

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78394

This is to certify that: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-14080	WR/DECREED	7/9/1963	2.860 cfs	570.8 af	142.7	470.0	GROUND WATER
35-14083	WR/DECREED	10/17/1966	2.770 cfs	553.8 af	138.5	470.0	GROUND WATER
35-14088	WR/DECREED	12/26/1973	0.460 cfs	90.6 af	22.6	470.0	GROUND WATER
35-14091	WR/LICENSE	5/23/1979	3.320 cfs	666.8 af	166.2	470.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-14080	YES	YES	YES	NO	NO	NO
35-14083	YES	YES	YES	NO	NO	NO
35-14088	YES	YES	YES	NO	NO	NO
35-14091	YES	YES	YES	NO	NO	NO

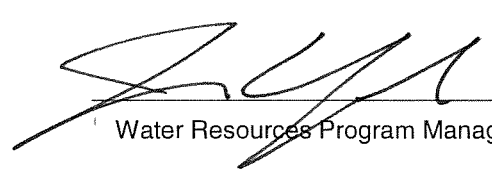
Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-14080	35-14320	0.730 cfs	145.6 af	36.4	120.0	35-14080	2.130 cfs	425.2 af	106.3	350.0
35-14083	35-14317	0.710 cfs	141.5 af	35.4	120.0	35-14083	2.060 cfs	412.3 af	103.1	350.0
35-14088	35-14318	0.120 cfs	23.3 af	5.8	120.0	35-14088	0.340 cfs	67.3 af	16.8	350.0
35-14091	35-14319	0.850 cfs	169.6 af	42.4	120.0	35-14091	2.470 cfs	495.2 af	123.8	350.0
COMBINED TOTALS		1.620 cfs	480.0 af	120.0	120.0		N/A	N/A	N/A	N/A

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

Dated this 12th day of March, 2013.

SUPPORT DATA
IN FILE # 35-14080


Water Resources Program Manager

Transfer No. 78394

SCANNED

MAR 18 2013

WATER RIGHT NO. 35-14083

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14083 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 10/17/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/25	to 10/25	2.06 cfs	412.3 af
			2.060 cfs	412.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 23 Twp 04S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	30E	23			20					22	36.9		34.3	7.3	10.4	23.4	9.5	5.1	168.9
04S	30E	26	31.4	32.2	32.3	31.2	8.0	36.0	10.0										181.1

Right Acre Limit: 103.1
POU Total Acres: 350.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 103.1 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14080, 35-14083 and 35-14088 when combined shall not exceed a total diversion rate of 3.89 cfs, and the irrigation of 226.2 acres.
3. Rights 35-14080, 35-14083, 35-14088 and 35-14091 when combined shall not exceed a total diversion rate of 4.74 cfs and the irrigation of 350.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78394

WATER RIGHT NO. 35-14083

As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 75507, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
10. The following rights are diverted through point(s) of diversion described above: 35-14080, 35-14083, 35-14088, 35-14091.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-14317

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14317 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 10/17/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/25	to 10/25	0.710 cfs	141.5 af
			0.710 cfs	141.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 34 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	4		27.0	33.0	30.0	30.0													120.0

Right Acre Limit: 35.4

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14317, 35-14318, 35-14320 when combined shall not exceed a total diversion rate of 1.33 cfs, and the irrigation of 77.6 acres.
3. Rights 35-14317, 35-14318, 35-14319, and 35-14320 when combined shall not exceed a total diversion rate of 1.62 cfs, and the irrigation of 120.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14317

As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 78394, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-14088**As Modified by Transfer No. 78394**

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14088 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 12/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/25	to 10/25	0.34 cfs	67.3 af
			0.340 cfs	67.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 23 Twp 04S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	30E	23			20					22	36.9		34.3	7.3	10.4	23.4	9.5	5.1	168.9
04S	30E	26	31.4	32.2	32.3	31.2	8.0	36.0	10.0										181.1

Right Acre Limit: 16.8

POU Total Acres: 350.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14080, 35-14083 and 35-14088 when combined shall not exceed a total diversion rate of 3.89 cfs, and the irrigation of 226.2 acres.
3. Rights 35-14080, 35-14083, 35-14088 and 35-14091 when combined shall not exceed a total diversion rate of 4.74 cfs and the irrigation of 350.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78394

WATER RIGHT NO. 35-14088

As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 75507, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
10. The following rights are diverted through point(s) of diversion described above: 35-14080, 35-14083, 35-14088, 35-14091.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-14318

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14318 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 12/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/25	to 10/25	0.120 cfs	23.3 af
			0.120 cfs	23.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 34 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	4	27.0	33.0	30.0	30.0													120.0

Right Acre Limit: 5.8
POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14317, 35-14318, 35-14320 when combined shall not exceed a total diversion rate of 1.33 cfs, and the irrigation of 77.6 acres.
3. Rights 35-14317, 35-14318, 35-14319, and 35-14320 when combined shall not exceed a total diversion rate of 1.62 cfs, and the irrigation of 120.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14318

As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 78394, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/25 and after 10/25 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/19/2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-14091

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14091 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 5/23/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.47 cfs	495.2 af
			2.470 cfs	495.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 23 Twp 04S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	30E	23			20					22	36.9		34.3	7.3	10.4	23.4	9.5	5.1	168.9
04S	30E	26	31.4	32.2	32.3	31.2	8.0	36.0	10.0										181.1

Right Acre Limit: 123.8

POU Total Acres: 350.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 123.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14080, 35-14083, 35-14088 and 35-14091 when combined shall not exceed a total diversion rate of 4.74 cfs and the irrigation of 350.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14091
As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 75507, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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. The following rights are diverted through point(s) of diversion described above: 35-14080, 35-14083, 35-14088, 35-14091.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 35-14319

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14319 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 5/23/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.850 cfs	169.6 af
			0.850 cfs	169.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 34 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	4	27.0	33.0	30.0	30.0													120.0
Right Acre Limit:			42.4																
POU Total Acres:			120.0																

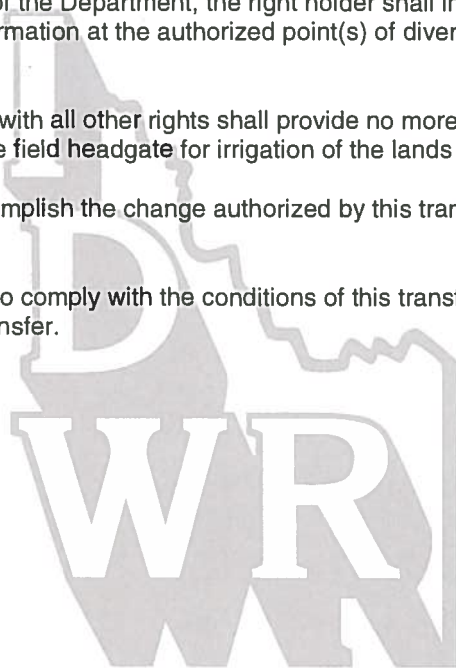
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14317, 35-14318, 35-14319, and 35-14320 when combined shall not exceed a total diversion rate of 1.62 cfs, and the irrigation of 120.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14319
As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78394, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 35-14080

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14080 is now described as follows:

Right Holder: LISA FUNK AND
LANCE FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 7/9/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.13 cfs	425.2 af
			2.130 cfs	425.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 23 Twp 04S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	30E	23			20					22	36.9		34.3	7.3	10.4	23.4	9.5	5.1	168.9
04S	30E	26	31.4	32.2	32.3	31.2	8.0	36.0	10.0										181.1

Right Acre Limit: 106.3

POU Total Acres: 350.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 106.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14080, 35-14083 and 35-14088 when combined shall not exceed a total diversion rate of 3.89 cfs, and the irrigation of 226.2 acres.
3. Rights 35-14080, 35-14083, 35-14088 and 35-14091 when combined shall not exceed a total diversion rate of 4.74 cfs and the irrigation of 350.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78394

WATER RIGHT NO. 35-14080

As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 75507, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The following rights are diverted through point(s) of diversion described above: 35-14080, 35-14083, 35-14088, 35-14091.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-14320

As Modified by Transfer No. 78394

In accordance with the approval of Transfer No. 78394, Water Right No. 35-14320 is now described as follows:

Right Holder: LANCE FUNK AND
LISA FUNK
PO BOX 310
AMERICAN FALLS, ID 83211

Priority Date: 7/9/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.730 cfs	145.6 af
			0.730 cfs	145.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 34 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	4	27.0	33.0	30.0	30.0													120.0
Right Acre Limit:			36.4																
POU Total Acres:			120.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14317, 35-14318, and 35-14320 when combined shall not exceed a total diversion rate of 1.33 cfs, and the irrigation of 77.6 acres.
3. Rights 35-14317, 35-14318, 35-14319, and 35-14320 when combined shall not exceed a total diversion rate of 1.62 cfs, and the irrigation of 120.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14320
As Modified by Transfer No. 78394

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 78394, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.