

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71968

This is to certify that: DARRELL M FUNK 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>
45-10228	WR/Decreed	05/31/1966	0.06 cfs	N/A	N/A	N/A	GROUND WATER
45-7274	WR/Decreed	08/19/1976	5.71 cfs	1248 af	N/A	312.0	GROUND WATER
45-13657	WR/Decreed	01/01/1983	0.06 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-10228	NO	NO	YES	YES	NO	NO
45-7274	NO	YES	YES	YES	YES	YES
45-13657	NO	NO	YES	YES	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>
45-10228	45-10228	0.06 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
45-7274	45-13911	0.64 cfs	85.8 af	N/A	N/A	45-13910	5.07 cfs	1108 af	N/A	277.0
45-13657	45-13657	0.06 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.70 cfs	100.4 af	N/A	N/A		N/A	N/A	N/A	N/A

Rights 45-10228, 45-13910, 45-13911 and 45-13657 are subject to the conditions of the Preliminary Order dated 07-17-2006 which has become final in the matter of Application for Transfer 71968.

Detailed Water Right Description(s) attached

Dated this 5th day of February, 20 07


 Acting Administrator, Water Management Division

SUPPORT DATA

IN FILE # 45-7274

WATER RIGHT NO. 45-13910
As Modified by Transfer No. 71968

In accordance with the approval of Transfer No. 71968, Water Right No. 45-13910 is now described as follows.

Right Holder: DARRELL M FUNK And/Or
 PATRICIA M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344
 (208)432-5386

Priority Date: August 19, 1976

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	5.07 CFS	1,108.0 AF
			5.07 CFS	1,108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 5 Twp 12S Rge 21E CASSIA 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								
11S	21E	31	32.0	33.0	33.0	32.0												40.0	33.0	37.0	37.0	277.0

Total Acres: 277

CONDITIONS OF APPROVAL

- 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.
- Right 45-13910 is used for mitigation purposes for right 45-13911 under Transfer approval No. 71968. The irrigation use is limited to the following schedule of allowed diversion rate, diversion volume and number of irrigated acres. The right holder shall file a notice of intent with the Department prior to increasing the diversion rate, diversion volume and number of acres irrigated at the time an increase according to the schedule is sought.

- Years 2007 through 2020 the right is limited to 4.69 cfs, 1024 afa, and irrigation of 256 acres. (21 acres left unirrigated).
- Years 2021 and beyond the right is limited to 5.07 cfs, 1108 afa, and irrigation of 277 acres. (No acres required to be unirrigated).

WATER RIGHT NO. 45-13910
As Modified by Transfer No. 71968

CONDITIONS OF APPROVAL

3. The model used to calculate depletion effects and mitigation for Devils Washbowl to Buhl reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval No. 71968. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.

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

Dated this 5th day of February, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 45-13911
As Modified by Transfer No. 71968

In accordance with the approval of Transfer No. 71968, Water Right No. 45-13911 is now described as follows.

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

Priority Date: August 19, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.04 CFS	5.0 AF
STOCKWATER	01/01	to 12/31	0.64 CFS	85.8 AF
			0.64 CFS	85.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENENE	Sec. 24 Twp 11S	Rge 20E	CASSIA County
GROUND WATER	SESESE	Sec. 24 Twp 11S	Rge 20E	CASSIA County

PLACE OF USE: COMMERCIAL

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 21E 19									X	X	X	X					
										L3	L4						

PLACE OF USE: STOCKWATER

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 21E 19				X	X				X	X	X	X					
										L3	L4						
11S 21E 30						X	X							X			
						L1	L2										
11S 21E 31						X	X										
						L1	L2										

CONDITIONS OF APPROVAL

1. Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
2. The water right holder shall maintain control of the necessary portion of right 45-13910 for mitigation purposes under Transfer approval No. 71968. If the necessary portion of the mitigation right is sold, transferred, leased, used on any place of use, or is not deliverable due to a priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
3. Prior to the diversion and use of water under Transfer approval 71968, 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.

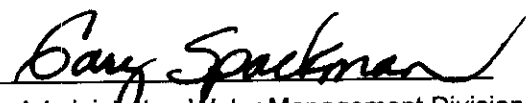
WATER RIGHT NO. 45-13911
As Modified by Transfer No. 71968

CONDITIONS OF APPROVAL

4. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Commercial use is for a feedlot operation.
7. Rights 45-10228 and 45-13657 are also diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 5th day of February, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 45-10228
As Modified by Transfer No. 71968

In accordance with the approval of Transfer No. 71968, Water Right No. 45-10228 is now described as follows.

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

Priority Date: May 31, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.06 CFS	14.6 AF
			0.06 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENENE	Sec. 24 Twp 11S	Rge 20E	CASSIA County
GROUND WATER	SESESE	Sec. 24 Twp 11S	Rge 20E	CASSIA County

PLACE OF USE: STOCKWATER

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	21E	19				X	X				X	X	X	X					
												L3	L4						
11S	21E	30						X	X						X				
								L1	L2										
11S	21E	31						X	X										
								L1	L2										

CONDITIONS OF APPROVAL

1. Rights 45-10228 and 45-13657 when combined shall not exceed a total diversion rate of 0.06 cfs, nor a daily diversion of 13,000 gallons per day.
2. Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
3. Prior to the diversion and use of water under Transfer approval 71968, 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.
4. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Rights 45-13657 and 45-13911 are also diverted through the point(s) of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 45-10228
As Modified by Transfer No. 71968

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 5th day of February, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 45-13657
As Modified by Transfer No. 71968

In accordance with the approval of Transfer No. 71968, Water Right No. 45-13657 is now described as follows.

Right Holder: DARRELL M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344

Priority Date: January 01, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to 12/31	0.06 CFS	14.6 AF
		0.06 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENENE	Sec. 24 Twp 11S	Rge 20E	CASSIA County
GROUND WATER	SESESE	Sec. 24 Twp 11S	Rge 20E	CASSIA County

PLACE OF USE: STOCKWATER

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 21E 19				X	X				X	X	X	X					
										L3	L4						
11S 21E 30						X	X						X				
						L1	L2										
11S 21E 31						X	X										
						L1	L2										

CONDITIONS OF APPROVAL

1. Rights 45-10228 and 45-13657 when combined shall not exceed a total diversion rate of 0.06 cfs, nor a daily diversion of 13,000 gallons per day.
2. Rights 45-10228, 45-13657, and 45-13911 when combined shall not exceed a total diversion rate of 0.70 cfs and a total annual maximum diversion volume of 100.4 af.
3. Prior to the diversion and use of water under Transfer approval 71968, 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.
4. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Rights 45-10228 and 45-13911 are also diverted through the point(s) of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 45-13657
As Modified by Transfer No. 71968

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 5th day of February, 20 07


Acting Administrator, Water Management Division