SALESMAN RT				PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION						UNIT PRICE	AMOUNT			
			Deep Well Turbine							59860.00			
			330' SWL 300' Set										
			515 TDH @ 1500										
			385 TDH @ 3000										
			15N277 5T @ 9.93										
			400HP SN V2905 Size 6 Panel										
			12 x 3 x 1 1/4 x 20 Worthington										
			125HP 6RB Cornelli							9423.00			
			Size 5 Panel										
			Deep Well and booster tie in							2500.00			
									SALES TAX				
45559									TOTAL THIS PAGE				
RECEIVED BY									TOTAL	66783.00			
Thank You													

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

7900 Panel -
400 motor
16,485
30475 column

46048 pump
3375 panel

RECEIVED
FEB 13 1995

WO 3535

QUANTITY	PART NUMBER	DESCRIPTION	UNIT	PRICE
260	W/1816	Washers for Spring Drain P	.15	30.00
200	W/1806	Skins for 3 Piece Drains P	.45	90.00
3	TB4/3703	T.B. Kwik Clamp P	23.85	71.55
18	W/1805	3 Piece Drains P	6.35	114.30
1	WT/2875	2875 Osha Plug	22.85	22.85
12	TB4/3704-S	Springs for Kwik Clamp.	.75	9.00
1	WT/S318	3" Screen	12.50	12.50
30'	WT/TT03	3" Telescope Pipe	1.55	46.50
13	A/O11/026	3" Amer Bolls	3.35	43.55
1	W/484 PT.	4" Wade Coupler w/h	35.75	35.75
4	302	Used Wade pipe w/ Couplers	85.	340.00
6	FG/490/03	3" Green gasket	.70	4.20
1	WT/318S	3" Screen	12.50	12.50
12	A/O12/012	3" 90° El	28.45	341.40
	WT/768	4" Wheel	42.00	84.
		1256 ⁰⁰		

FEB 13 1995

NO MERCHANDISE TO BE RETURNED WITHOUT AUTHORIZATION

INVOICE NO.
6818

[illegible]

INVOICE

from work
Rt 4 2727503700
Queen Falls, Ga

4083301

April 10 1990

TO Raw Fank

ADDRESS 3826. Truck Lane

CITY American Falls Id

TERMS

~~Please detach and return upper portion with your remittance.~~ \$

153' trench @ 500	71500
-------------------	-------

All Bills Payable by 10th of Month
Your Check Is Your Receipt



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

RONALD J. FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS ID 83211

RE: Water Right No. 35-08873

Certified Mail No. 141763

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

A handwritten signature in cursive script that reads "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
FEB 13 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

RECEIVED
USE TYPEWRITER OR
BALLPOINT PEN

APR 11 1990

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

Department of Water Resources

Eastern District Office

1. WELL OWNER

Name Ron Funk
3826 Funk Lane
Address American Falls, ID 83211
Owner's Permit No. 35-90-E-006

7. WATER LEVEL

Static water level 330 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

WR #35-08873

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>20-250</u> inches	<u>20-20</u> inches	<u>1</u> feet	<u>20</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 21' Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port Discharge

9. LITHOLOGIC LOG

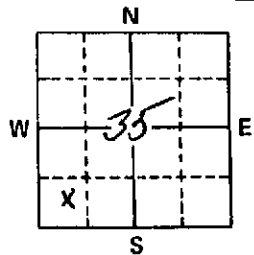
Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
20"	0	2	Top soil		X
	2	5	Hard Pan		
	5	18	Black lava		
18"	18	21	Sand & Cinders		
	21	155	Brown lava		
	155	163	Brown clay		
	163	254	Solid Rock		
	254	258	Soft rock		
	258	282	Broken lava		
	282	295	Solid lava		
	295	330	Solid rock		X
	330	340	Soft rock	X	
	340	348	Hard lava		
	348	366	Broken lava		
	366	381	Hard rock		
	381	400	Cinders	X	

10.

Work started 2-23-90 finished 3-24-90

6. LOCATION OF WELL

Sketch map location must agree with written location



Subdivision Name _____

Lot No. _____ Block No. _____

County Power

SW ¼ SW ¼ Sec. 35 T. 6 N ☐ S ☒ R. 29 E ☒ W ☐

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Elsing Drilling Firm No. 31

P.O. Box 919

Address Twin Falls, ID 83301 Date 4-9-90

Signed by (Firm Official) Arnold Elsing

and

(Operator) Lloyd Hayden



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 28, 1991

RONALD J. FUNK
RITA FUNK
3826 FUNK LANE
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08873

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as

MAY 31 1991

far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
MAY 31 1981

MAY 31 1981

APPLICATION FOR PERMIT REVIEW

Application #: 35-8873
Date: 5-17-91

Reviewer: Pam Skaggs ²⁸

Existing:

✓No

Complete in 1 year - 26A-P17
P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23 (All GW, even existing wells)

Location:

✓Water Districts

Surface water - WD No. 61
005, 005-01H-P01 (LT.7 w/pump)
005-01J-P08 (GT.7)

✓Groundwater

- P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓Swan Falls Flag - 7 (1. Blank or Other)

✓Trust - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr
Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042 (req.), 002-P06 (MD), 07A (Spec.),
044 (Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054 (req.)

Storage - 18A-for multiple measuring devices (In WD),
18B-P09 (Size)

Rec. & Aesthetic - 027 (Non-Consumptive)

Domestic - 021 (restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date:

Other Conditions Recommended 06-CB-1996
45, 3 Data X per Lem Lake's Memo of 5-1-91

MAY 31 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO.s 35-8868, 35-8872 & 35-8873/Trust Water
Processing & Rule 4,5. Information

See file no. 35-8868 for Rule 4,5. Information

DATE: 5-1-91

The above applications have come up for sequential trust water review and processing. The applicants have returned trust water questionnaires for the three filings. The applicant has stated in the rule 4,5. information that nearly all of the land under the three applicaitons have been dry farmed.

The applicants have submitted the information required under Water Appropriation Rule 4,5,3. I have reviewed this information and find it to be complete and acceptable. I recommend continued processing of all three applications.

RECEIVED

MAY 31 1991

1 James C. Tucker
2 ROSHOLT, ROBERTSON & TUCKER
3 P. O. Box 1906
4 Twin Falls, Idaho 83303-1906
5 Telephone: (208) 734-0700
6 3875p/kab/05/01/91
7
8

9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE STATE OF IDAHO

11 IN THE MATTER OF)
12 PERMIT NO. 35-08873) NOTICE OF WITHDRAWAL
13 Applicant: Funk, Ronald) OF PROTEST

14 Idaho Power Company, by and through its attorneys of
15 record, Rosholt, Robertson & Tucker, hereby withdraws its
16 Notice of Protest with regard to the above-referenced
17 Application for Permit which was filed with the Department on
18 April 22, 1991.

19 SUBMITTED this 1st day of May, 1991.

20 ROSHOLT, ROBERTSON & TUCKER

21
22 By: 
23 JAMES C. TUCKER

24
25 MICROFILMED

26
27 MAY 31 1991
28

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Idaho Dept. of Water Resources
1301 North Orchard
Statehouse Mail
Boise, Idaho 83720

Ben Cavaness
Cavaness and Boomer
P.O. Box 70
American Falls, Idaho 83211

~~JAMES C. TUCKER~~

MAY 31 1991

RECEIVED
APR 22 1991

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

* * * * *

IN THE MATTER OF
PERMIT NO. 35-08873

)

)

NOTICE OF PROTEST

* * * * *

COMES NOW IDAHO POWER COMPANY (hereinafter "IPCO"), by and through its attorneys of record, Rosholt, Robertson & Tucker, and gives notice of its protest to continuance or approval of Permit No. 35-08873 in the name(s) of Ronald J. Funk and Rita Funk (Applicant) until such time as the Applicant fully complies with the requirements of Rule 4,5,3 of the Water Appropriation Rules and Regulations. This protest is submitted to preserve IPCO's right to challenge the sufficiency of the Applicant's compliance with, as well as the sufficiency of the information submitted pursuant to, such Rule. IPCO reserves the right to dismiss this protest if subsequent development of the record establishes the applicable information has been submitted and the criteria have been met.

RESPECTFULLY SUBMITTED this 22nd day of April, 1991.

ROSHOLT, ROBERTSON & TUCKER

By: 

JAMES C. TUCKER

MAY 31 1991

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of April, 1991, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Ronald J. Funk
Rita Funk
3826 Funk Lake
American Falls, ID 83211

Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise ID 83720


JAMES C. TUCKER

4620p

MAILED 1991

MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 22, 1991

Power County Press
Box 547
American Falls, ID 83211

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 22, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

RECEIVED
MAY 31 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08873

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

Source: GROUNDWATER

Diversion Pt: SESE Sec 34 T 06S R 29E
 SWSW Sec 35 T 06S R 29E

Use: IRRIGATION (11.200 CFS)
 Total Diversion: (11.200 CFS)

Date Filed: 12/15/ 1989

In: T06S R29E S34	NESW	SESW	NESE	NWSE
	SWSE	SESE		
S35	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE

560.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 22, 1991.

Published 4/ 3/1991 & 4/10/1991

R. Keith Higginson, Director

MAY 31 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 15, 1991

Re: Application for Permit No. 35-8873

Notice of Information Required by Water Appropriation Rule 4,5,3.

Dear Applicant:

The Department acknowledges receipt of the Trust Water Information Questionnaire for the above referenced application. On behalf of the Department, I wish to thank you for your cooperation in returning the questionnaire. The required advertising for this application will soon be completed.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5,3. if the undeveloped portion of the application exceeds 200 acres, or if the rate of diversion is more than 5.0 cfs. The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your application. The project proposes diversion of more than 5.0 cfs of groundwater and includes more than 200 acres. The filing therefore is subject to the additional information requirements of Rule 4,5,3. In particular, you must submit the information outlined in Rules 4,5,3,1. through 4,5,3,5 (copy attached). A guideline for assisting you with submittal of the additional information is also enclosed.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed may be cause for the Department to void the application. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing. Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

Tim Luke

Sr. Water Resource Spec.

MAY 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 15 1991
Department of Water Resources

Application No. 35-8873

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 320

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land. on back

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Ronald J. Tank

Date 3-12-91

MICROFILMED

MAY 31 1991

Note:

NO prior development. Count all acreage as trust acreage.

TJL-3-15-91

I developed 320 acres of the 560 acres with a
rented water right from Mr. Reid Stewart. He had
put his ground in CRP.

RECEIVED

MAY 31 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

RECEIVED

MAY 31 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

MAY 31 1991

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY WJH DATE 2-8-90 APPLICATION NUMBER 35-8873
REQUIRED INFORMATION Ronald J. or Rita Funk TRUST WATER

☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes No* In form to receipt

ADDITIONAL INFORMATION

Overlapping place of use (Describe source & relationship to present application on the back.)

Overlapping point of diversion

Yes	No	Field check required
		Field check by _____
Yes	No	Field report attached
Yes	No	Critical groundwater area
Yes	No	Groundwater management area
Yes	No	Send dam safety information
Yes	No	Send power requirement letter
Yes	No	Send fish farm requirement letter
Yes	No	Power residency affidavit
Yes	No	Power efficiency form
X Yes	No	Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet.</u>)
X Yes	No	Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
JAN 25 1991

Department of Water Resources

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS
