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MAR 04 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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March 4, 2013

TO: IDAHO DEPARTMENT OF WATER RESOURCES

RE: APPLICATION FOR TRANSFER NO—78376

ATTENTION: Allen Merritt

BURDEN OF PROOF ISSUES

1. The proposed transfer will not reduce the quantity of water but will increase the quantity of water.
2. There is no enlargement of original right because certain ground was dried up in order to make this transfer.
3. There is nothing contrary to the conservation of water resources within the State of Idaho.
4. There is absolutely no conflict with the local public interest as stated in this question. This transfer is no more than adding a few more inches in an old established irrigation water-way.
5. This transfer, in no way, can cause an adverse effect to the local economy of the watershed or local area.
6. It is not for a municipal use.
7. There is no change in the usage because of this transfer; it has always been agriculture and will continue.

NOTES:

Just because there will be more water in the ditch does not mean I can take more than my right. We must realize that the water is issued according to the right and not our position on the ditch.

The senior user on the ditch does not have an issue with this transfer and feels it is more positive than negative to the users on the ditch. Mrs. Willis does not have a measuring device at her point of use so she has no way of knowing just how much she does receive. Another issue, with the amount of water she can receive at her point of use, is that it is traveling down a dirt ditch for over one mile from the point of diversion. Therefore the loss is great and she will not be able to realize her total right later in the season and, a lot of the time, even early in the season.

I would also state that the users on the ditch are responsible to maintain it so that the flow is not obstructed by debris and excess soil buildup.

Sincerely,

Brent Funk

A handwritten signature in cursive script, appearing to read "Brent Funk", written in black ink.