

AMENDED

RECEIVED

MAR 14 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 35-14242

AMENDED

1. Name of applicant(s) Lance and/or Lisa Funk Partnership Phone 208-226-9976
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 2960 Cedar LN City American Falls
State Idaho Zip 83211 Email: _____2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
07S	29E	08		SW	NE	SW	Power County	Ground Water	

4. Water will be used for the following purposes:

Amount 2.4/478 for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 2.4 cubic feet per second (cfs) and/or (b) 478 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing wells, mainlines and irrigation systems

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ Noe. If well is already drilled, when? _____; drilling firm unknown;
Well was drilled for (well owner) unknown; Drilling Permit No. unknown

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

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8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	7													30.3	30.8	29.4	29	119.5

Total number of acres to be irrigated: 119.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

10. a. Who owns the property at the point of diversion? Lance Funk
- b. Who owns the land to be irrigated or place of use? Lance Funk
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Provide necessary water to irrigable land. Wells, mainlines and pivots are already constructed and installed. Mitigation for this permit will be provided by water right 35-14014 and 35-14015. This permit will have a 2012 priority date, but will be allowed to be pumped as long as the mitigation water rights are not curtailed by IDWR. In the event that water rights 35-14014 and 35-14015 are curtailed, all pumping under this permit will stop. If 35-14014 and 35-14015 are removed from mitigation, all pumping under this permit will stop.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant _____

Signature of Applicant _____

Print Name (and title, if applicable) _____

Print Name (and title, if applicable) _____

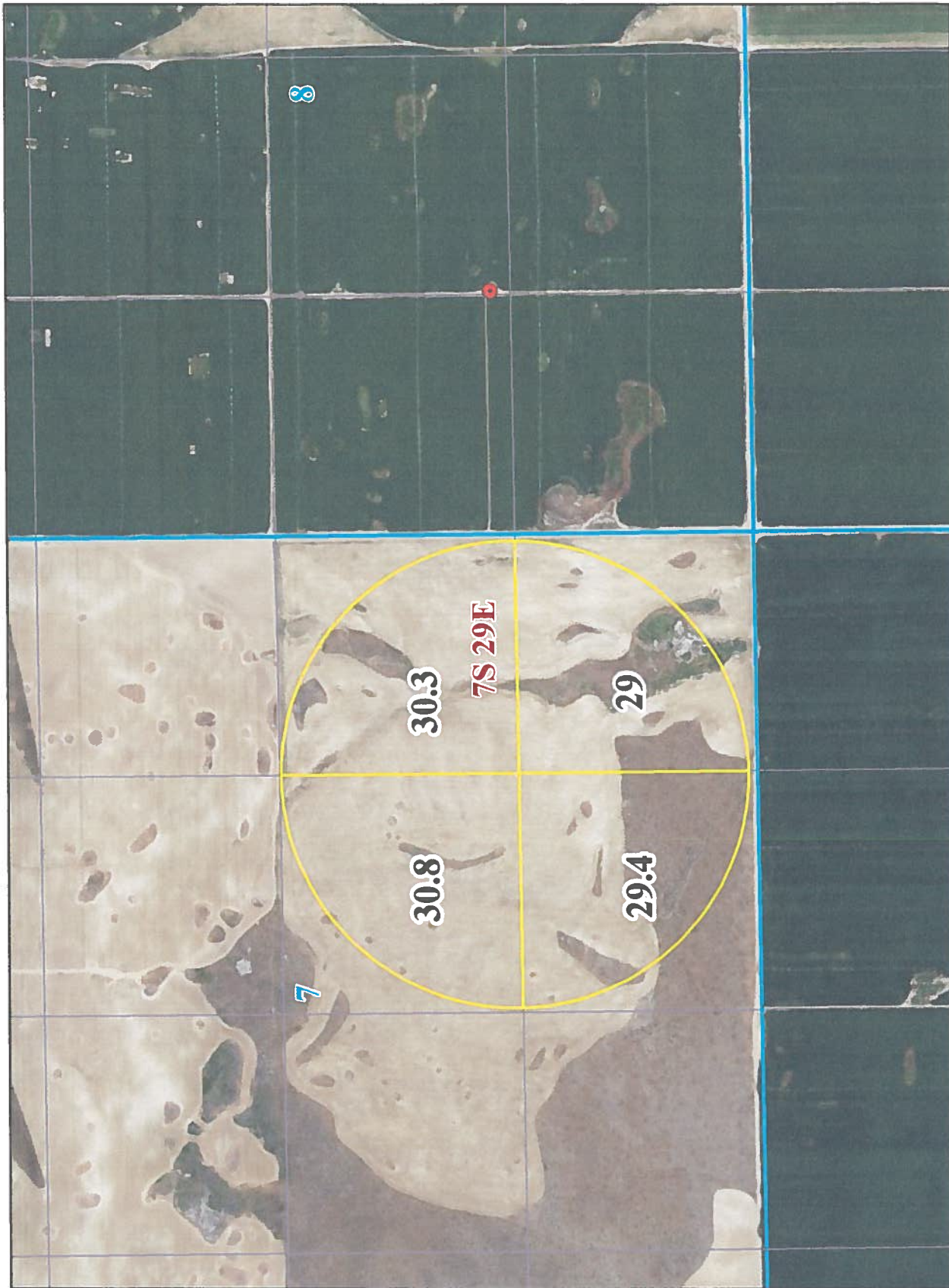
For Department Use:

Received by Blue Date 3/14/2012 Time _____ Preliminary check by _____

Fee \$ 770 Received by SAF Receipt No. C094655 Date 2/18/2012

6460 Blue E037410 3/19/2012

35-14242



Feet
0 400 800 1,600

Legend
Huse_Permit_POU
Huse_WRP_POD's
first
ladesc
Huse_WRP_POD's

FUNK, LANCE - HUSE FARM
IRRIGATION PERMIT MAP - 1C
NAIP 2011 AERIAL

Table 1

	CFS	Total Diverted AFA	Acres Irrigated	Mitigation Consumptive AFA	Snake River Mitigation Consumptive AFA
Permit 1	13.1	2624.8	656.2	1791.4	358.6
Permit 2	13.2	2636	659	1799.1	360.1
Permit 3	11.3	2252	563	1537.0	307.6
Totals	37.6	7512.8	1878.2	5127.5	1026.3
				6153.8	



Parcel Number
RPD0452-02
Primary Property Address

Property Year
2012
Legal Description
S8 T7S R29E
SW

Code Area
006-000

Parcel Status
Property Type
Active
Real

Owners/Contacts

FUNK LANCE ET-UX

Type
OWNER
Owner %
100.00%

Mailing Address
2960 CEDAR LN
AMERICAN FALLS, ID 83211

Land Group
T7S R29E
Township
Range
7S
29E

Reappraisal Year
Insp. Date
Appraiser Initials
2010
01/01/2010
PWR

CB: N NC: N

Tax Certification

District
Roll
Type
Units
Amount

Exemption: 0%
Instrument
184875
159093
Eff Date
08/11/2011
08/11/2011
Type
No Actn
No Actn
Action
No Actn
No Actn
Target Source

Comments

Current Values

State Category	Type	#	Characteristic Description	Acres	Assessed Value	Assessment Roll	Occupancy Roll	Valuation Method
1	Farm	01	Farm	147.000	\$ 96,354	Primary	Non-Occ	Income
19	Farm	01	Farm	13.000	\$ 0	Primary	Non-Occ	Income

Acres Total

160.000

\$ 96,354

0

Total Assessed Value

Homeowner Exemption

Total Taxable Value

\$ 0	\$ 96,354
\$ 0	\$ 96,354

Values are as of print date
and time shown below,
and may not be the final
values for the property year

35 - 1 4 2 4 2



Parcel Number
RPD0450-00
Primary Property Address

Property Year
2012

Legal Description
S7 T7S R29E
LOTS 3,4, E2SW, SE4,

Code Area

006-uvv

Parcel Status
Property Type
Active
Real

Owners/Contacts

FUNK LANCE ET-UX
DBA LANCE FUNK FARMS

Type
OWNER
OWNER
Owner %
100.00%
HOE
0.00%

Mailing Address
PO BOX 310
AMERICAN FALLS, ID 83211

Land Group
T7S R29E
Township
Range
7S
29E

Owner % and types are from data conversion. Refer to actual instrument(s).

Tax Certification

District
Roll
Type
Units
Amount

Exemption: 0%
Instrument
197129
194673
194526
194462
174655
Eff Date
08/11/2011
08/11/2011
08/11/2011
08/11/2011
08/11/2011
Type
No Actn
No Actn
No Actn
No Actn
No Actn
Action
No Actn
No Actn
No Actn
No Actn
No Actn
Target Source
Comments
CB: N NC: N

Reappraisal Year
2010
Insp. Date
01/01/2010
Appraiser Initials
PWR

Current Values

State Category	Type	#	Characteristic Description	Acres	Assessed Value	Assessment Roll	Occupancy Roll	Valuation Method
3	Farm	01	Farm	169.000	\$ 13,880	Primary	Non-Occ	Income
5	Farm	01	Farm	115.000	\$ 1,725	Primary	Non-Occ	Income
19	Farm	01	Farm	16.270	\$ 0	Primary	Non-Occ	Income

Values are as of print date
and time shown below,
and may not be the final
values for the property year

Acres Total

300.270

\$ 15,605

0

Total Assessed Value

Homeowner Exemption

Total Taxable Value

\$ 15,605

Total Taxable Value

Mitigation Analysis Period

Trimester
 Trimester 1 2 Trimester
 Annual AFT

One-Way Analysis of Independent Transfers

Transfer 1 : New Permit for 656.2 acres

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
Transfer: Worst Case Transient State Impacts following Transfer							

100.0% Consumptive Use Mitigation Amount		100.0% Consumptive Use Amount for Permit		1751.4 AFA		1751.4 AFA													
Impact by Reach (AFT/Trimester)		Ashton to Redburg		Heise to Shelley		Shelley to Nr Bickft		Nr Bickft To Nealey		Nealey to Minidoka		Dev. Wbl. To Buhl		Buhl to 1000 Spr		1000 Spr to 1000 Spr to Mated		Mated to Bancroft	
Pre-10	11.53	13.80	121.48	435.78	7.54	2.91	1.84	0.20	1.75	0.07									
Post-10	8.21	9.70	79.15	440.48	30.55	11.78	7.47	0.82	7.08	0.27									
Pre-15	11.53	13.80	121.48	435.78	7.54	2.91	1.84	0.20	1.75	0.07									
Post-15	8.21	9.70	79.15	440.48	30.55	11.78	7.47	0.82	7.08	0.27									
Steady State Analysis		Mitigation Check 1 - >10% of Historical		-28.6%	-29.7%	-34.9%	1.1%	304.83%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%
		Mitigation Check 2 - > 2 AFT		-3.3	-4.1	-42.3	4.7	23.0	8.9	5.6	0.6	5.3	0.2						
		Mitigation Check 3 - >10% of Total		1.4%	1.8%	13.3%	74.0%	5.1%	2.0%	1.3%	0.1%	1.2%	0.0%						
		Mitigation Required?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)		-3.3	-4.1	-42.3	4.7	23.0	8.9	5.6	0.6	5.3	0.2						
Transient State Analysis		Mitigation Check 1 - >10% of Historical		-28.6%	-29.7%	-34.9%	1.1%	304.83%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%	304.8%
		Mitigation Check 2 - > 2 AFT		-3.3	-4.1	-42.3	4.7	23.0	8.9	5.6	0.6	5.3	0.2						
		Mitigation Required?		NO	NO	NO	NO	YES	YES	YES	NO	YES	NO						
		Mitigation Vol. Req'd (ac-ft)		-3.3	-4.1	-42.3	4.7	23.0	8.9	5.6	0.6	5.3	0.2						
		Mitigation Amount		0.0%	0.0%	0.0%	0.0%	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA
		Transfer Amount		0.0%	0.0%	0.0%	0.0%	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA

Read Me

Transfer 2 :

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							

		0.0% Mitigation Amount		0.0 AFA		0.0 Acres													
		0.0% Transfer Amount		0.0 AFA		0.0 Acres													
Impact by Reach (AFT/Trimester)																			
Ashton to Redburg		Heise to Shelley		Shelley to Nr Bickft		Nr Bickft To Nealey		Nealey to Minidoka		Dev. Wbl. To Buhl		Buhl to 1000 Spr		1000 Spr to 1000 Spr to Mated		Mated to Bancroft			
0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00	
0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00	
0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00	
0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00	
0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%	
0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%	
NO		NO		NO		NO		NO		NO		NO		NO		NO		NO	
0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%	
0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%	
NO		NO		NO		NO		NO		NO		NO		NO		NO		NO	
0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
												</							

Transfer 3 :

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer: Proposed Steady State Impacts following Transfer							
Transfer: Worst Case Transient State Impacts following Transfer							

		Mitigation Amount		0.0 AFA		0.0 Acres													
		Transfer Amount		0.0 AFA		0.0 Acres													
Impact by Reach (AFT/Trimester)																			
Ashton to Redburg		Heise to Shelley		Shelley to Nr Bickft		Nr Bickft To Nealey		Nealey to Minidoka		Dev. Wbl. To Buhl		Buhl to 1000 Spr		1000 Spr to 1000 Spr to Mated		Mated to Bancroft			
al	Pre-10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Post-10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Pre-15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Post-15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Steady State Analysis		Mitigation Check 1 - >10% of Historical		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		Mitigation Check 2 - > 2 AFT		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Check 3 - >10% of Total		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		Mitigation Required?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis		Mitigation Check 1 - >10% of Historical		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		Mitigation Check 2 - > 2 AFT		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Required?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Amount		0.0%	0.0%	0.0%	0.0%	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA
		Transfer Amount		0.0%	0.0%	0.0%	0.0%	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA	0.0 AFA

Evaluation of overall mitigation requirements per reach, Steady State and Transient State, and Off-Setting Benefits (Sum of reach debits only where mitigation is required and credits)

Carry out one way analysis. If reach depletions go up, it is a debit, if they go down, it is a credit. Sum all debits, only where mitigation is required (dark yellow), and all credits (light yellow). Mitigation is required for the full amount of the summed values if greater than zero.

Steady state analysis represents permanent mitigation requirements at future steady state (or last timestep from the ESPAM Transfer Tool model run).

Transient state analysis represents mitigation requirements for the worst or maximum time step in the model run.

Steady State Summary of Modified Stream Depletions Following Transfer(s)											
Impact by Reach (AFT/Trimester)											
Ashion to Rexburg	Hesse to Shelley	Shelley to N. Bickft	N. Bickft To Neeley	Neeley to Minidoka	Dev. Wbl To Buhl	Buhl to 1000 Spr	1000 Spr 1000 Spr	1000 Spr 1c	Maled	Maled to Bancroft	
1	-3.3	-4.1	-42.4	4.6	23.0	8.9	5.6	0.6	5.3	0.2	
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
13	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
14	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
15	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
16	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
17	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
18	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
19	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Summary:	-3.3	-4.1	-42.4	4.6	23.0	8.9	5.6	0.6	5.3	0.2	

Transient State Summary of Modified Stream Depletions Following Transfer(s)

Impact by Reach (AFT/Trimester)											
Ashion to Rexburg	Hesse to Shelley	Shelley to N. Bickft	N. Bickft To Neeley	Neeley to Minidoka	Dev. Wbl To Buhl	Buhl to 1000 Spr	1000 Spr 1000 Spr	1000 Spr 1c	Maled	Maled to Bancroft	
1	-3.3	-4.1	-42.4	4.6	23.0	8.9	5.6	0.6	5.3	0.2	
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
13	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
14	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
15	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
16	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
17	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
18	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
19	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Summary:	-3.3	-4.1	-42.4	4.6	23.0	8.9	5.6	0.6	5.3	0.2	

Evaluation of transient state mitigation requirement is not comprehensive across all time steps. Instead this evaluation finds the maximum stream depletion following the start of the transfer and looks at depletion amounts from that time step. In many instances this depletion is greater than the depletion associated with the steady state condition or final time step. This evaluation is merely an indicator of whether transient depletions must be considered, not an indicator of all transient impacts.

Evaluation of Permanent Mitigation Efforts (Non-Use/acreage consolidation) In Addition to Off-Setting Transfer Benefits - Steady State Evaluation Only

Set Aside 1 (Non-Use/Desiccation):

WR No	Div Rate (CFS)	Con Vol. (AF/A)	No. of Irr Acres	Priority Date	POD Location	Dedicated Vol. AF/A/ AFT	Model Node
-------	-------------------	--------------------	---------------------	------------------	-----------------	-----------------------------	---------------

Non-Use: Proposed Steady State Impacts following Change

Non-Use 1: Worst Case Transient State Impacts following Change

Impact by Reach (AFT/Trimester)											
Ashion to Rexburg	Hesse to Shelley	Shelley to N. Bickft	N. Bickft To Neeley	Neeley to Minidoka	Dev. Wbl To Buhl	Buhl to 1000 Spr	1000 Spr 1000 Spr	1000 Spr 1c	Maled	Maled to Bancroft	

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Read Me

SS Reach Impacts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
TS Reach Impacts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Re-evaluation of overall mitigation requirements per reach, Steady State Only (Sum of reach debits only where mitigation is required and credits)

Steady State Summary of Modified Stream Depletions Following Transfer(s)											
Impact by Reach (AFT/Trimester)											
Ashion to Rexburg	Hesse to Shelley	Shelley to N. Bickft	N. Bickft To Neeley	Neeley to Minidoka	Dev. Wbl To Buhl	Buhl to 1000 Spr	1000 Spr 1000 Spr	1000 Spr 1c	Maled	Maled to Bancroft	
Total 1-Way Transfer Depletions:	-3.3	-4.1	-42.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Mitigation Efforts:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	-3.3	-4.1	-42.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

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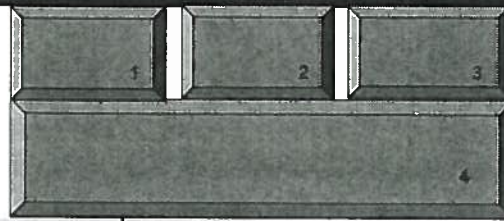
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ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO:

YEAR 1949
SEASON SPRING

TRANSFER NAME:



Mitigation

656.2 Acres
1791.43 AFA

ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	86	84	85	95
COLUMN	91	90	91	118

Permit
119.5 Acres 168.7 Acres 368.0 Acres
478.00 AFA 674.80 AFA 1472.00 AFA
326.24 AFA 460.55 AFA 1004.64 AFA

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1949	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1949	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1949	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1950	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1950	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1950	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1951	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1951	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1951	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1952	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1952	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1952	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1953	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1953	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1953	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1954	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1954	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1954	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1955	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1955	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1955	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1956	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1956	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1956	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1957	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1957	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1957	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1958	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1958	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1958	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1959	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1959	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1959	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1960	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1960	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1960	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1961	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1961	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1961	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1962	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1962	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1962	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1963	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1963	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1963	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1964	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1964	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1964	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1965	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1965	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1965	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1966	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1966	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1966	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1967	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1967	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1967	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1968	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1968	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1968	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1969	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1969	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1969	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1970	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1970	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1970	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1971	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1971	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1971	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1972	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1972	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1972	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1973	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1973	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1973	0.0	0.0	0.0	0.0	0.0	597.1	597.1

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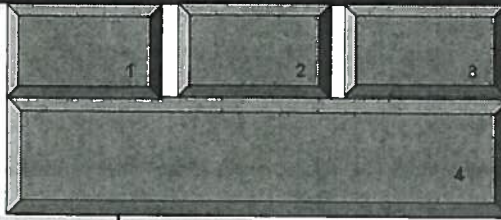
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TRANSFER NO:

YEAR 1949
SEASON SPRING

TRANSFER NAME:



Mitigation

656.2 Acres
1791.43 AFA

ENTER CELL LOCATIONS:

	TO CELL	FROM1 CELL	FROM2 CELL	FROM3 CELL
ROW	86	84	85	95
COLUMN	91	90	91	118

Permit
119.5 Acres 168.7 Acres 388.0 Acres
478.00 AFA 674.80 AFA 1472.00 AFA
326.24 AFA 460.55 AFA 1004.84 AFA

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1974	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1974	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1974	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1975	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1975	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1975	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1976	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1976	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1976	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1977	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1977	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1977	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1978	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1978	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1978	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1979	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1979	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1979	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1980	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1980	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1980	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1981	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1981	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1981	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1982	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1982	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1982	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1983	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1983	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1983	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1984	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1984	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1984	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1985	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1985	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1985	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1986	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1986	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1986	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1987	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1987	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1987	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1988	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1988	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1988	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1989	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1989	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1989	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1990	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1990	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1990	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1991	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1991	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1991	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1992	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1992	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1992	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1993	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1993	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1993	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1994	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1994	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1994	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1995	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1995	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1995	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1996	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1996	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1996	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1997	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1997	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1997	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 1998	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1998	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1998	0.0	0.0	0.0	0.0	0.0	597.1	597.1

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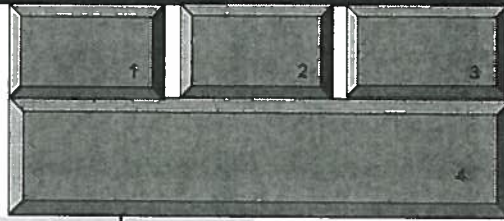
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TRANSFER NO:

YEAR 1949
SEASON SPRING

TRANSFER NAME:



Mitigation

656.2 Acres
1791.43 AFA

ENTER CELL LOCATIONS:

ROW	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
COLUMN	86 91	84 90	85 91	95 118

Permit
119.5 Acres 168.7 Acres 368.0 Acres
478.00 AFA 674.80 AFA 1472.00 AFA
326.24 AFA 460.55 AFA 1004.64 AFA

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1999	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 1999	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 1999	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2000	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2000	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2000	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2001	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2001	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2001	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2002	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2002	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2002	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2003	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2003	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2003	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2004	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2004	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2004	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2005	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2005	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2005	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2006	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2006	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2006	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2007	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2007	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2007	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2008	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2008	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2008	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2009	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2009	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2009	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2010	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2010	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2010	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2011	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SUM 2011	0.0	0.0	0.0	0.0	0.0	597.1	597.1
WIN 2011	0.0	0.0	0.0	0.0	0.0	597.1	597.1
SPR 2012	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2012	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2012	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2013	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2013	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2013	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2014	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2014	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2014	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2015	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2015	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2015	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2016	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2016	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2016	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2017	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2017	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2017	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2018	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2018	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2018	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2019	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2019	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2019	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2020	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2020	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2020	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2021	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2021	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2021	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2022	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2022	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2022	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SPR 2023	108.7	153.5	0.0	334.9	0.0	597.1	597.1
SUM 2023	108.7	153.5	0.0	334.9	0.0	597.1	597.1
WIN 2023	108.7	153.5	0.0	334.9	0.0	597.1	597.1

RECEIVED
FEB 08 2012
DEPARTMENT OF
WATER RESOURCES

FORM 202 03/10 Print form as a 2 page, single-sided document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

1. Name of applicant(s) Lance and/or Lisa Funk Partnership Phone 208-226-9976
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address: 2960 Cedar LN City American Falls
State Idaho Zip 83211 Email: _____

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
07S	29E	08		SW	NE	SW	Power County	Ground Water	
07S	28E	1		SW	SW	SE	Power County	Ground Water	
07S	29E	7		NE	NE	NW	Power County	Ground Water	

4. Water will be used for the following purposes:

Amount 13.1/2625 for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 13.1 cubic feet per second (cfs) and/or (b) 2625 acre-feet per year (af).

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Existing wells, mainlines and irrigation systems
Two of the existing wells have well logs and the third well has no well log on record.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.
For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm see attached well logs;
Well was drilled for (well owner) see attached well logs; Drilling Permit No. see attached well logs.

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	28E	12	30.5	30.5	30.5	30.5	31.9	14.8											168.7
07S	29E	6	22.1	20.4	32.1	33.2	26.4	15.6	24.6	37.3	32.2	19.9	21.5	33.2	27.9	21.6			368
		7													30.3	30.8	29.4	29	119.5

Total number of acres to be irrigated: 656.2

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

35-7973 and 35-7914

10. a. Who owns the property at the point of diversion? Lance Funk
- b. Who owns the land to be irrigated or place of use? Lance Funk
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Provide necessary water to irrigable land. Wells, mainlines and pivots are already constructed and installed. Mitigation for this permit will be provided by water right 35-14014 and 35-14015. This permit will have a 2012 priority date, but will be allowed to be pumped as long as the mitigation water rights are not curtailed by IDWR. In the event that water rights 35-14014 and 35-14015 are curtailed, all pumping under this permit will stop. If 35-14014 and 35-14015 are removed from mitigation, all pumping under this permit will stop.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by SR7 Date 2-8-2012 Time 11am Preliminary check by _____
 Fee \$ 770- Received by SR7 Receipt No. 0094655 Date 2-8-2012

35 - 14242

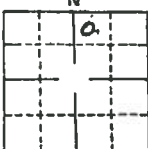


FUNK, LANCE - HUSE FARM IRRIGATION PERMIT MAP NAIP 2011 AERIAL

Huse_Permitt_POU
 township
 ftrel
 ladesc
● Huse_WR_PODs

WELL DRILLER'S REPORT

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.

1. WELL OWNER Name <u>Callan Phillips</u> Address <u>750 W 300 N Paul Idaho</u> Owner's Permit No. <u>35-7914</u> <u>14999</u>	7. WATER LEVEL Static water level <u>403</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☒ Cap ☐ Plug Temperature _____ OF. Quality <u>good</u>																																																																																																																																														
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☒ Bailer ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td></td><td><u>6.5 sec recovery on 150 gal</u></td><td></td></tr><tr><td></td><td><u>bailer displacement check</u></td><td></td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped		<u>6.5 sec recovery on 150 gal</u>			<u>bailer displacement check</u>																																																																																																																																						
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG 86137 <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>24</td><td>0</td><td>7</td><td>Overburden</td><td></td><td>X</td></tr><tr><td>24</td><td>7</td><td>18</td><td>Firm grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>19</td><td>33</td><td>" "</td><td></td><td>X</td></tr><tr><td>20</td><td>33</td><td>166</td><td>Red cinders + Broken grey basalt boulders very sandy</td><td></td><td>Y</td></tr><tr><td>20</td><td>166</td><td>178</td><td>Grey basalt</td><td></td><td>Y</td></tr><tr><td>20</td><td>178</td><td>182</td><td>Large grey basalt boulders + some red cinders sandy</td><td></td><td>Y</td></tr><tr><td>20</td><td>182</td><td>203</td><td>Broken grey basalt + red cinders</td><td></td><td>X</td></tr><tr><td>20</td><td>203</td><td>208</td><td>Grey basalt</td><td></td><td>Y</td></tr><tr><td>20</td><td>208</td><td>257</td><td>Broken grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>257</td><td>284</td><td>Grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>284</td><td>325</td><td>Broken burnt grey basalt + some red cinders</td><td></td><td>Y</td></tr><tr><td>20</td><td>325</td><td>355</td><td>Grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>355</td><td>360</td><td>Grn basalt</td><td></td><td>Y</td></tr><tr><td>20</td><td>360</td><td>367</td><td>Broken grey basalt + Grn clay</td><td></td><td>X</td></tr><tr><td>20</td><td>367</td><td>372</td><td>Broken grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>372</td><td>399</td><td>Grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>399</td><td>406</td><td>Brn clay sediment</td><td></td><td>X</td></tr><tr><td>20</td><td>406</td><td>426</td><td>Grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>426</td><td>442</td><td>Broken burnt grey basalt</td><td></td><td>X</td></tr><tr><td>20</td><td>442</td><td>478</td><td>Brn sticky clay</td><td></td><td>X</td></tr><tr><td>16</td><td>478</td><td>500</td><td>Grey basalt</td><td></td><td>X</td></tr><tr><td>16</td><td>500</td><td>571</td><td>Loose all cuttings</td><td></td><td>X</td></tr></tbody></table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	24	0	7	Overburden		X	24	7	18	Firm grey basalt		X	20	19	33	" "		X	20	33	166	Red cinders + Broken grey basalt boulders very sandy		Y	20	166	178	Grey basalt		Y	20	178	182	Large grey basalt boulders + some red cinders sandy		Y	20	182	203	Broken grey basalt + red cinders		X	20	203	208	Grey basalt		Y	20	208	257	Broken grey basalt		X	20	257	284	Grey basalt		X	20	284	325	Broken burnt grey basalt + some red cinders		Y	20	325	355	Grey basalt		X	20	355	360	Grn basalt		Y	20	360	367	Broken grey basalt + Grn clay		X	20	367	372	Broken grey basalt		X	20	372	399	Grey basalt		X	20	399	406	Brn clay sediment		X	20	406	426	Grey basalt		X	20	426	442	Broken burnt grey basalt		X	20	442	478	Brn sticky clay		X	16	478	500	Grey basalt		X	16	500	571	Loose all cuttings		X
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____	10. Work started <u>Jan 7 81</u> finished <u>April 20 1981</u>																																																																																																																																														
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>5/16</u> inches</td><td><u>20</u> inches</td><td><u>1</u> feet</td><td><u>19</u> feet</td></tr><tr><td><u>5/16</u> inches</td><td><u>16</u> inches</td><td><u>356</u> feet</td><td><u>486</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? ☒ Yes ☐ No on Liner Was a packer or seal used? ☒ Yes ☐ No on Surface Pipe Perforated? ☒ Yes ☐ No on 16" Liner How perforated? ☒ Factory ☐ Knife ☐ Torch Size of perforation <u>3"</u> inches by <u>1/8"</u> inches <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>360</u> perforations</td><td><u>436</u> feet</td><td><u>456</u> feet</td></tr><tr><td><u>180</u> perforations</td><td><u>416</u> feet</td><td><u>426</u> feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> 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 <u>19'</u> Material used in seal: ☒ Cement grout ☒ Puddling clay ☒ Well cuttings 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 <u>18" ok 2" pipe 0-18"</u>	Thickness	Diameter	From	To	<u>5/16</u> inches	<u>20</u> inches	<u>1</u> feet	<u>19</u> feet	<u>5/16</u> inches	<u>16</u> inches	<u>356</u> feet	<u>486</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	<u>360</u> perforations	<u>436</u> feet	<u>456</u> feet	<u>180</u> perforations	<u>416</u> feet	<u>426</u> feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Strasser Drilling</u> Firm No. <u>95</u> Address <u>P.O. 155 Rupert Idaho</u> Date <u>5/17/81</u> Signed by (Firm Official) <u>Wm Tunnell</u> and (Operator) <u>Wm Tunnell</u>																																																																																																														
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Power</u> <u>NW</u> 1/4 <u>NE</u> 1/4 Sec. <u>7</u> , T. <u>7S</u> , R. <u>29E</u> , E.W.	10. Work started <u>Jan 7 81</u> finished <u>April 20 1981</u>																																																																																																																																														

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

35-14242



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

March 28, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LANCE AND/OR LISA FUNK PARTNERSHIP
2960 CEDAR LN
AMERICAN FALLS, ID 83211

Application For Permit No. 35-14240, 35-14241, 35-14242, 35-14243, 35-14244

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the applications has been prepared and are scheduled for publication in the POWER COUNTY PRESS on April 4 and 11, 2012. For application 35-14243 and 35-14244, they are scheduled for publication in the POST REGISTER, TIMES NEWS, ID STATESMAN and LEWISTON TRIBUNE on April 5 and 12, 2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

CC:
BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 28, 2012 12:35 PM
To: 'Power County Press (press1@dcdi.net)'
Subject: Legal Notice for your paper
Attachments: Power County Press E-Mail.doc

Contacts: Power County Press

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

LANCE AND/OR LISA FUNK PARTNERSHIP

2960 CEDAR LN

AMERICAN FALLS, ID 83211

35-14240

Point of Diversion SWSWSE

S1 T07S R28E

POWER County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31 3.4 CFS

674.8 AF

Total Diversion: 3.4 CFS

674.8 AF

Date Filed: 2/8/2012

Place Of Use: IRRIGATION

T07S R28E S12

NENE NWNE SWNE SENE NENW NWNW

Total Acres: 168.7

35-14241

Point of Diversion NWNWNE

S7 T07S R29E

POWER County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31 7.4 CFS

1476.4 AF

Total Diversion: 7.4 CFS

1476.4 AF

Date Filed: 2/8/2012

Place Of Use: IRRIGATION

T07S R29E S6

L1(NENE) L2(NWNE) SWNE SENE L3(NENW) L4(NWNW) L5(SWNW) SENW NESW L6(NWSW) L7(SWSW) SESW

NESE NWSE SWSE

Total Acres: 369.1

35-14242

Point of Diversion SWNESW

S8 T07S R29E

POWER County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31 2.4 CFS

478 AF

Total Diversion: 2.4 CFS

478 AF

Date Filed: 2/8/2012

Place Of Use: IRRIGATION

T07S R29E S7

NESE NWSE SWSE SESE

Total Acres: 119.5

35-14243

Point of Diversion L2(NENWNE)

S5 T07S R29E

POWER County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31 13.2 CFS

2636 AF

Total Diversion: 13.2 CFS

2636 AF

Date Filed: 2/8/2012

Place Of Use: IRRIGATION

T06S R29E S32
NESW SWSW SESW NESE NWSE SWSE SESE
T07S R29E S4
L3(NENW) L4(NWNW) SWNW SENW
T07S R29E S5
L1(NENE) L2(NWNE) SWNE SENE L3(NENW) L4(NWNW) SWNW SENW
Total Acres: 659

35-14244

Point of Diversion NWNWNW
S34 T06S R29E
POWER County
Source GROUND WATER Tributary
Use: IRRIGATION
04/01 to 10/31 11.3 CFS
2252 AF
Total Diversion: 11.3 CFS
2252 AF

Date Filed: 2/8/2012

Place Of Use: IRRIGATION

T06S R29E S28
NESE NWSE SWSE SESE
T06S R29E S33
NENE SENE NESE
T06S R29E S34
NWNW SWNW NWSW
T07S R29E S4
L1(NENE) L2(NWNE) SWNE SENE NESE NWSE SWSE SESE
Total Acres: 563

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 23, 2012. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director

Published on April 5 and 12, 2012



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Hydrology

Water Resources

RECEIVED

MAR 19 2012

Department of Water Resources
Eastern Region

March 16, 2012

Blake Jordan
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Funk Permits

Dear Mr. Jordan:

Here is the additional permit fee that is required for the Lance Funk permits.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc:

Enc: Check #10637 for \$460.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



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RECEIVED
MAR 14 2012
Department of Water Resources
Eastern Region

March 13, 2012

Blake Jordan
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Lance Funk Permits

Dear Mr. Jordan:

At your request, Permit 1 has been amended into permit 1A, 1B and 1C. Additional information pertaining to these permits and permits 2 and 3 are also being provided. Please see attachments. The agreement between Southern Idaho Energy and Lance Funk to use 35-14014 and 35-14015 for mitigation will be mailed to you as soon as we receive a copy of the original document.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Lance Funk

Enc: Property Ownership Documents, Aerial maps, Idaho Water Code 37.03.08 Rule 40.05
Information for Permit 1B, Permit 2 and Permit 3

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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FEB 08 2012

DEPARTMENT OF
WATER RESOURCES

February 7, 2012

Jeff Peppersack
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Lance Funk Permits

Dear Mr. Peppersack:

On behalf of our client, Lance Funk, I have prepared three new Permit Applications and three ESPA model analyses based on the discussion that we had at the meeting at the Boise IDWR office on January 5, 2012 and correspondence with you since that meeting.

It is proposed to utilize the consumptive industrial water rights 35-14014 and 35-14015 to mitigate for the three new proposed permits. Water rights 35-14014 and 35-14015 historically provided 6153.8 afa of consumptive water at the FMC site in Pocatello located in the ESPA model cell 950118.

The ESPA model analysis for all three permit application was performed based on consumptive use of the irrigation water and net depletion of the aquifer. A summary of the three permits and proposed mitigation is detailed in Table 1. A value of 2.73 feet per acre for frequent cuttings of alfalfa at the American Falls 1 SW field station (Robinson and Allen, 2010) was used to estimate the proposed consumptive use of future crops to be irrigated. By doing this, the model analysis compares consumptive use volume of the mitigation water to consumptive use volume of the irrigation water. The aquifer will experience the same consumptive use withdrawal from irrigation use as the aquifer has historically experienced from industrial use because any excess pumping larger than the crop consumptive use returns to the aquifer.

Permit 1 will have three POD locations with existing wells at Township 7 South Range 29 East Section 8 SWNESW (ESPA Model cell 86091), Township 7 South Range 28 East Section 1 SWSWSE (ESPA Model cell 84090) and Township 7 South Range 29 East Section 07 NENENW (ESPA Model cell 85091). The attached map for Permit 1 indicates the POD locations and the proposed place of use for irrigation of 656.2 acres. The model analysis combines the Nr Blackfoot to Neeley and the Neeley to Minidoka river reaches. A consumptive use volume of 1791.4 afa was

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



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modeled for the TO wells representing permit 1 and a consumptive use volume 1791.4 afa was modeled for the FROM well representing the mitigation volume from the FMC site.

The ESPA model analysis indicates that no mitigation would be required for steady state pumping. The transient state analysis indicates that mitigation would be required. However, based on the "Mitigation Analysis 6-7-11 power point presentation" provided by IDWR, I believe that this model analysis fits the "2 Part Test Caveat". It is stated that "Mitigation during the transient state is not required, if mitigation is not required at steady state (last time step), and steady state depletions are greater than at any time during the transient state." The calculated effects of the model analysis show that the steady state values of depletion at the last time step are equal to the transient state maximum values of depletion after the transfer. Therefore, no mitigation is required for the transient state effects of this new permit.

In an effort to avoid any potential injury to surface water rights on the Snake River, an additional 359.0 afa of historical consumptive use of 35-14014 and 35-14015 at the FMC site is being offered as mitigation. A consumptive use volume of 1791.4 afa was modeled for the TO wells representing permit 1 and a consumptive use volume 2150.4 afa was modeled for the FROM well representing the mitigation volume from the FMC site. This mitigation results in an increase in reach gains of the Snake River. By offering this additional 359.0 afa for mitigation, any potential risk for injury on the Snake River due to the approval of permit 1 will be avoided.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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208•736•8543

FAX: 736•8506

Permit 2 will have one POD located at Township 7 South Range 29 East Section 5 NENWNE (ESPA Model cell 84092). The well at this POD location was drilled in the winter of 2011. The attached map for Permit 2 indicates the POD location and the proposed place of use. The model analysis combines the Nr Blackfoot to Neeley and the Neeley to Minidoka river reaches. A consumptive use volume of 1799.1 afa for irrigation of 563.0 acres was modeled for the TO well representing permit 2 and a consumptive use volume 1799.1 afa was modeled for the FROM well representing the mitigation volume from the FMC site.

The ESPA model analysis indicates that no mitigation would be required for steady state pumping. The transient state analysis indicates that mitigation would be required. However, based on the "Mitigation Analysis 6-7-11 power point presentation" provided by IDWR, I believe that this model analysis fits the "2 Part Test Caveat". It is stated that "Mitigation during the



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transient state is not required, if mitigation is not required at steady state (last time step), and steady state depletions are greater than at any time during the transient state.” The calculated effects of the model analysis show that the steady state values of depletion at the last time step are equal to the transient state maximum values of depletion after the transfer. Therefore, no mitigation is required for the transient state effects of this new permit.

In an effort to avoid any potential injury on the Snake River, an additional 360.0 afa of historical consumptive use of 35-14014 and 35-14015 at the FMC site is being offered as mitigation. A consumptive use volume of 1799.1 afa was modeled for the TO well representing permit 2 and a consumptive use volume 2159.1 afa was modeled for the FROM well representing the mitigation volume from the FMC site. This mitigation results in an increase in reach gains of the Snake River. By offering this additional 360.0 afa for mitigation, any potential risk for injury on the Snake River due to the approval of permit 2 will be avoided.

Permit 3 will have one POD located at Township 7 South Range 29 East Section 34 NWNWNW (ESPA Model cell 84094). The well at this POD location was drilled Spring of 2012 based on the approval of transfer 77025. The attached map for Permit 3 indicates the POD location and the proposed place of use. The model analysis combines the Nr Blackfoot to Neeley and the Neeley to Minidoka river reaches. A consumptive use volume of 1537.0 afa for irrigation of 659.0 acres was modeled for the TO well representing permit 3 and a consumptive use volume 1537.0 afa was modeled for the FROM well representing the mitigation volume from the FMC site.

The ESPA model analysis indicates that no mitigation would be required for steady state pumping. The transient state analysis indicates that mitigation would be required. However, based on the “Mitigation Analysis 6-7-11 power point presentation” provided by IDWR, I believe that this model analysis fits the “2 Part Test Caveat”. It is stated that “Mitigation during the transient state is not required, if mitigation is not required at steady state (last time step), and steady state depletions are greater than at any time during the transient state.” The calculated effects of the model analysis show that the steady state values of depletion at the last time step are equal to the transient state maximum values of depletion after the transfer. Therefore, no mitigation is required for the transient state effects of this new permit.

In an effort to avoid any potential injury on the Snake River, an additional 308.0 afa of historical consumptive use of 35-14014 and 35-14015 at the FMC

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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TWIN FALLS,
IDAHO 83301

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FAX: 736•8506



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site is being offered as mitigation. A consumptive use volume of 1537.0 afa was modeled for the TO well representing permit 3 and a consumptive use volume 1845.0 afa was modeled for the FROM well representing the mitigation volume from the FMC site. This mitigation results in an increase in reach gains of the Snake River. By offering this additional 308.0 afa for mitigation, any potential risk for injury on the Snake River due to the approval of permit 3 will be avoided.

The new permits will be mitigated by the non-use of 35-14014 and 35-14015 that have priority dates of 3/2/1949 and 4/24/1951. The permits should be allowed to be utilized as long as the mitigation rights are not curtailed. If the 35-14014 and 35-14015 are curtailed, then pumping under the permit would stop. If water rights 35-14014 and 35-14015 are removed from mitigation it will be required to stop pumping of the permit or obtain another source of sufficient mitigation water to continue pumping.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Lance Funk, James Cefalo

Enc: Permit 1, 2 and 3 Applications, ESPA Model Analysis, Well Logs, Aerial Maps, Table 1, Brockway Engineering Check # 10575 for \$2230.00

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

LEASE OF WATER RIGHTS

Lease Agreement made and entered into , between Southeast Idaho Energy LLC, whose address is PO Box 409 South Salem, NY 10590-0409 (hereinafter "Lessor") and Lance and/or Lisa Funk, whose address is 2960 Cedar Ln, American Falls, Idaho 83211 (hereinafter "Lessee"):

1. **Leased Property.** Lessor hereby leases to Lessee and Lessee hereby leases from Lessor certain water rights identified by the records of the Idaho Department of Water Resource ("IDWR") as follows:

Water Right No.	Priority	Quantity	Purpose
35-14014	3/02/49	4.5 cfs	Industrial
35-14015	4/24/51	4.0 cfs	Industrial

2. **Term.** The term of this lease shall be for a term of two (2) years, commencing April 15, 2012, and terminating on April 14, 2014. Thereafter, this Lease will be automatically renewed and extended for successive additional one-year terms, unless and until terminated by either party as hereafter provided.

Either party may terminate this Lease at the end of any lease term upon not less than ninety (90) days advance written notice.

3. **Rent.** For the use of the lease property Lessee shall pay to Lessor an annual amount of \$51,000 due in two equal payments of \$25,500 on or before November 15 and April 15 of each term for ground water. The first payment shall be due on or before approval of the lease by IDWR allowing the use of the water by Lessee for irrigation purposes.

4. **Non-Use by Lessor.** Lessor covenants that it will not divert or utilize the described water right during the term of this Lease.

5. **Use by Lessee.** During the term of this Lease and during any renewal, Lessee shall place to beneficial use each year, all waters approved for use under the water rights and shall comply with all applicable federal, state and local laws and all rules and regulations of any agency, including IDWR applicable to such water rights, together with all state and federal environmental and water quality laws.

6. **Representations by Lessor.** Lessor covenants and represents that it is the true and lawful owners of the water rights and the land to which they are appurtenant, that these water rights have not lapsed, been abandoned, or forfeited, either in whole or in part and that nothing restricts or precludes Lessor from entering into this Lease and Lessee utilizing the described water rights.

7. **Transfer Application.** The parties acknowledge and agree that it will be necessary to submit this Lease and obtain IDWR approval of the use of said water rights by Lessee for irrigation purposes.

7.1 Lessee and Lessor will jointly seek approval of this Lease from IDWR and will cooperate with each other in securing such approval.

7.2 Lessee shall be responsible for all costs associated with accomplishing the approval of this lease and, including but not limited to, paying all applicable Water Bank and other administrative fees owing to IDWR.

7.3 This Lease is conditioned upon IDWR's approval of the use of the water by Lessee for irrigation purposes and acknowledgment by IDWR that Lessee's use of the water under the Lease and/or placement of the water in the state water bank constitutes beneficial use of the water and will not subject any of the rights to forfeiture. In the event the approval is not obtained, the Lease may be terminated by either party and any payments pursuant to Paragraph 3 reimbursed to the Lessee.

8. **Indemnification of Lessor.** Lessee agrees to indemnify and hold harmless Lessor from any and all claims and demands, including legal attorney fees and costs, which may arise directly or indirectly as a result of this lease or the transfer or use of the water rights by Lessee pursuant to this Lease.

9. **Breach.** In the event either party breaches this Lease and such defaults are not cured within thirty (30) days after receipt of written notice thereof, the non-breaching party, at their option, may elect to terminate this Lease and recover any damages or pursue any other remedy under Idaho law by reason of such breach.

10. **Assignment.** This Agreement may not be assigned by Lessee without the express written consent of Lessor.

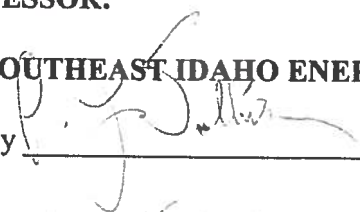
11. **Attorney Fees.** In the event of any litigation over this Lease the prevailing party shall be entitled to recover reasonable attorney fees and costs.

12. **Binding Effect.** This Agreement shall be binding upon the respective heirs, successors and assigns of the parties.

13. **Right of First Refusal.** In the event during the lease period the Lessor markets said water rights described in Paragraph 1 above, and receives an acceptable offer, the Lessee shall have the right to meet or exceed the terms and conditions of the sales agreement. Lessee shall exercise said right of first refusal within seven days of notification of an acceptable offer. All communications under this Paragraph shall be in writing.

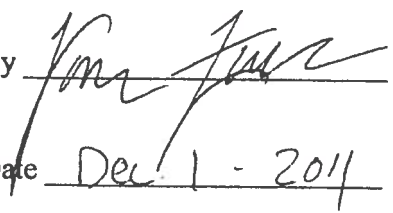
LESSOR:

SOUTHEAST IDAHO ENERGY

By 

Date March 15, 2012

LESSEE:

By 

Date Dec 1 - 2011

LEASE OF WATER RIGHTS

CF INDUSTRIES / Georgetown Canyon
Allocation Research

CF INDUSTRIES / Georgetown Canyon
DEQ Studies on Georgetown Canyon

CF INDUSTRIES / Georgetown Canyon
Agency Area-Wide MOU (2000)

CF INDUSTRIES / Georgetown Canyon
Annual Reports (1957-1964)

CF INDUSTRIES / Georgetown Canyon
Wells Cargo at Georgetown Canyon



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 5, 2012

GREG SULLIVAN
BROCKWAY ENGINEERING P.L.L.C.
2016 N WASHINGTON ST, SUITE 4
TWIN FALLS, ID 83301

RE: Applications for Permit (3)

Dear Mr. Sullivan:

The purpose of this letter is to follow-up on the phone conversation we had on February 27, 2012 concerning the three Applications for Permits filed in the name of Lance and/or Lisa Funk Partnership. In our conversation, I brought to your attention some minor discrepancies that needed to be fixed (mainly dealing with the Huse Farm application) along with additional information that needs to be submitted with the applications. The following is a summary of items that need to be addressed:

HUSE FARM PERMIT

- This permit describes three separate irrigation systems. An application for permit should be submitted for each individual irrigation system.
- The map of the proposed place of use includes the SWSE of 07S, 29E, Section 6. The description of the place of use in the application does not include the SWSE of 07S, 29E, Section 6.
- The point of diversion in 07S 29E Sec. 7 is located in the NWNWNE instead of the NENENW.

BURGEMEISTER PERMIT

-No discrepancies identified.

NPVR PERMIT

-No discrepancies identified.

An item that was not submitted with the applications was a document that authorizes the applicants to use water rights 35-14014 and 35-14015 as mitigation. Please provide a copy of this agreement.

One thing that I failed to mention to you in our phone conversation is the additional filing fee for the Huse Farm permits. The Huse Farm will now consist of three separate applications. The total filing fee for those applications will be \$1230.00. The fee paid for the current Huse Application is \$770.00. The difference owed will be \$460.00.

When applying for a permit to appropriate more than 5 cfs and/or more than 500 acre-feet, IDWR requires additional information to help evaluate the application under the criteria found in Idaho Code § 42-203A(5).

Idaho Code § 42-203A(5) requires IDWR to evaluate the following criteria for applications to appropriate water:

- The potential to reduce the quantity of water under existing water rights
- The sufficiency of the water supply for the proposed appropriation
- The good faith nature of the application
- The adequacy of the applicant's financial resources
- The local public interest in the public water resource
- The conservation of water resources in Idaho
- Impacts to the economy of the local area or watershed

To ensure that IDWR has sufficient information to evaluate the criteria, Rule 40.05 of the Water Appropriation Rules (IDAPA 37.03.08.040.05) requires water right applicants to submit additional information to IDWR in connection with their applications. Please provide information responsive to part c-g of Rule 40.05. A copy of Water Appropriation Rules 40.05.c-g is attached to this letter.

Please submit the information required by Water Appropriation Rules 40.05.c-g along with the corrected Application(s) for Permit to IDWR within 30 days. If you believe that a particular piece of information is not relevant to your application, please explain why. A complete response to Rule 40.05.f, Information Relative to Financial Resources, is not required if construction of your project will cost less than \$5,000. Instead, simply state the projected cost of your project. If you do not respond within 30 days, IDWR may void your application. If you need additional time to submit the required information, please submit a written request. IDWR can grant additional time "upon a showing of good cause."

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blake Jordan", with a stylized flourish extending to the right.

Blake Jordan
Water Resource Agent, Sr.

Enclosures:
Water Appropriation Rule 40.05 (copy)

(7-1-93)

xvii. The application form shall be accompanied with a fee in the amount required by Section 42-221A, Idaho Code. (7-1-93)

04. Amended Applications. (7-1-93)

a. Applications for permit shall be amended whenever significant changes to the place, period or nature of the intended use, method or location of diversion or proposed use or uses of the water or other substantial changes from that shown on the pending application are intended. An application shall be amended if the proposed change will result in a greater rate of diversion or depletion (see Subsection 035.04.c.), if the point of diversion, place of use, or point of discharge of the return flow are to be altered, if the period of the year that water will be used is to be changed, or if the nature of the use is to be changed. (7-1-93)

b. An application can be amended to clarify the name of the source of water but may not be amended to change the source of water. (7-1-93)

c. An amendment which increases the rate of diversion, increases the volume of water diverted per year or the volume of water depleted, lengthens the period of use, or adds an additional purpose of use shall result in the priority of the application for permit being changed to the date the amended application is received by the department. (7-1-93)

d. An application for permit may be amended by endorsement by the applicant or his agent on the original application for permit form which endorsement shall be initialed and dated. If the changes required to the information on the application are, in the judgment of the Director, substantial enough to cause confusion in interpreting the application form, the amended application shall be submitted on a new application for permit form to be designated as an amended application. (7-1-93)

e. An amended application shall be accompanied by the additional fee required by Section 42-221A, Idaho Code, if the total rate of diversion or total volume of storage requested is increased and by the fee required by Section 42-221F, Idaho Code, for readvertising if notice of the original application has been published. (7-1-93)

f. If the applicant's name or mailing address changes, the applicant shall in writing notify the department of the change. (7-1-93)

036. -- 039. (RESERVED)

040. PROCESSING APPLICATIONS FOR PERMIT AND REPROCESSING PERMITS (RULE 40).

01. General. (7-1-93)

a. Unprotested applications, whether for unappropriated water or trust water, will be processed using the following general steps: (7-1-93)

i. Advertisement and protest period; (7-1-93)

ii. Department review of applications and additional information, including department field review if determined to be necessary by the Director; (7-1-93)

iii. Fact finding hearing if determined to be necessary by the Director; (7-1-93)

iv. Director's decision; (7-1-93)

v. Section 42-1701A, Idaho Code, hearing, if requested; and (7-1-93)

vi. Director's decision affirmed or modified. (7-1-93)

- b. Protested applications, whether for unappropriated water or trust water, will be processed using the following general steps: (7-1-93)
 - i. Advertisement and protest period; (7-1-93)
 - ii. Hearing and/or conference; (7-1-93)
 - iii. Department review of applications, hearing record and additional information including department field review if determined to be necessary by the Director. (7-1-93)
 - iv. Proposed decision (unless waived by parties); (7-1-93)
 - v. Briefing or oral argument in accordance with the department's adopted Rules of Procedure. (7-1-93)
 - vi. Director's decision accepting or modifying the proposed decision. (7-1-93)
 - c. The Director's decision rejecting and denying approval of an application for permit filed for diversion from a source previously designated as a critical groundwater area or upon which a moratorium has previously been entered may be issued without advertisement of the application. (7-1-93)
 - d. An applicant may request in writing that commencement of processing of his or her application be delayed for a period not to exceed one (1) year or that processing be interrupted for a period not to exceed six (6) months. The Director at his discretion may approve the request unless he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay. The Director may approve a request for delay for a shorter period of time or upon conditions, and may renew the approval upon written request. (7-1-93)
 - e. As a condition of processing applications or reprocessing permits to reallocate trust water, the Director may require a cash bond or surety bond. Such bond up to five dollars (\$5) per acre of land requested to be irrigated or two hundred fifty (\$250) per cfs for other uses shall serve as a performance bond for satisfactory compliance with the permitted time requirements for commencement of construction, completion of project works and diversion of water to beneficial use. Failure to comply with the permitted time requirements, or such extension of time granted by the Director for good cause shown, is cause for the Director to require surrender of the bond amount to the department's Water Administration Account. The bond shall be returned to the permit holder upon satisfactory compliance with the permit's time requirements. (7-1-93)
- 02. Public Notice Requirement. (7-1-93)**
- a. Applications for permit which have not been advertised. (7-1-93)
 - i. Advertisement of applications for permit proposing a rate of diversion of ten (10) cfs or less or storage of one thousand (1000) AF or less shall comply with provisions of Section 42-203A, Idaho Code. The first required advertisement will be published on the first or third Thursday of a month when published in daily newspapers and on the first or third publishing day of the month for weekly newspapers. (7-1-93)
 - ii. Advertisement of applications for permit in excess of the amounts in Subsection 040.02.a.i. shall comply with provisions of Subsection 040.02.a.i. and shall also be published in a newspaper or newspapers to achieve statewide circulation. (7-1-93)
 - iii. Statewide circulation with respect to Section 42-203A(2), Idaho Code, shall be obtained by publication of a legal notice at least once each week for two (2) successive weeks in a newspaper, as defined in Section 60-106, Idaho Code, of general circulation in the county in which the point of diversion is located and by publication of a legal notice at least once each week for two (2) successive weeks in at least one (1) daily newspaper, as defined in Section 60-107, Idaho Code, published in each of the department's four (4) administrative regions and determined by the Director to be of general circulation within the department's region within which it is published. The administrative regions of the department are identified on Figure 2 in APPENDIX C (located at the end of this

chapter). The names of newspapers used for statewide publication are available from any department office. (7-1-93)

b. Applications for permit which have been advertised. (7-1-93)

i. Notice of applications for permit for water from the Snake River between Swan Falls Dam and Milner Dam or surface and groundwater tributaries to that reach of Snake River which were advertised prior to July 1, 1985 and have been held without final action by the department due to the Swan Falls controversy shall be readvertised by the Director in accordance with Subsection 040.02.a. as appropriate to allow opportunity for protests to be entered with respect to the public interest criteria of Section 42-203C(2), Idaho Code. (7-1-93)

ii. Applications for permit from the Snake River or surface and groundwater sources upstream from Milner Dam which have been held without action due to the Swan Falls controversy may be processed without readvertisement. (7-1-93)

iii. The applicant shall pay the readvertisement fee provided in Section 42-221F, Idaho Code, prior to the readvertisement. (7-1-93)

iv. Failure to pay the readvertising fee within thirty (30) days after the applicant is notified to do so is cause for the Director to void the application. (7-1-93)

c. Notice of existing permits. (7-1-93)

i. Existing permits appropriating water held in trust by the state of Idaho issued prior to July 1, 1985, unless exempted by Subsection 040.02.c.ii. shall be subject to the review requirements of Section 42-203D, Idaho Code, and shall be readvertised in accordance with Subsection 040.02.a. as appropriate. The review is limited to the criteria described in Section 42-203C(2), Idaho Code. (7-1-93)

ii. Permits exempt from the provisions of Section 42-203D, Idaho Code, include: (7-1-93)

(1) Permits appropriating water not held in trust by the state of Idaho; (7-1-93)

(2) Permits for DCMI uses, stockwater uses and other essentially non-consumptive uses as determined by the Director; and (7-1-93)

(3) Permits for which an acceptable proof of beneficial use submittal was received by the department prior to July 1, 1985, or permits for which an acceptable proof of beneficial use was submitted after July 1, 1985, if evidence satisfactory to the Director has been received to show that the permit was fully developed prior to July 1, 1985 to the extent claimed on the proof of beneficial use. (7-1-93)

iii. Holders of permits subject to the review requirement of Section 42-203D, Idaho Code, shall pay in advance, upon the request of the Director, the readvertising fee required by Section 42-221F, Idaho Code. (7-1-93)

iv. Failure to pay the readvertising fee within thirty (30) days after the applicant is notified to do so is cause for the Director to cancel the permit. (7-1-93)

d. Provisions for Receiving Notice of Application for Permit by Mail. (7-1-93)

i. Pursuant to Section 42-203A(3), Idaho Code, the department will provide upon written request by regular mail, postage prepaid, the notices for all applications for permit of the classes requested. Mailings will be made on a periodic basis to include all notices of a specific class for which advertisements were prepared for publication during the previous period. Mailings will be made on or about the day of the first advertisement as provided in Subsection 040.02.a.i. (7-1-93)

ii. Notice of the advertisement of application as described in Section 42-203A(3), Idaho Code, may be represented by an abstract, summary or other such representation which includes all the information required by Section 42-203A(1), Idaho Code, for a notice of an application for permit. (7-1-93)

iii. The annual mailing fee as described in Section 42-203A(3), Idaho Code, shall include all costs incurred by the department in preparation of mailing of the notices of application to those requesting them. (7-1-93)

iv. The annual fee for receiving notice of all classes will be determined by the Director and shall be paid to the department in advance on an annual basis (July 1 to June 30). The annual mailing fee shall be prorated by the department for requests encompassing less than a full year and will be increased for the additional cost the department incurs for requests encompassing fewer than all classes of notice. (7-1-93)

v. A request for a specific class of notice may be fulfilled by the mailing of notice of all applications for permit received by the department unless the additional cost to the department of preparing the requests for a specific class of notice is paid in advance. (7-1-93)

vi. A request to receive a class of notice of applications shall be effective not later than thirty (30) days after receipt by the department of the request together with the annual fee. (7-1-93)

vii. The notice published in the newspaper of an application or of a permit being reprocessed as required by Subsections 040.02.a. through 040.02.c. is the official notice required by Section 42-203A, Idaho Code. Errors or omissions in the notices of applications received by mail as provided by Subsection 040.02.d. or the failure of the notices to be delivered by mail does not invalidate the published notice. (7-1-93)

03. Protests, Intervention, Hearings, and Appeals. (7-1-93)

a. Protests. (7-1-93)

i. Protests against the approval of an application for permit or against a permit being reprocessed shall comply with the requirements for pleadings as described in the department's adopted Rules of Procedure. (7-1-93)

ii. Protests against the approval of an application for permit or against a permit being reprocessed will only be considered if received by the department after receipt of the application by the department and prior to the expiration of the protest period announced in the advertisement unless the protestant successfully intervenes in the proceeding. (7-1-93)

iii. General statements of protest (blanket protests) against appropriations for a particular class of use or from a particular source of water will not be considered as valid protests by the Director. (7-1-93)

b. Intervention. Requests to intervene in a proceeding pending before the department shall comply with the Department's adopted Rules of Procedure. (7-1-93)

c. Hearings. Hearings will be scheduled and held in accordance with the department's adopted Rules of Procedure. (7-1-93)

d. Appeals. Any final decision of the Director may be appealed in accordance with Section 42-1701A, Idaho Code. (7-1-93)

04. Burden of Proof. (7-1-93)

a. Burden of proof is divided into two (2) parts: first, the burden of coming forward with evidence to present a prima facie case, and second, the ultimate burden of persuasion. (7-1-93)

b. The burden of coming forward with evidence is divided between the applicant and the protestant as follows: (7-1-93)

i. The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Section 42-203A(5), Idaho Code; (7-1-93)

ii. The applicant shall bear the initial burden of coming forward with evidence for the evaluation of

criterion (e) of Section 42-203A(5), Idaho Code, as to any factor affecting local public interest of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant shall bear the initial burden of coming forward with evidence for those factors relevant to criterion (e) of Section 42-203A(5), Idaho Code, of which the protestant can reasonably be expected to be more cognizant than the applicant. (7-1-93)

iii. The protestant shall bear the initial burden of coming forward with evidence for the evaluation of the public interest criteria of Section 42-203C(2), Idaho Code, and of demonstrating a significant reduction, except that the applicant shall provide details of the proposed design, construction, and operation of the project and directly associated operations to allow the impact of the project to be evaluated. (7-1-93)

c. The applicant has the ultimate burden of persuasion for the criteria of Section 42-203A, Idaho Code, and the protestant has the ultimate burden of persuasion for the criteria of Section 42-203C, Idaho Code. (7-1-93)

d. For untested applications or permits to be reprocessed, the Director will evaluate the application, information submitted pursuant to Subsection 040.05.c. and information in the files and records of the department, and the results of any studies the department may conduct to determine compliance with the appropriate criteria. (7-1-93)

e. In protested matters the Director will take official notice of information as described in the department's adopted Rules of Procedure, and will, prior to considering, circulate to the parties information from department studies and field examinations concerning the protested application or permit being reprocessed, if such information has not otherwise been made a part of the hearing record. (7-1-93)

05. Additional Information Requirements. (7-1-93)

a. For untested applications and permits being reprocessed, the additional information required by Subsection 040.05.c. shall be submitted within thirty (30) days after the Director notifies the applicant that the application or permit is being reviewed for decision. The Director may extend the time within which to submit the information upon request by the applicant and upon a showing of good cause. Failure to submit the required information within the time period allowed will be cause for the Director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The Director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code. (7-1-93)

b. For protested applications or protested permits being reprocessed, the information required by Subsection 040.05.c. may be requested by the Director to be submitted within thirty (30) days after notification by the Director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures. Failure to submit the required information within the time period allowed will be cause for the Director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. (7-1-93)

c. The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 AF) or less and for filings seeking reallocation of trust water which the Director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. However, the Director may specifically request submittal of any of the following information for any filing, as he determines necessary. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows: (7-1-93)

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted. (7-1-93)

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

(7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: (7-1-93)

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director. (7-1-93)

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the Director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The Director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

i. A project design and estimate of cost of development shall be submitted. For applications appropriating more than twenty-five (25) cfs, or ten thousand (10,000) AF of storage, or generating more than five (5) megawatts, the information shall be prepared and submitted by a qualified engineer licensed under the provisions of Chapter 12, Title 54, Idaho Code, unless waived by the Director. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules. (7-1-93)

ii. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed. (7-1-93)

iii. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development including both the construction and operating phases of the project. If jobs are seasonal, the estimated number of months per year of employment shall be submitted. (7-1-93)

iv. For applications or permits being reprocessed for more than twenty-five (25) cfs, or more than ten thousand (10,000) AF of storage, or more than five (5) megawatts, information shall be submitted concerning the changes to community services that will be required during the construction and operation phases of the project including, but not limited to, changes to schools, roads, housing, public utilities and public health and safety facilities, if any. (7-1-93)

v. Information shall be submitted concerning the source of energy for diverting and using water for the project, the estimated instantaneous demand and total amount of energy that will be used, the efficiency of use, and energy conservation methods. (7-1-93)

vi. Information shall be submitted concerning the location, amount, and quality of return flow water, and any water conservation features of the proposed project. (7-1-93)

vii. If the project proposes irrigation as a use, information shall be submitted concerning the kinship, if any, of the operator of the land to be irrigated by the project to the applicant, the location and acreage of other irrigated lands owned, leased, or rented by the applicant, the names, addresses and number of shares held by each shareholder if the applicant is a corporation, evidence of tax-exempt status if a corporation is so claiming, a soil survey prepared in accordance with the U.S. Soil Conservation Service irrigatable land classification system, and a schedule for bringing into production the project lands. (7-1-93)

041. -- 044. (RESERVED)

045. EVALUATION CRITERIA (RULE 45).

01. Criteria for Evaluating All Applications to Appropriate Water. The Director will use the following criteria in evaluating whether an application to appropriate unappropriated water or trust water should be approved, denied, approved for a smaller amount of water or approved with conditions. (7-1-93)

a. Criteria for determining whether the proposed use will reduce the quantity of water under existing water rights. A proposed use will be determined to reduce the quantity of water under an existing water right (i.e., injure another water right) if: (7-1-93)

i. The amount of water available under an existing water right will be reduced below the amount recorded by permit, license, decree or valid claim or the historical amount beneficially used by the water right holder under such recorded rights, whichever is less. (7-1-93)

ii. The holder of an existing water right will be forced to an unreasonable effort or expense to divert his existing water right. Protection of existing groundwater rights are subject to reasonable pumping level provisions of Section 42-226, Idaho Code; or (7-1-93)

iii. The quality of the water available to the holder of an existing water right is made unusable for the purposes of the existing user's right, and the water cannot be restored to usable quality without unreasonable effort or expense. (7-1-93)