

BRIAN D. HIGGS, P.G.
Licensed Professional Geologist
Office Phone (208)522-0399
Cell Phone (208)604-1280



6330 West 33rd South
Idaho Falls, ID 83402-5641
Email: higgs@ida.net
Fax: (208)542-0399

October 13, 2009

Mr. Jim Stanton
IDWR
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3308

RECEIVED
OCT 21 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: JOHN SUDIK WATER RIGHT TRANSFER

Dear Jim,

Please find enclosed an application for permit to transfer ground water. All the necessary attachments are enclosed except for a letter of approval from Mr. Darrell Funk's mortgage company which you have already received.

Mr. John Sudik contacted me a few months ago and requested consulting for his needed transfer. Knowing the mitigation requirement, it was necessary to find a ground water right that could be transferred and also provide the required mitigation.

A review of the equipotential contours on a water table map determined that assigning injury to downgradient users would be very difficult. According to the flow lines the ground water flows due north from the Sudik dairy. Within approximately 1 mile of the Snake River the flow becomes entangled in a series of confined and perched aquifers. There are no spring users on the south side of the Snake River within the reach the ground water flows. Therefore, it was not possible to meet a mitigation obligation or to be able to determine what the mitigation would be.

As a result, some available ground water rights that can be mitigated were located. The acres belong to Mr. Darrell Funk. They are located on the border of the IDWR ESPA boundary, immediately west of the Twin Falls County/Cassia County line. The flow lines from Mr. Funk's acres track northeast to the Oakley ground water trough. The water then flows northwest toward Jerome and enters one of the springs located on the north side of the Snake River. Originally, acres inside the ESPA boundary were desired in order to reduce some of the mitigation obligation required from SWID. However, due to the loss of cfs in the transfer process it was decided to transfer water that can provide mitigation but is located outside the ESPA boundary.

The deal arranged between Mr. Sudik and Mr. Funk is to trade Mr. Funk's ground water acres for equal shares in the Twin Falls Canal Company owned by Mr. Sudik. The surface water will be distributed to Murtaugh Lake where Mr. Funk has a pumping station. The water will be pumped via pipeline to the transfer acres. The calculations for volume and discharge are included in the application. A map depicting the pipeline and pumping station is also included.

Therefore, the mitigation of this transfer is the soft conversion of ground water acres located within flow lines that intersect downgradient senior water rights. By approving this transfer the IDWR will be increasing the flow at the springs on the north side of the river and providing Mr. Sudik with the necessary water right to maintain his voluminous production without injury to downgradient senior water rights.

BRIAN D. HIGGS, P.G.
Licensed Professional Geologist
Office Phone (208)522-0399
Cell Phone (208)604-1280



6330 West 33rd South
Idaho Falls, ID 83402-5641
Email: higgs@ida.net
Fax: (208)542-0399

Thank you for all you help on the many transfers throughout the years. Please contact me if I can provide any assistance.

Sincerely,

A handwritten signature in black ink, which appears to read "Brian Higgs".

Brian Higgs, P.G.

Cc: Rob Williams
Darrell Funk
John Sudik

Farm Number	Tract Number	CLU/Field	Ir Pr	C/C	Var/Type	Int Use	C/C Stat	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt Unt	Opt Unt
5536	32689	22	Ni		BARLY (continued)								.5200	DARRELL M FUNK		
		23	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		24	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		25	Ni		BARLY SPR	Grain	I A	12.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		26	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		27	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		28	Ni		BARLY SPR	Grain	I A	12.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		29	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		31	NS Ir		ALFAL	Forage	I A	131.00			Y	09-13-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
	32690	1	Ir		BEANS PNK	DryEd	I A	125.40			Y	06-02-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		2	Ni		BARLY SPR	Grain	I A	6.50			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		3	Ir		ALFAL	Forage	I A	134.40			Y	09-01-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		4	Ir		CORN YEL	Forage	I A	133.00			Y	05-09-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		5	NS Ir		ALFAL	Forage	I A	130.00			Y	09-05-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		6	Ir		SBEET	Proces	I A	126.80			Y	04-21-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		7	Ir		BEANS PNK	DryEd	I A	127.80			Y	06-03-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		8	Ir		ALFAL	Forage	I A	25.00			Y	09-01-2006	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		9	Ir		BARLY SPR	Grain	I A	12.00			Y	04-03-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		10	Ni		BARLY SPR	Grain	I A	6.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		11	Ni		BARLY SPR	Grain	I A	10.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		12	Ni		BARLY SPR	Grain	I A	24.00			Y	04-06-2009	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		13	Ir		ALFAL	Forage	I A	12.00			Y	04-12-2009	.4800	PATRICIA FUNK		

TWIN FALLS, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578 (Producer Print)

REPORT OF ACREAGE

PROGRAM YEAR 2008

DATE: 10-03-2008

Farm Number	Tract Number	CLU/Field	Ir Pr	Var/ C/C	Int Type	Use	C/C Stat	Rpt Unit	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt	Unt
5536	32689	2	Ir	BARLY	(continued)								.5200	DARRELL M FUNK		
		4	Ir	BARLY SPR	Grain	I	A		5.30		Y	04-01-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		16	Ir	CORN YEL	Forage	I	A		100.00		Y	06-08-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		17	Ir	CORN YEL	Forage	I	A		100.00		Y	06-12-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		18	W1	BARLY SPR	Grain	I	A		145.00		Y	03-20-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
	32690	1	Ir	WHEAT SWW	Grain	I	A		125.40		Y	09-14-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
Simplot 2	-	3	NS Ir	ALFAL	Forage	I	A		134.40		Y	09-01-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		8	Ir	ALFAL	Forage	I	A		25.00		Y	09-01-2006	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		2	W1	BARLY SPR	Grain	I	A		6.50		Y	03-01-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		5	Ir	WHEAT SWW	Grain	I	A		130.00		Y	09-14-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		6	Ir	WHEAT SWW	Grain	I	A		126.80		Y	09-17-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		4	Ir	CORN YEL	Grain	I	A		133.00		Y	04-29-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		7	Ir	CORN YEL	Grain	I	A		127.80		Y	04-27-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
	32824	1	Ir	WHEAT HWR	Grain	I	A		62.64		Y	03-28-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		2	Ir	ALFAL	Forage	I	A		187.26		Y	08-28-2005	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		3	Ir	WHEAT SWW	Grain	I	A		146.50		Y	09-28-2007	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		4	Ir	WHEAT HWR	Grain	I	A		156.05		Y	03-29-2008	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		
		5	Ir	ALFAL	Forage	I	A		154.16		Y	04-21-2005	.4800	PATRICIA FUNK		
													.5200	DARRELL M FUNK		

Photo Number/Legal Descriptions:

3096	36-11-19;1.6-12-20;31-10-20
3118	4-11-20
3160	21-11-20
3218	11-11-20
3250	15-11-20
3252	26-11-20
3254	7-11-20
3255	16-11-20
3256	16-11-20
31425	31,36-10-20.21

WARRANTY DEED

For Value Received JOHN H. KLOMPIEN and TENA Y. KLOMPIEN, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JOHNNY R. SUDIK and GINNY SUDIK, husband and wife
Route #3, Skyline Dr.
Twin Falls, Idaho 83301

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 18 E., S.M., Twin Falls County, Idaho
Section 9: That part of the N4SW4 lying South of the Low
Line Canal; and Lots 3 and 5, UTAH CONSTRUCTION COMPANY'S
SUBDIVISION, of Section 9, Township 11 South, Range 18 E., S.M.,
Twin Falls County, Idaho

EXCEPT: Highway right of way

RESERVING UNTO THE GRANTORS HEREIN AN EASEMENT FOR EGRESS AND EGRESS
BEING 25 FEET WIDE ALONG THE SOUTH RIGHT OF WAY OF THE LOW LINE CANAL.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated June 28, 1990

John H. Klompier
John H. Klompier

Tena Y. Klompier
Tena Y. Klompier

STATE OF IDAHO, COUNTY OF JEROME

On this 10th day of June 1990
before me, a notary public in and for said State, personally appeared

John H. Klompier and Tena Y.
Klompier,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Notary Public
Jerome, Idaho
My Comm. Expires
June 1, 1991
Notary Seal
Notary Public
Jerome, Idaho
My Comm. Expires
June 1, 1991