

**Application for Transfer and
associated documents
have been re-numbered
due to new Workflow Transfer
database effective
December 2012**

See new transfer # 78295

78295
 Transfer No. ~~75449~~
 Receipt No. 5030697

**STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1**

1. Applicant Information DARRELL M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344
 (208)432-5386

AND/OR

PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344
 (208)432-5386

RECEIVED

FEB 18 2009

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-13914	WR/Decreed	2.57	560.0	140.0	343.0	GROUND WATER
45-2443	WR/Decreed	2.58	740.0	185.0	443.0	GROUND WATER
45-4102	WR/Decreed	0.84	138.0	34.5	443.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-13914	NO	NO	NO	YES	NO	NO
45-2443	NO	NO	NO	YES	NO	NO
45-4102	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

Previous transfer added a point of diversion. Water from this diversion did not meet water needs (due to driller's tool getting stuck). Therefore an additional point of diversion is needed.

WITHDRAWN

all 19 pg
SCANNED
FEB 25 2009

5. Total Amounts Transferred

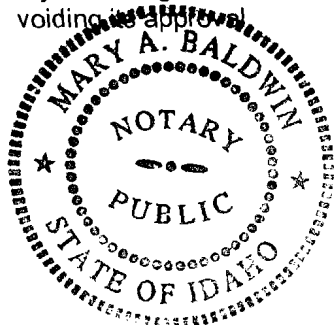
	Rate	Acre Limit	Total Acres	Volume
45-13914	2.57 cfs	140.0	343.0	560.0 af
45-2443	2.58 cfs	185.0	443.0	740.0 af
45-4102	0.84 cfs	34.5	443.0	138.0 af
TOTAL				

Transfer No. 75419

Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding the approval.



David Lusk
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 18th day of February, 20 09

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-13914

Priority Date: March 08, 1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.57 CFS	560.0 AFA	
	Total Diversion	2.57 CFS	560.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	22			39.0	38.0					38.0		38.0	33.0	39.0	40.0	39.0	39.0	343.0

Total Acres: 343

Conditions/Remarks:

1. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.
5. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Use of the rights listed below is limited to a total combined diversion rate of 5.99 cfs and to a total combined annual diversion volume of 1372 af. Combined right nos.: 45-2443, 45-4102, 45-13914.
8. Use of the rights listed below is limited to the irrigation of a combined total of 343 acres in a single irrigation season. Combined right nos.: 45-2326, 45-2443, 45-4102, 45-13914.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. The right holder shall accomplish the change authorized by transfer 71305 by December 22, 2006.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Documentation of Ownership of the Current Place of Use

IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75419

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-2443

Priority Date: April 24, 1953

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.58 CFS	740.0 AFA	
	Total Diversion	2.58 CFS	740.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 20E 22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

Conditions/Remarks:

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. Use of the rights listed below is limited to a total combined diversion rate of 5.99 cfs and to a total combined annual diversion volume of 1372 af. Combined right nos.: 45-2443, 45-4102, 45-13914.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.
6. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by transfer 71305 by December 22, 2006.

9. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
10. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. This right is limited to the irrigation of 185 acres within the place of use described above in a single irrigation season.
12. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. Use of the rights listed below is limited to the irrigation of a combined total of 343 acres in a single irrigation season. Combined right nos.: 45-2326, 45-2443, 45-4102, 45-13914.
14. Use of this right with right no. 45-2326 is limited to the irrigation of a combined total of 206 acres in a single irrigation season.

Documentation of Ownership of the Current Place of Use
IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-4102

Priority Date: March 15, 1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.84 CFS	138.0 AFA	
	Total Diversion	0.84 CFS	138.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

Conditions/Remarks:

1. The right holder shall accomplish the change authorized by transfer 71305 by December 22, 2006.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. Use of the rights listed below is limited to a total combined diversion rate of 5.99 cfs and to a total combined annual diversion volume of 1372 af. Combined right nos.: 45-2443, 45-4102, 45-13914.
4. Use of the rights listed below is limited to the irrigation of a combined total of 343 acres in a single irrigation season. Combined right nos.: 45-2326, 45-2443, 45-4102, 45-13914.
5. Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. This right is limited to the irrigation of 34.5 acres within the place of use described above in a single irrigation season.
10. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 29, 2005.

12. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
13. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-13914

Priority Date: March 08, 1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.57 CFS	560.0 AFA	
	Total Diversion	2.57 CFS	560.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 20E 22			39.0	38.0					38.0		38.0	33.0	39.0	40.0	39.0	39.0	343.0

Total Acres: 343

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-2443

Priority Date: April 24, 1953

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.58 CFS	740.0 AFA	
	Total Diversion	2.58 CFS	740.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	20E	22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-4102

Priority Date: March 15, 1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.84 CFS	138.0 AFA	
	Total Diversion	0.84 CFS	138.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S 20E 22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443



11S20E17

11S20E16

11S20E15

Proposed
Pond



11S20E20

11S20E21

11S20E22