

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71316

This is to certify that: DARRELL M And/Or PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344
 (208)432-5386

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2320	WR/Decreed	02/09/1954	2.34 cfs	1141.7 af	805.0	1,582.0	GROUND WATER
45-13642	WR/Decreed	01/15/1958	6.78 cfs	3108.0 af	777.0	1,582.0	GROUND WATER
45-13644	WR/Decreed	03/15/1958	4.92 cfs	N/A	N/A	1,582.0	WASTE WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2320	NO	NO	YES	YES	NO	NO
45-13642	NO	NO	YES	YES	NO	NO
45-13644	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-2320	45-2320	2.34 cfs	1141.7 af	805.0	1,582.0		N/A	N/A	N/A	N/A
45-13642	45-13642	6.78 cfs	3108.0 af	777.0	1,582.0		N/A	N/A	N/A	N/A
45-13644	45-13644	4.92 cfs	N/A	N/A	1,582.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		14.04cfs	N/A	1582.0	1582.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of June, 20 07


 Administrator, Water Management Division

SUPPORT DATA

IN FILE # 45-2320

WATER RIGHT NO. 45-2320
As Modified by Transfer No. 71316

In accordance with the approval of Transfer No. 71316, Water Right No. 45-2320 is now described as follows.

Right Holder: DARRELL M And/Or PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344

Priority Date: February 09, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.34 CFS	1,141.7 AF
			2.34 CFS	1,141.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NESW	Sec. 14 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESW	Sec. 23 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	13							28.0	30.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	314.0
11S	20E	14				23.0					34.0	33.0	32.0	32.0	32.0	34.0	32.0	32.0	284.0
11S	20E	23	33.0	34.0	33.0	32.0	33.0	33.0	33.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	528.0
11S	20E	24	32.0	32.0	33.0	32.0	32.0	31.0	32.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0			456.0

Total Acres: 1582

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 805 acres within the place of use described above in a single irrigation season.
2. Rights 45-2320 and 45-13642 when combined shall not exceed a total diversion rate of 9.12 cfs and a total annual maximum diversion volume of 4249.7 af at the field headgate.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
4. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.

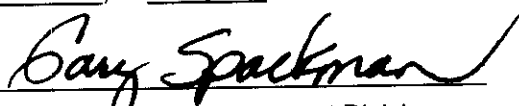
WATER RIGHT NO. 45-2320
As Modified by Transfer No. 71316

CONDITIONS OF APPROVAL

5. 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.
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. 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.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. Prior to the diversion and use of water under Transfer approval 71316, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
11. This right does not grant any right-of-way or easement across the land of another.
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. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of June, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 45-13642
As Modified by Transfer No. 71316

In accordance with the approval of Transfer No. 71316, Water Right No. 45-13642 is now described as follows.

Right Holder: DARRELL M And/Or PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344

Priority Date: January 15, 1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	6.78 CFS	3,108.0 AF
			6.78 CFS	3,108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NESW	Sec. 14 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESW	Sec. 23 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	13							28.0	30.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	314.0
11S	20E	14				23.0					34.0	33.0	32.0	32.0	32.0	34.0	32.0	32.0	284.0
11S	20E	23	33.0	34.0	33.0	32.0	33.0	33.0	33.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	528.0
11S	20E	24	32.0	32.0	33.0	32.0	32.0	31.0	32.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0			456.0

Total Acres: 1582

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 777 acres within the place of use described above in a single irrigation season.
2. Rights 45-2320 and 45-13642 when combined shall not exceed a total diversion rate of 9.12 cfs and a total annual maximum diversion volume of 4249.7 af at the field headgate.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
4. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.

WATER RIGHT NO. 45-13642
As Modified by Transfer No. 71316

CONDITIONS OF APPROVAL

5. 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.
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. 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.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. Prior to the diversion and use of water under Transfer approval 71316, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
11. This right does not grant any right-of-way or easement across the land of another.
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. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of June, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 45-13644
As Modified by Transfer No. 71316

In accordance with the approval of Transfer No. 71316, Water Right No. 45-13644 is now described as follows.

Right Holder: DARRELL M And/Or PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344

Priority Date: March 15, 1958

Source: WASTE WATER

Tributary: MURTAUGH LAKE

BENEFICIAL USE

IRRIGATION

From **To**
 03/15 to 11/15

Diversion Rate

4.92 CFS

4.92 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER SWNWSW Sec. 10 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	13							28.0	30.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	314.0
11S	20E	14				23.0					34.0	33.0	32.0	32.0	32.0	34.0	32.0	32.0	284.0
11S	20E	23	33.0	34.0	33.0	32.0	33.0	33.0	33.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	528.0
11S	20E	24	32.0	32.0	33.0	32.0	32.0	31.0	32.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0			456.0

Total Acres: 1582

CONDITIONS OF APPROVAL

1. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
3. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.
4. 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.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

WATER RIGHT NO. 45-13644
As Modified by Transfer No. 71316

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 71316, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of June, 20 07


Administrator, Water Management Division