

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78213

This is to certify that: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211
 (208)226-5207

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8660A	WR/License	10/26/1987	0.93 cfs	302 af	N/A	75.5	GROUND WATER
35-7968A	WR/Decreed	03/23/1981	4.06 cfs	996 af	N/A	249.0	GROUND WATER
35-14209	WR/License	10/26/1987	0.44 cfs	143.3 af	35.8	296.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-14199	WR/Decreed	09/05/1972	1.47 cfs	474 af	118.5	296.0	GROUND WATER
35-14201	WR/Decreed	03/18/1981	0.63 cfs	126.4 af	31.6	296.0	GROUND WATER
35-14203	WR/Decreed	03/18/1981	0.83 cfs	223.3 af	55.8	296.0	GROUND WATER
35-14205	WR/Decreed	03/23/1981	0.27 cfs	84.3 af	18.9	296.0	GROUND WATER
35-14207	WR/Decreed	03/23/1981	0.54 cfs	132.7 af	33.2	296.0	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>
35-8660A	NO	NO	YES	NO	NO	NO
35-7968A	NO	NO	YES	NO	NO	NO
35-14209	NO	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>
35-8660A	35-8660A	0.93 cfs	302 af	75.5	360.3		N/A	N/A	N/A	N/A
35-7968A	35-7968A	4.06 cfs	996 af	249.0	360.3		N/A	N/A	N/A	N/A
35-14209	35-14209	0.35 cfs	143.2 af	35.8	360.3		NA	N/A	N/A	N/A
COMBINED										
TOTALS		4.68 cfs	1441.2 af	360.3	360.3		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # **35-7968A**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78213

Detailed Water Right Description(s) attached

Dated this 5th day of December, 2012


Water Resources Program Manager



WATER RIGHT NO. 35-14209
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14209 is now described as follows.

Right Holder: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: October 26, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.35 CFS	143.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSE Sec. 1 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	1									34.3	33.0	33.2	34.5	34.7	33.2	34.4	34.5	271.8
06S	29E	2														29.5	29.7	29.3	88.5

Total Acres: 360.3

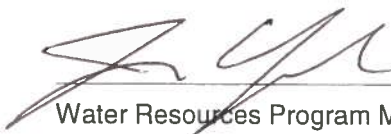
WATER RIGHT NO. 35-14209
As Modified by Transfer No. 78213

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 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.
5. Prior to the diversion and use of water under Transfer approval 78213, 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. 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.
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.

This water right 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.

Dated this 5th day of December, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-7968A
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-7968A is now described as follows.

Right Holder: MONTY FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: March 23, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.06 CFS	996.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER SWSWSE Sec. 1 Twp 06S Rge 29E POWER County

<u>PLACE OF USE:</u>		IRRIGATION																	
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	1									34.3	33.0	33.2	34.5	34.7	33.2	34.4	34.5	271.8
06S	29E	2														29.5	29.7	29.3	88.5

Total Acres: 360.3

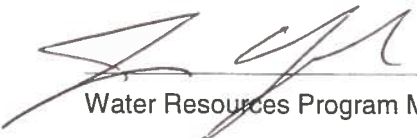
WATER RIGHT NO. 35-7968A
As Modified by Transfer No. 78213

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 249.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7968A and 35-8660A when combined shall not exceed a total diversion rate of 4.33 cfs.
3. Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 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.
6. Prior to the diversion and use of water under Transfer approval 78213, 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.

This water right 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.

Dated this 5th day of December, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-8660A
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-8660A is now described as follows.

Right Holder: MONTY FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: October 26, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.93 CFS	302.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSE Sec. 1 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	1									34.3	33.0	33.2	34.5	34.7	33.2	34.4	34.5	271.8
06S	29E	2														29.5	29.7	29.3	88.5

Total Acres: 360.3

WATER RIGHT NO. 35-8660A
As Modified by Transfer No. 78213

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 75.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7968A and 35-8660A when combined shall not exceed a total diversion rate of 4.33 cfs.
3. Rights 35-7968A, 35-8660A and 35-14209 when combined shall not exceed a total diversion rate of 4.68 cfs and the irrigation of 360.3 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.
6. Prior to the diversion and use of water under Transfer approval 78213, 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. 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.
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.

This water right 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.

Dated this 5th day of December, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-14199
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14199 is now described as follows.

Right Holder: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: September 05, 1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.47 CFS	474.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 11 Twp 06S	Rge 29E	BINGHAM County
GROUND WATER	SESW	Sec. 11 Twp 06S	Rge 29E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
06S	29E	11													33.4	32.2	31.9	32.7	33.4	32.0	31.7	32.9	260.2

Total Acres: 260.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 118.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 when combined shall not exceed a total diversion rate of 3.52 cfs, a total annual maximum diversion volume of 1040.8 af at the field headgate, and the irrigation of 260.2 acres.
3. 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.
4. The following rights are also diverted through point of diversion described above: 35-14201, 35-14203, 35-14205 and 35-14207. The changes authorized by transfer 5198 shall be accomplished by June 12, 1999.

This water right 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.

Dated this 5th day of December, 20 12


 Water Resources Program Manager

**WATER RIGHT NO. 35-14201
As Modified by Transfer No. 78213**

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14201 is now described as follows.

Right Holder: MONTY FUNK And
CAROLENE FUNK
2254 COUNTY LINE RD
AMERICAN FALLS ID 83211

Priority Date: March 18, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.63 CFS	126.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 11 Twp 06S	Rge 29E	POWER County
GROUND WATER	SESW	Sec. 11 Twp 06S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	11																	260.2

Total Acres: 260.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 31.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 when combined shall not exceed a total diversion rate of 3.52 cfs, a total annual maximum diversion volume of 1040.8 af at the field headgate, and the irrigation of 260.2 acres.
3. 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.
4. The following rights are also diverted through point of diversion described above: 35-14199, 35-14203, 35-14205 and 35-14207. The changes authorized by transfer 5198 shall be accomplished by June 12, 1999.

This water right 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.

Dated this 5th day of December, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-14203
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14203 is now described as follows.

Right Holder: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: March 18, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.83 CFS	223.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 11 Twp 06S	Rge 29E	POWER County
GROUND WATER	SESW	Sec. 11 Twp 06S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	11																	260.2

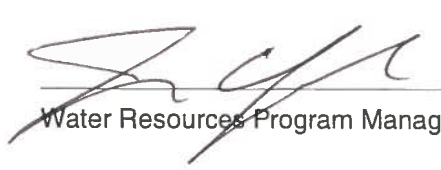
Total Acres: 260.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 55.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 when combined shall not exceed a total diversion rate of 3.52 cfs, a total annual maximum diversion volume of 1040.8 af at the field headgate, and the irrigation of 260.2 acres.
3. 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.
4. The following rights are also diverted through point of diversion described above: 35-14199, 35-14201, 35-14205 and 35-14207. The changes authorized by transfer 5198 shall be accomplished by June 12, 1999.

This water right 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.

Dated this 5th day of December, 20 12


 Water Resources Program Manager

WATER RIGHT NO. 35-14205
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14205 is now described as follows.

Right Holder: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: March 23, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.27 CFS	84.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 11 Twp 06S	Rge 29E	POWER County
GROUND WATER	SESW	Sec. 11 Twp 06S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	11																	260.2

Total Acres: 260.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 when combined shall not exceed a total diversion rate of 3.52 cfs, a total annual maximum diversion volume of 1040.8 af at the field headgate, and the irrigation of 260.2 acres.
3. 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.
4. The following rights are also diverted through point of diversion described above: 35-14199, 35-14201, 35-14203, and 35-14207. The changes authorized by transfer 5198 shall be accomplished by June 12, 1999.

This water right 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.

Dated this 5th day of December, 2012


 Water Resources Program Manager

WATER RIGHT NO. 35-14207
As Modified by Transfer No. 78213

In accordance with the approval of Transfer No. 78213, Water Right No. 35-14207 is now described as follows.

Right Holder: MONTY FUNK And
 CAROLENE FUNK
 2254 COUNTY LINE RD
 AMERICAN FALLS ID 83211

Priority Date: March 23, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.32 CFS	132.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 11 Twp 06S	Rge 29E	POWER County
GROUND WATER	SESW	Sec. 11 Twp 06S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	11																	260.2

Total Acres: 260.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 33.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 when combined shall not exceed a total diversion rate of 3.52 cfs, a total annual maximum diversion volume of 1040.8 af at the field headgate, and the irrigation of 260.2 acres.
3. 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.
4. The following rights are also diverted through point of diversion described above: 35-14199, 35-14201, 35-14203 and 35-14205. The changes authorized by transfer 5198 shall be accomplished by June 12, 1999.

This water right 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.

Dated this 5th day of December, 20 12


 Water Resources Program Manager