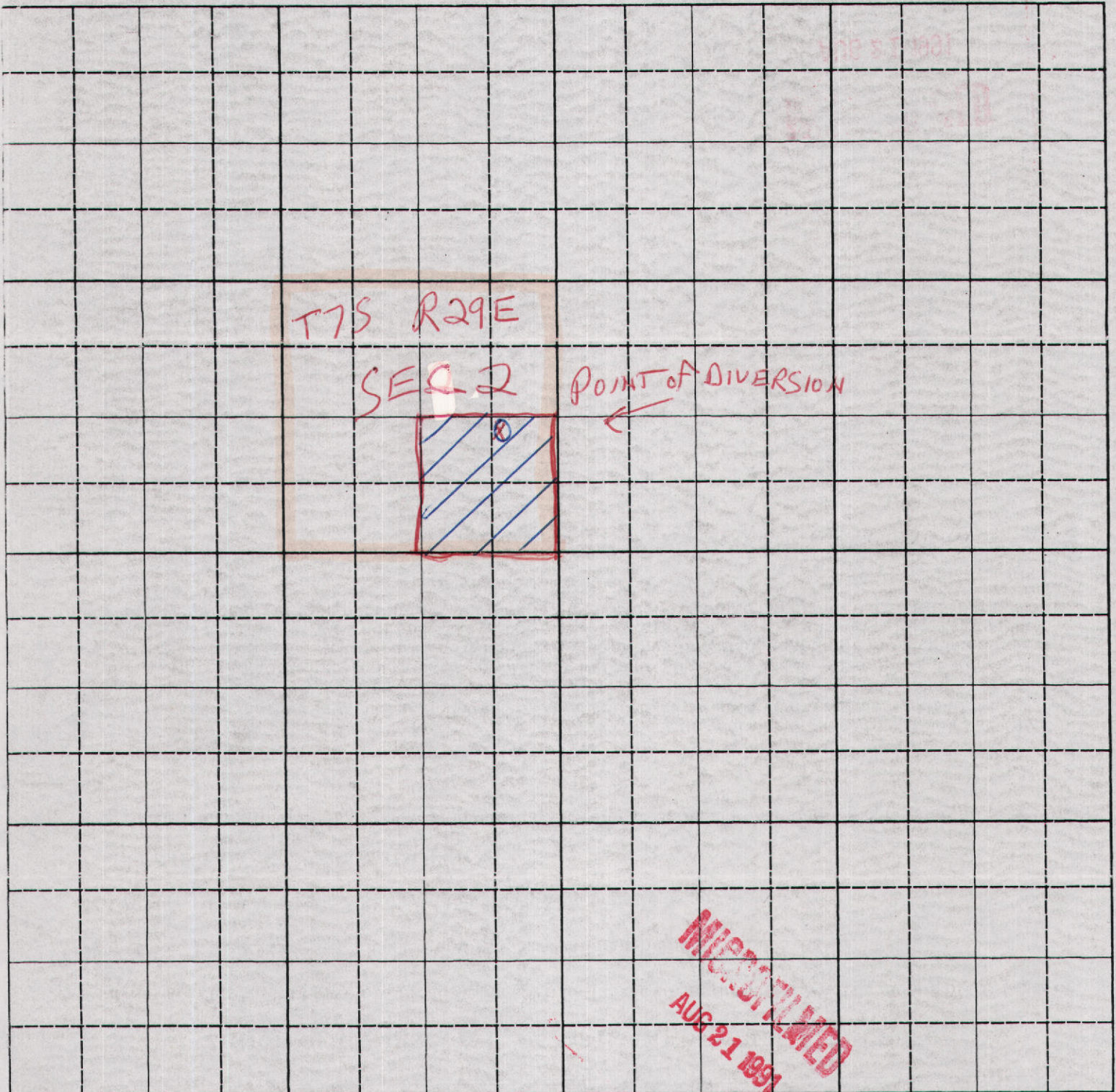


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

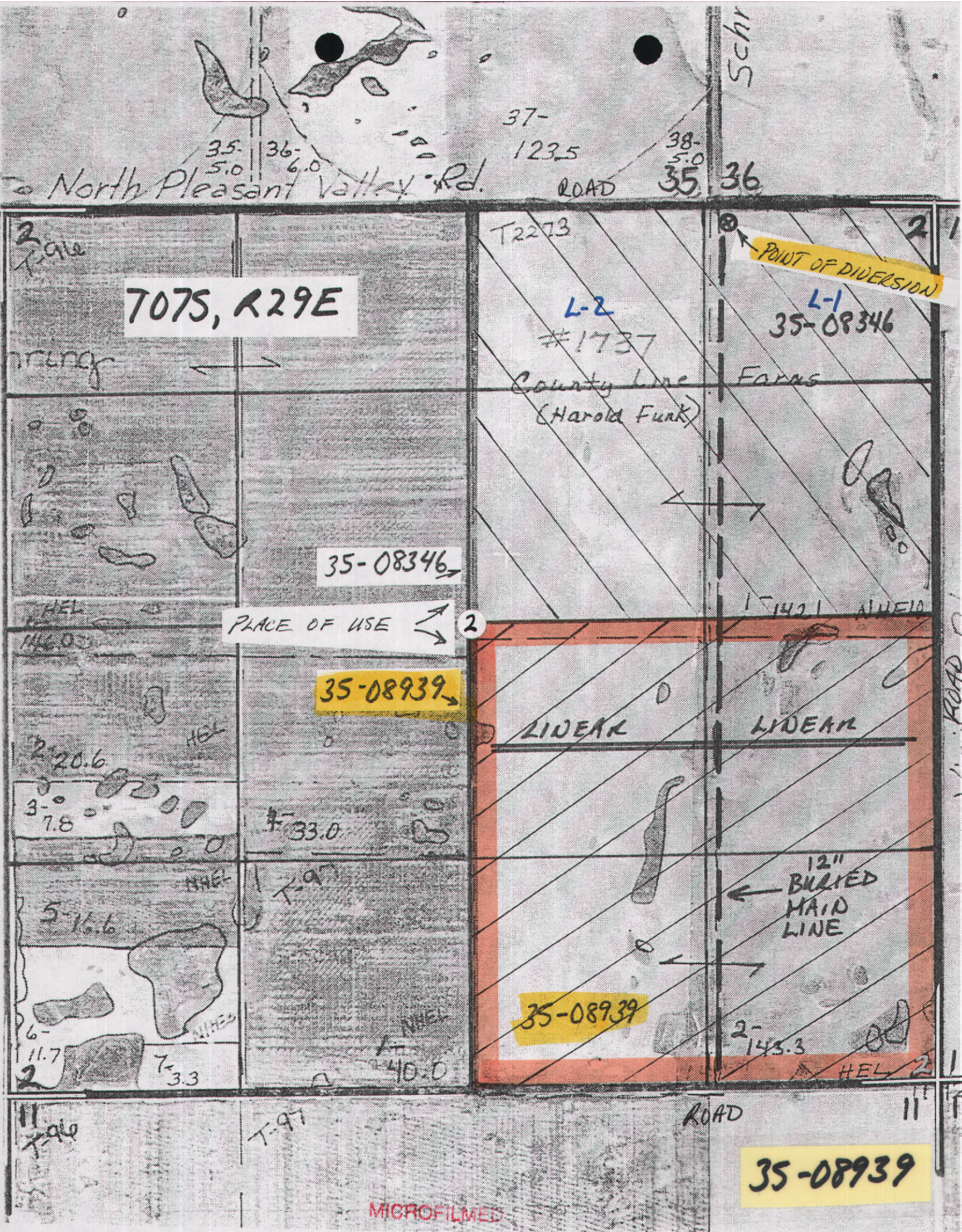
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Harold A. Frank
(Applicant)

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35-7848	GARY W GEHRING,	GROUND WATER	07S29E2					39	40	40	39	39	40	28	38					303
Permit	35-8165	GARY W GEHRING,	GROUND WATER	07S29E2					32	32	40	39	39	40	28	38					288
Permit	35-8346	HAROLD FUNK,	GROUND WATER	07S29E2	40	40	40	40													160
Permit	35-8939	HAROLD FUNK,	GROUND WATER	07S29E2													40	40	40	40	160
Rec	35-7848	GARY GEHRING	GROUND WATER	07S29E2					32	32	40	39	39	40	28	38					288
Rec	35-8165	GARY W GEHRING,	GROUND WATER	07S29E2					32	32	40	39	39	40	28	38					288
Right	35-7848	GARY W GEHRING,	GROUND WATER	07S29E2					39	40	40	39	39	40	28	38					303
Right	35-8165	GARY W GEHRING,	GROUND WATER	07S29E2					32	32	40	39	39	40	28	38					288
Right	35-8346	HAROLD FUNK,	GROUND WATER	07S29E2	31	32	40	39													142
Right	35-8939	HAROLD FUNK,	GROUND WATER	07S29E2													40	40	39	39	158

No P/U OK



7075, R29E

35-08346

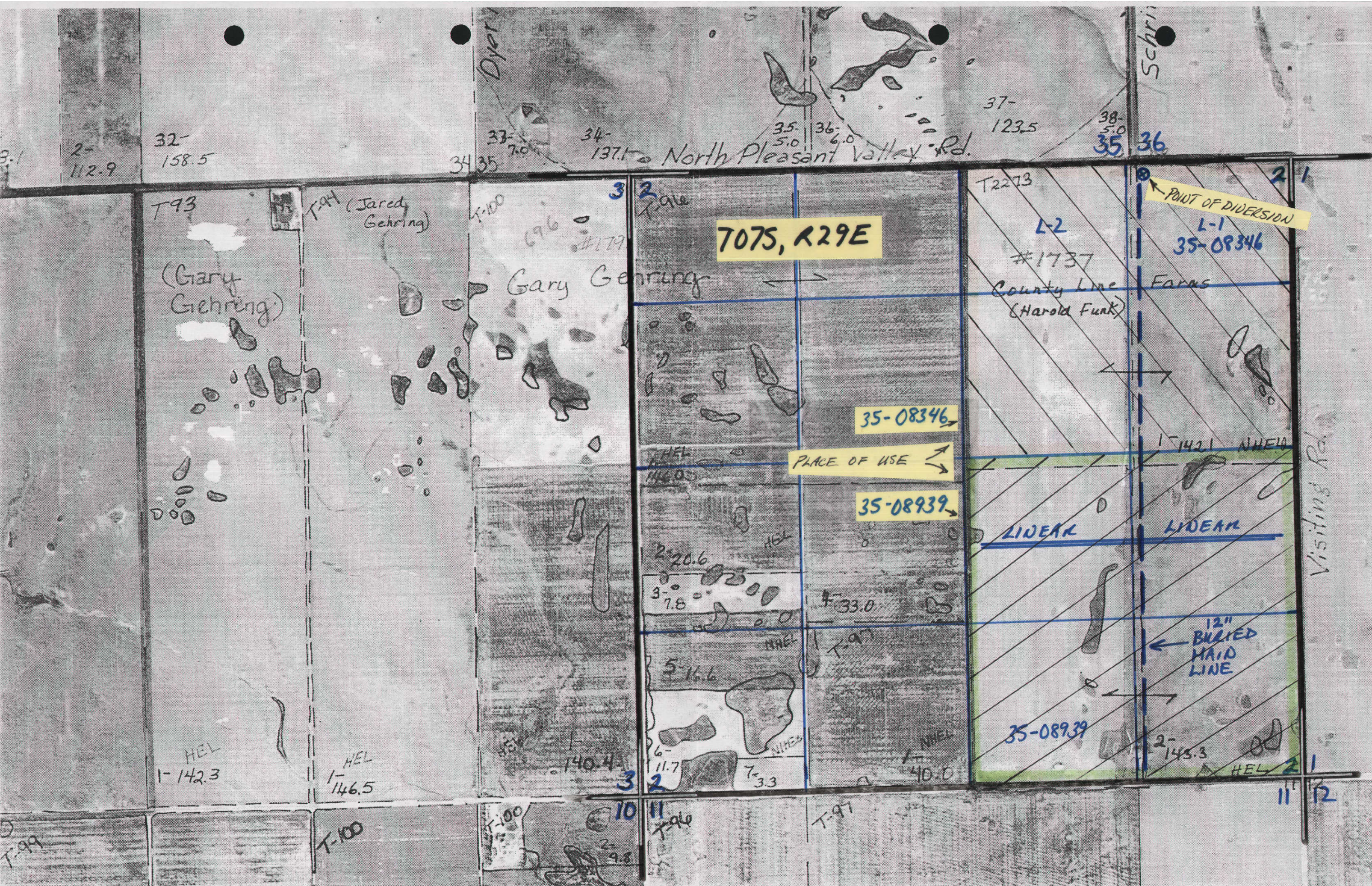
PLACE OF USE

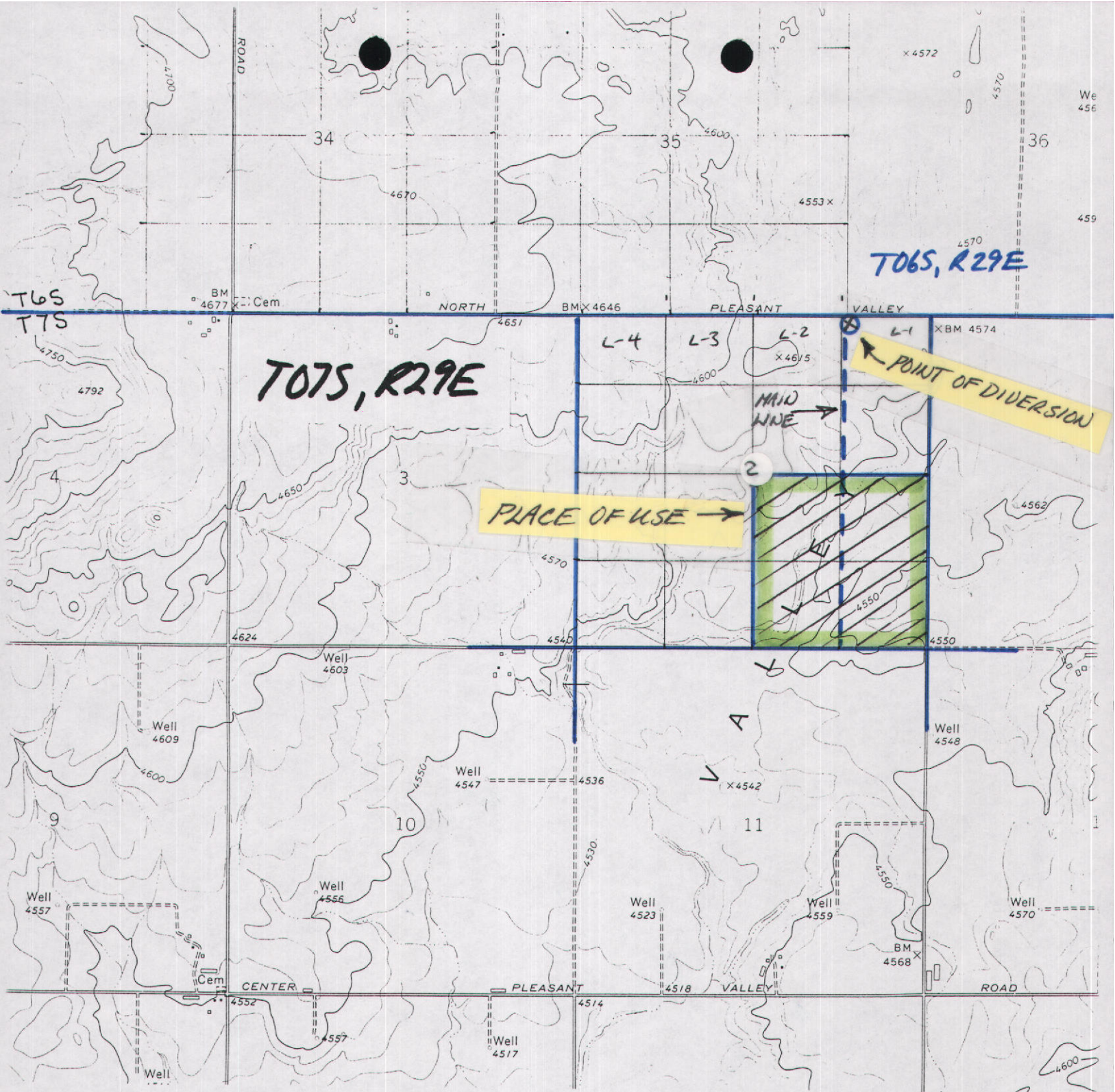
35-08939

35-08939

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OCT 11 2001





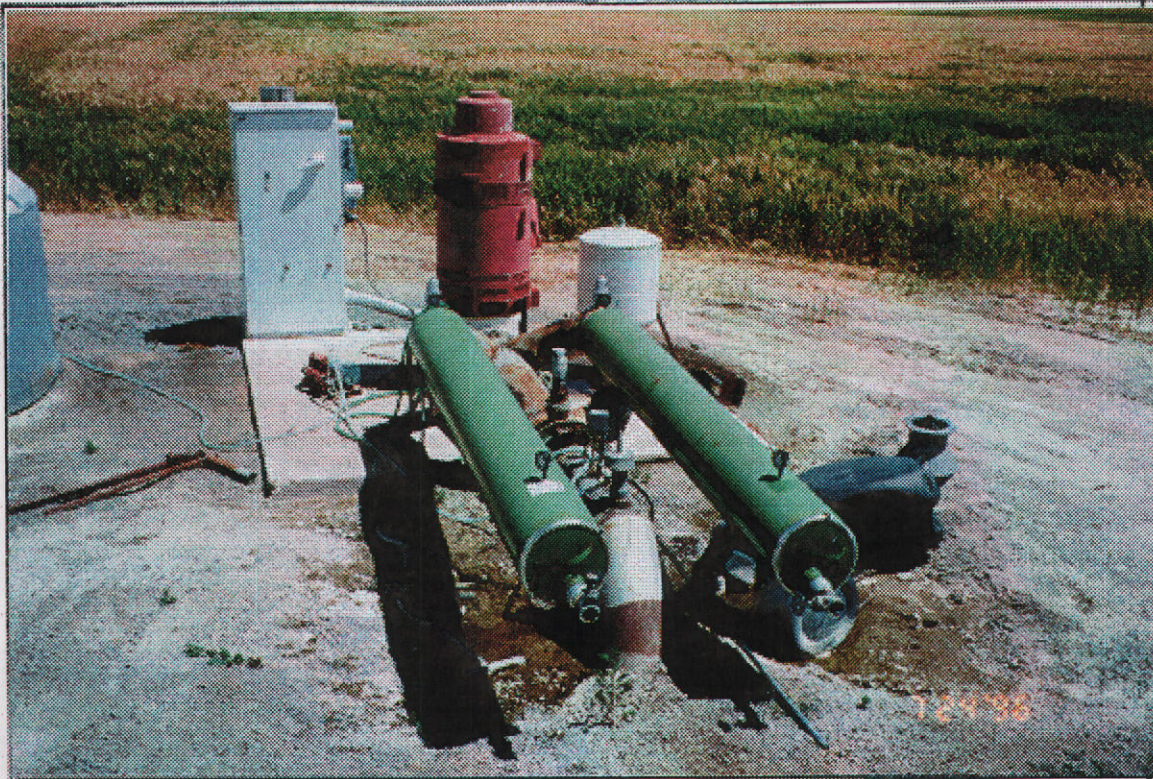
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OCT 11 2001

35-08939

HAROLD FUNK

IRRIGATION

10/3



VIEW OF
POINT OF
DIVERSION



VIEW NORTH
PLACE OF
USE
LINEAR

MICROFILMED
OCT 11 2001

PERMIT
NUMBER

35-08939

HAROLD FUNK

IRRIGATION

2 of 3



VIEW
NORTHEAST
PLACE OF
USE
LINEAR



VIEW EAST
PLACE OF
USE

MICROFILMED
OCT 11 2001

PERMIT
NUMBER

35-08939

HAROLD FUNK

IRRIGATION

313



VIEW
SOUTHEAST
PLACE OF
USE
LINEAR



VIEW SOUTH
PLACE OF
USE

MICROFILMED
OCT 11 2001

PERMIT
NUMBER

35-08939

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESSWAN FALLS HOAD

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HCWJDATE 4-2-91APPLICATION NUMBER 35-8939HAROLD FUNKREQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

Department of Water Resources

RECEIVED
JUL 22 1991

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08939

Priority: March 25, 1991

Maximum Diversion Rate: 2.94 CFS
Maximum Diversion Volume: 632.0 AF

It is hereby certified that HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 25, 1991; and has
submitted Proof of Beneficial Use on June 17, 1993. An examination indicates that the works have a
diversion capacity of 5.58 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	2.94 CFS	632.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 07S, Rge 29E, B.M., POWER 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		
07S	29E	2														40.0	40.0	39.0	39.0	158.0

Total Acres: 158

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. 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.
3. Right 35-08346 is also diverted through the point of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3RD day of October, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED
OCT 11 2001

RECEIVED

OCT - 1 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 35-08939

Date of Priority: March 25, 1991

Maximum Diversion Rate: 2.94 CFS
Maximum Diversion Volume: 632.0 AF

Comes now HAROLD FUNK
865 FILMORE

AMERICAN FALLS ID 83211 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-08939, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.94 CFS	632.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 NW¼NE¼NE¼ Sec. 2, Twp 07S, Rge 29E, B.M., POWER 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	
07S 29E 2																	40.0 40.0 39.0 39.0 158.0

Total Acres: 158

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 1 day of October, 2001.


(Signature)

MICROFILMED
OCT 11 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-08939

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Received by Kan # C056567 Date 10/1/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08939 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. 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.
3. Right 35-08346 is also diverted through the point of diversion described above.

Witness my hand this 3rd day of OCTOBER, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED
OCT 11 2001

RECEIVED
JUN 28 1993
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 175.00
Date 6-17-93
Receipt No. E018727
Receipt by HWS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-8939 Telephone No. 226-7735
2. Name(s) of Permit Holder(s): Harold Funk
3. Mailing Address: 865 Fillmore Ave. Falls, ID 83211
4. Source of Water: groundwater

If GROUNDWATER, Well Driller's Name: Couch Well Drilling Date Drilled: 1991

OPTIONAL:

Pump horsepower: _____ Pressure (psi): 65 Dynamic pumping level (ft.): 2

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 160 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.2 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ✓ No _____ Installed? _____ Yes ✓ No _____

OR
Flow Measurement Port: Required? ✓ Yes _____ No Installed? ✓ Yes _____ No _____

8. Fee Enclosed: \$ 175.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Harold A Funk 226 7735
Name Telephone No.
865 Fillmore American Falls Idaho 83211
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6/15/93 Harold A Funk
Date Signature (and title, if on behalf of a company or organization)

AUG 26 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08939

Proposed Priority: March 25, 1991 Maximum Diversion Rate: 3.20 CFS
This is to certify, that **HAROLD FUNK**
865 FILMORE
AMERICAN FALLS, ID 83211
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE Sec. 2, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

07S 29E 2

NESE 40
SESE 40

NWSE 40

SWSE 40

160

Total number of acres irrigated:

160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 2, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

APPROVED
AUG 21 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 35-08939

CONDITIONS/REMARKS:

9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

2nd day of August, 1991.

for J. Glen Saxton
R. Keith Higginson, Director

RECEIVED

AUG 21 1991

FEE \$905

Form 202
6/85

35 8939

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant HAROLD FUNK Phone 226-7735
Post office address 865 EILMORE AMERICAN FALLS, ID 83211
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 7S Range 29E B.M. POWER County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.2 for IRRIGATION purposes from APR 1 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL AND PUMP TO SPRINKLER
SYSTEM
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 20" inches; proposed depth of well is 400 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

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AUG 21 1991

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	29E	2													40	40	40	40	160

Total number of acres to be irrigated 160

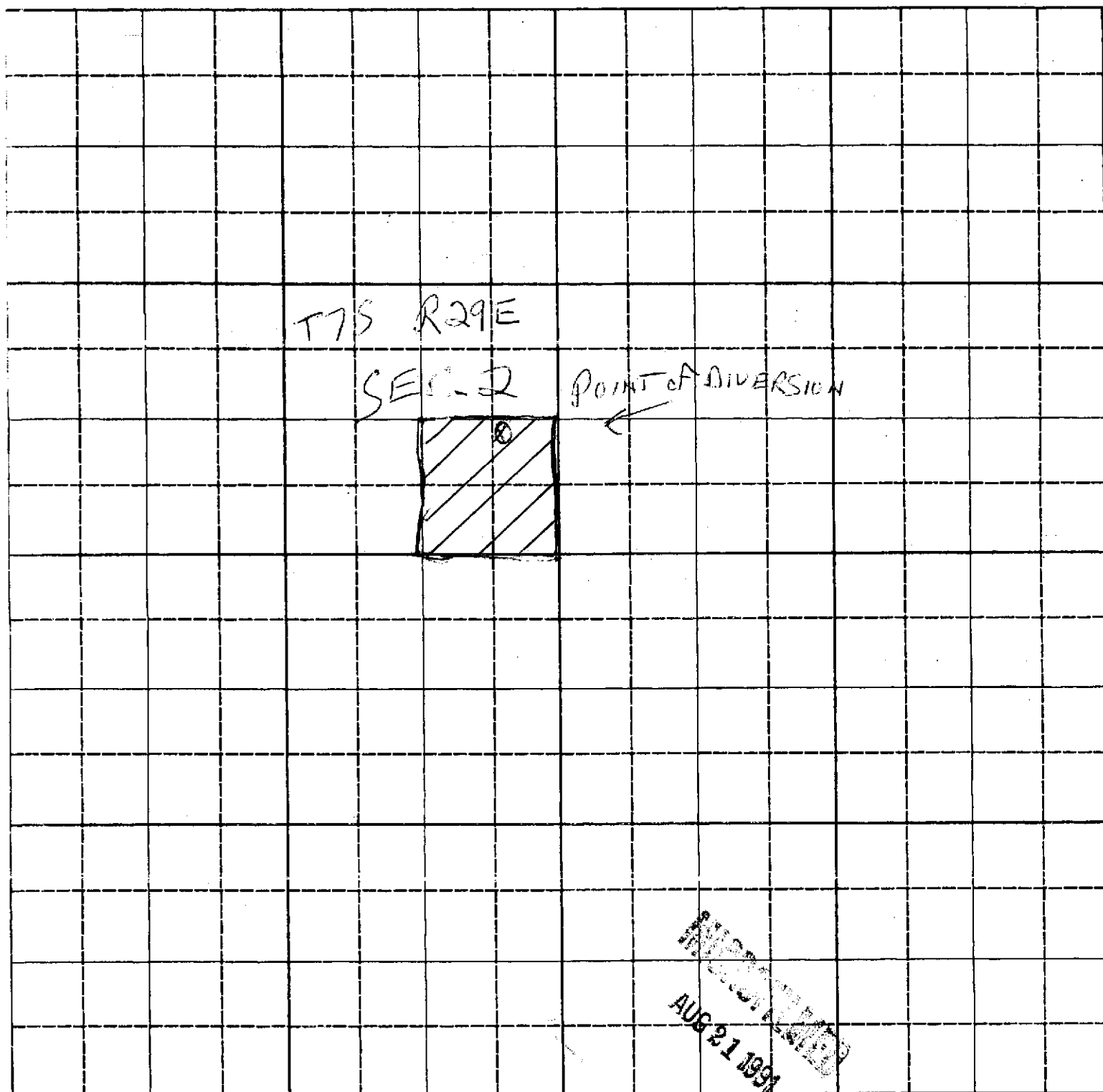
10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? HAROLD FUNK
- Who owns the land to be irrigated or place of use? HAROLD FUNK
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. NOTE: RALPH BREIDING WAS FORMER OWNER

12. Remarks: _____

AUG 21 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

H. W. Frank
(Applicant)

Received by CW Date 3-25-91 Time 11:59A Preliminary check by _____
Fee \$ 105⁰⁰ Receipted by HWS # E2015853 Date 3-25-91
Publication prepared by RB Date 6-20; 27-91 Published in Lower Cnty Press
Publication approved RB Date 6-28-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

NOTED

AUG 21 1991

Affidavit of Publication

State of Idaho

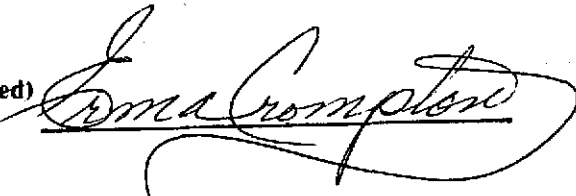
County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 19th day of JUNE 1991 and the date of last publication being the 26th day of JUNE 1991.

(Signed)



State of Idaho

County of Power

On this 24th day of JUNE 1991, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

AUG 21 1991



Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Application for water right

Published in The Power County Press,
June 19, 26, 1991.

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08932

T-6 FARMS
C/O GORDON R. TOEVS
2841 W 1800 S
ABERDEEN, ID 83210

Source: GROUNDWATER
Diversion Pt: NENW Sec 16 T 06S R 29E

Use: IRRIGATION (3.200 CFS)
Total Diversion: 3.200 CFS)

Date Filed: 1/8/1991

In: T06S R29E S17 NENE NWNE
SWNE SENE
160.0 ACRES TOTAL

35-08939

FUNK, HAROLD
865 FILMORE
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: NESE Sec 2 T 07S R 29E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 3/25/1991

In: T07S S02 NESE NWSE SWSE
SESE
160.0 ACRES TOTAL

35-08941

BUREMEISTER & SONS LTD.
720 FILMORE
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: SWSW Sec 34 T 06S R 29E

Use: IRRIGATION (4.720 CFS)
Total Diversion: (4.720 CFS)

Date Filed: 4/13/1991

In: T06S R29E S33 NESE SESE S34
NWSW SWSW
T07S R29E S03 Lot 4 (NWNW)
SWNW NWSW SWSW
236.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203 C, Idaho Code. Protests must be filed with the Director, Dept. of Water

RECEIVED

JUN 26 1991

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2001

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

RE: License No. 35-8939 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

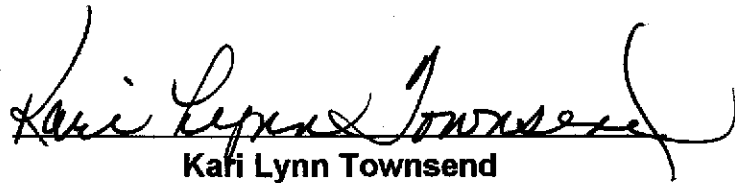
MICROFILMED
OCT 11 2001

CERTIFICATE OF MAILING

I hereby certify that on October 11, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8939

**HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 11 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2001

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

RE: Water Right Permit No. 35-08939

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

Point of Diversion

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

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OCT 11 2001

Comment Report

35-8939

1. kwalker 9/24/2001 Place of use

Comment: When I GISd the shape for this place of use my acreage description came out a little different than that recommended by the examiner. Since I have almost same number of acres recommended I have based the license on my GIS shape.

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OCT 11 2001

LICENSE REVIEW CHECKLIST

Permit No. 35-8939

Date: 9-24-2001

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: Change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none at plu -

File reviewed Profile reports printed

same well as 35-8346 also in lic. process

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 3.2 cfs

Fee Limit 4.0 cfs

Measured 5.58 cfs

Theoretical cfs

Recommended Total Diversion Rate 2.94

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 2.94 cfs 632 af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 2.94 cfs 632 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

2.94 cfs x 1.9835 x 214 days = 1247.9 af (vs) 158 acres x 4.0 (FHR) = 632.0 af
3.0 (con)

Remarks: R55, W36

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

NO - Not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P49

S06

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Source List</u>	<u>Owner List</u>
35	8346	License	DRAFT Active	3/29/1984	2.64	GROUND WATER	FUNK, HAROLD (Current)
35	8939	License	DRAFT Active	3/25/1991	2.94	GROUND WATER	FUNK, HAROLD (Current)
					5.58		

5.58 cfs for 300 total acres = 0.0186 cfs/ac

35-8939	158 acres = 2.94 cfs ←
35-8346	142 acres = 2.64 cfs
Totals	300 acres & 5.58 cfs

KEW
9/24/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 30 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08939

1. Owner: HALOLD FUNK Phone No. (208) 226-7735
221-7077 MOBILE

Current Address: 865 FILMORE ST., AMERICAN FALLS, IDAHO 83211

2. Accompanied by: OWNER EXAM DATE: 7/24/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 35-08346

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	<u>L-1</u>	<u>NW</u>	<u>NE</u>	<u>NE</u>	<u>2</u>	<u>07S</u>	<u>29E</u>	<u>POWELL</u>	<u>U.S.G.S. TOPO MAP/WAPP PHOTO</u>

2. Place(s) of Use:

Indicate Method of Determination ON SITE INSP.

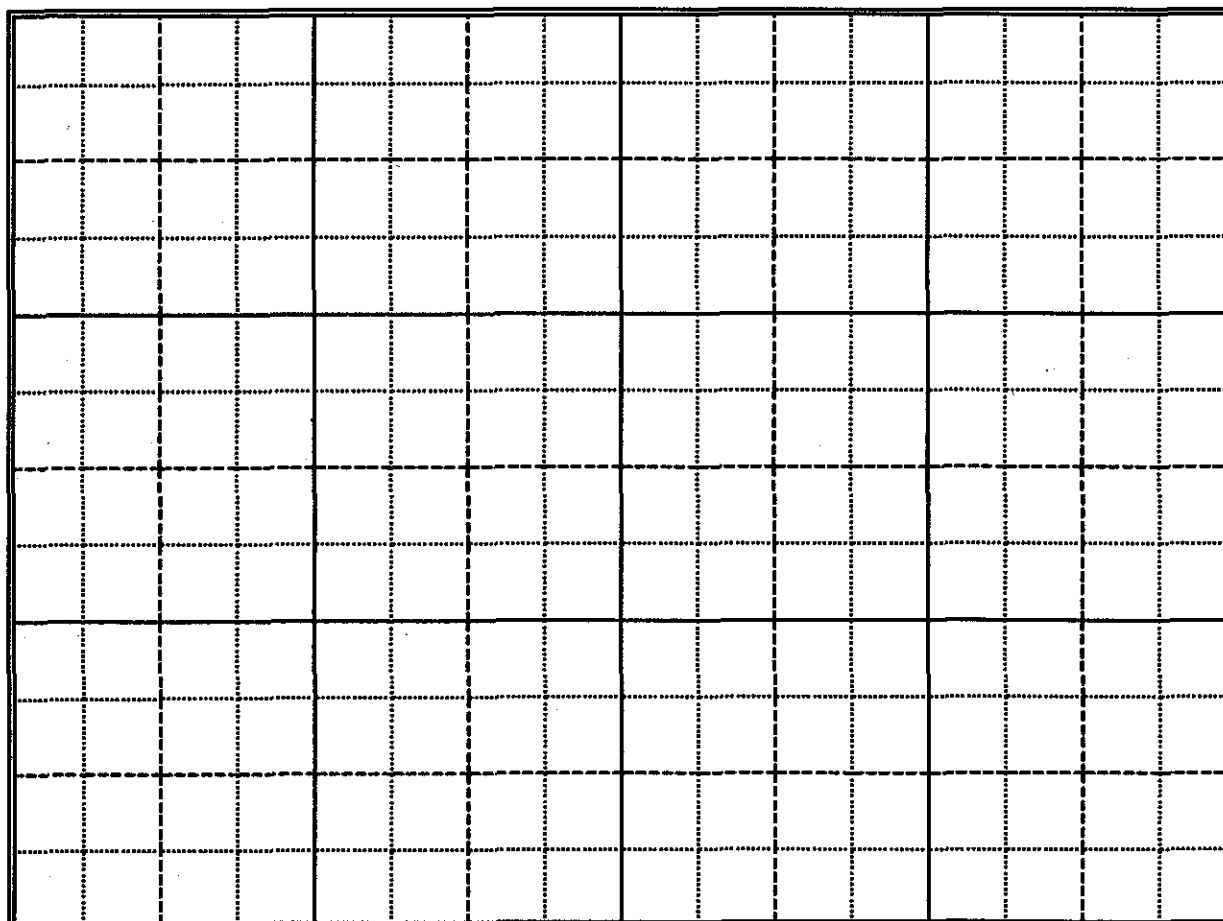
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>07S</u>	<u>29E</u>	<u>2</u>													<u>39.5</u>	<u>40</u>	<u>39.5</u>	<u>39.5</u>	<u>158.5</u>

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TOTAL 158.5 ACRES

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE PHOTO + ATTACHMENTS*



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
LIFT PUMP	G. E.	350	DSJ 423011		10"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
POLYSONIC FLOW METER	TYME-FLYTE	TF-P	740263			1996
(WOODCOCK) PRESSURE GAUGE	RAIBIRD				0-160	52 PSI

2. Measurements: *SEE ATTACHMENTS.*

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E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM USES A 350HP LIFT PUMP TO SUPPLY
WATER TO A 12" MAIN LINE (BURIED). A LOW
PRESSURE 1/2 MILE LINEAR SYSTEM DISTRIBUTES WATER
TO THE PLACES OF USE.

TWO PERMITS ARE SUPPLIED BY THIS SINGLE POD: 85-08346
AND THIS PERMIT.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

THEORETICAL PUMP FLOW = 5.58 CFS.

POLYSONIC FLOW MEASUREMENT = 5.58 CFS.

158.5 ACRES $\times$ 0.02 = 3.17 CFS REQUIRED

35-08939 + 35-08346 = 301 ACRES $\div$ 5.58 CFS = 0.0185 CFS/ACRE

THIS PERMIT
158.5 $\times$ 0.0185 =
2.93 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 158.5 \text{ AC} \times 4 = 634 \text{ AFA.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 = 2.93 \text{ CFS} \times 214 \times 1.9835 = 1,243,69 \text{ AFA}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 634 \text{ AFA}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	2.93	634
Totals:			2.93 CFS	634 AFA.

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name SIMPKINS Date 2/5/98

Reviewer _____ Date _____

SEAL

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MODE SELECT
INPUT

OUTER DIAMETER
12.7500 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1940 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.940 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-24 14:2600 *R
+002.50 % AI2

MODE SELECT
TO CHECK

0464.8 MMSEC
100.07 % T0

07-24 14:2700 *R
+ 2.456E 36PM

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07-24 14:2800 *R
+ 2.503E 36PM

35-08939
35-08346
Handwritten mark

35-08939

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{350}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Draw down)

$$\text{Static Water Level} = \underline{252} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{10} \text{ ft.}$$

$$\text{Lift} = \underline{262}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{52} \text{ psi}$$

$$Q_{cfs} = \left[\frac{350}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{262}{Lift} + \left(\frac{52}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{2,159.43} \right] \div \left[\underline{382.016} \right]$$

$$Q_{cfs} = \underline{5.6527} \text{ cfs}$$

POLYSONIC FLOW MEASUREMENT = 5.577 cfs

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OCT 11 2001

PERMIT NO. 35-08939

7075, R29E

35-08346

PLACE OF USE 2

T2273

L-2
#1737

County Line
(Harold Funk)

L-1
35-08346

LINEAR

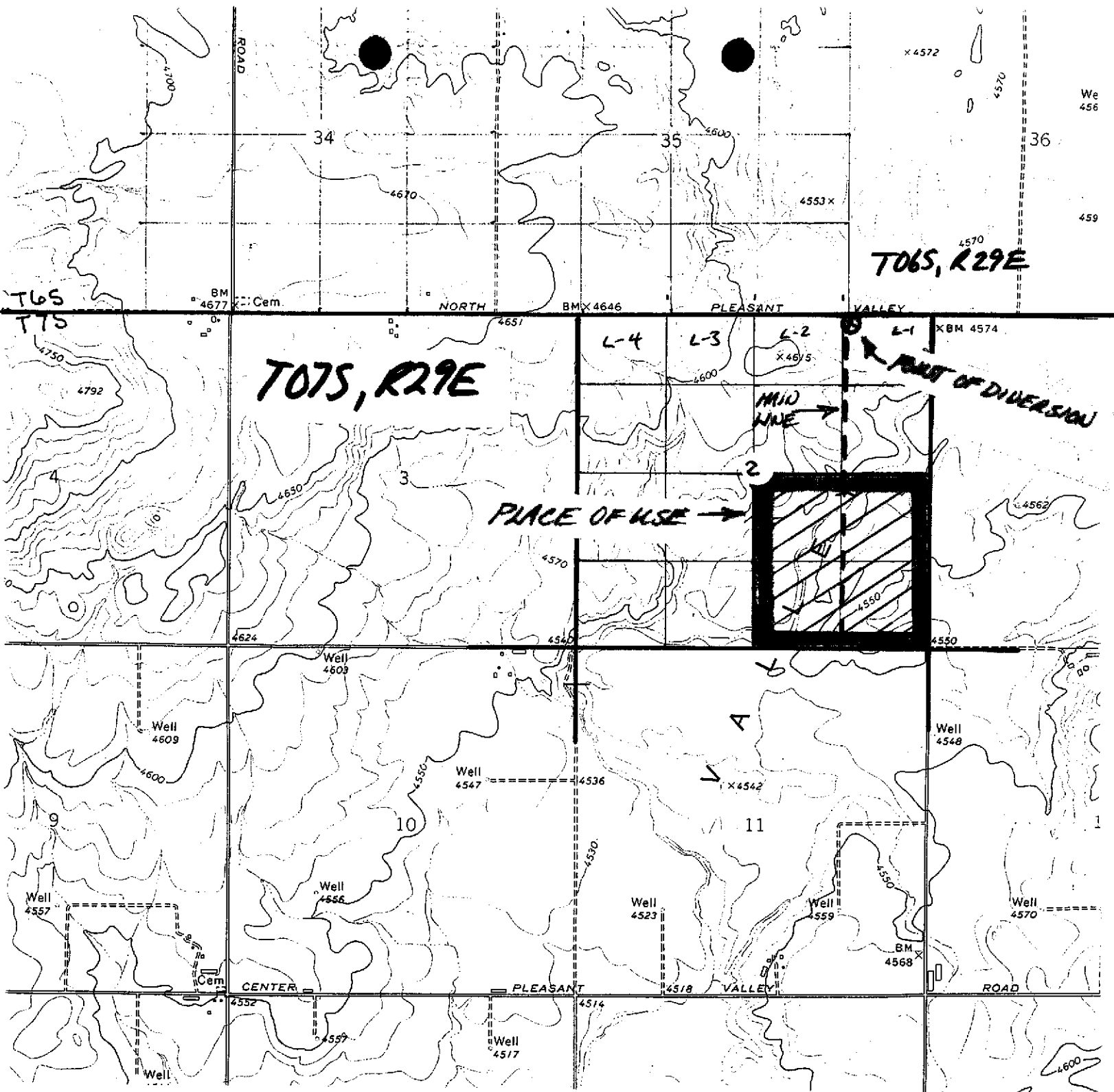
LINEAR

12" BULGED
HAIR
LINE

35-07939

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OCT 11 2001



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OCT 11 2001

35-08939

FIELD EXAM NOTES

EXAM # 35-08939 + 35-08346

DATE OF EXAM 7/24/96

PERMITEE NAME HAROLD FUNK

OTHER WATER RIGHTS SAME POD NO

OTHER WATER RIGHTS SAME POU N/A

PUMP #1 HP 350 MAKE GE SERIAL # DST 423011
COLOR AND DESCRIPTION Red / white
OUTPUT DIAMETER 10 SYSTEM PRESSURE 52 PSI WELL DEPTH 395
STATIC H2O 252 WELL DEPTH DYNAMIC PUMP
PSI GAGE TYPE Rain Bird 0-160 CHECK VALVE ☒ [Y] [N] GATE VALVE ☐ [Y] ☒ [N]

PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH DYNAMIC PUMP
PSI GAGE TYPE _____ CHECK VALVE ☐ [Y] ☐ [N] GATE VALVE ☐ [Y] ☐ [N]

BOOSTER PUMP #1 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

LINEAR SYSTEM

CIRCLE PIVOT ☒ [Y] [N] NUMBER OF TOWERS 14 PIVOT LENGTH 1/2 mile
PRESSURE [H] ☒ [L]

HAND LINES ☒ [Y] [N] NUMBER OF LINES 2 LENGTH OF LINES 1/2 mile
RAIN BIRDS PER LINE 66 NOZZEL DIAMETER 5/32

SURFACE WATER TYPE OF MEASUREING DEVICE _____

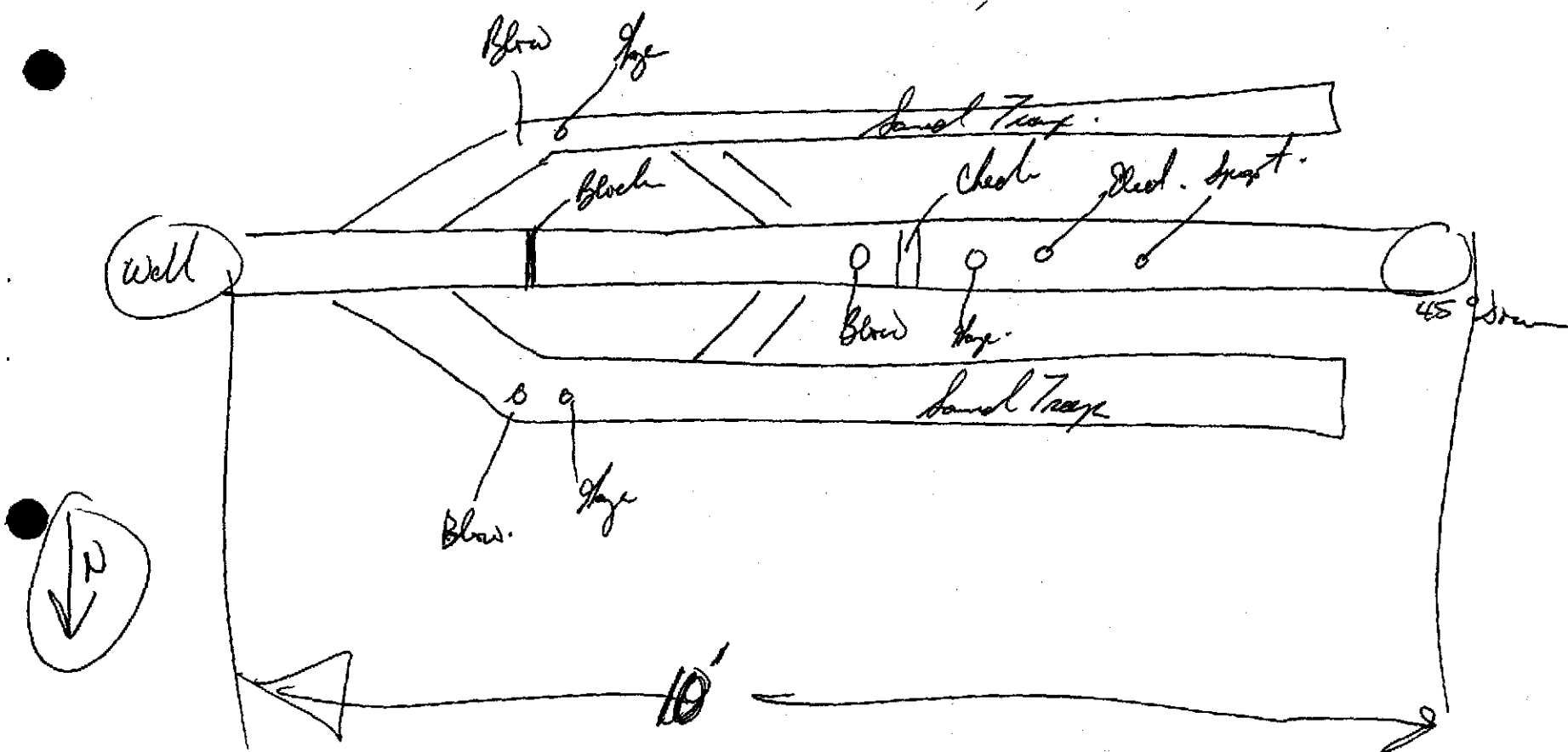
AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____/_____

all corners irrigated - some open rock areas.

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OCT 11 2001 BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08939



35-08939

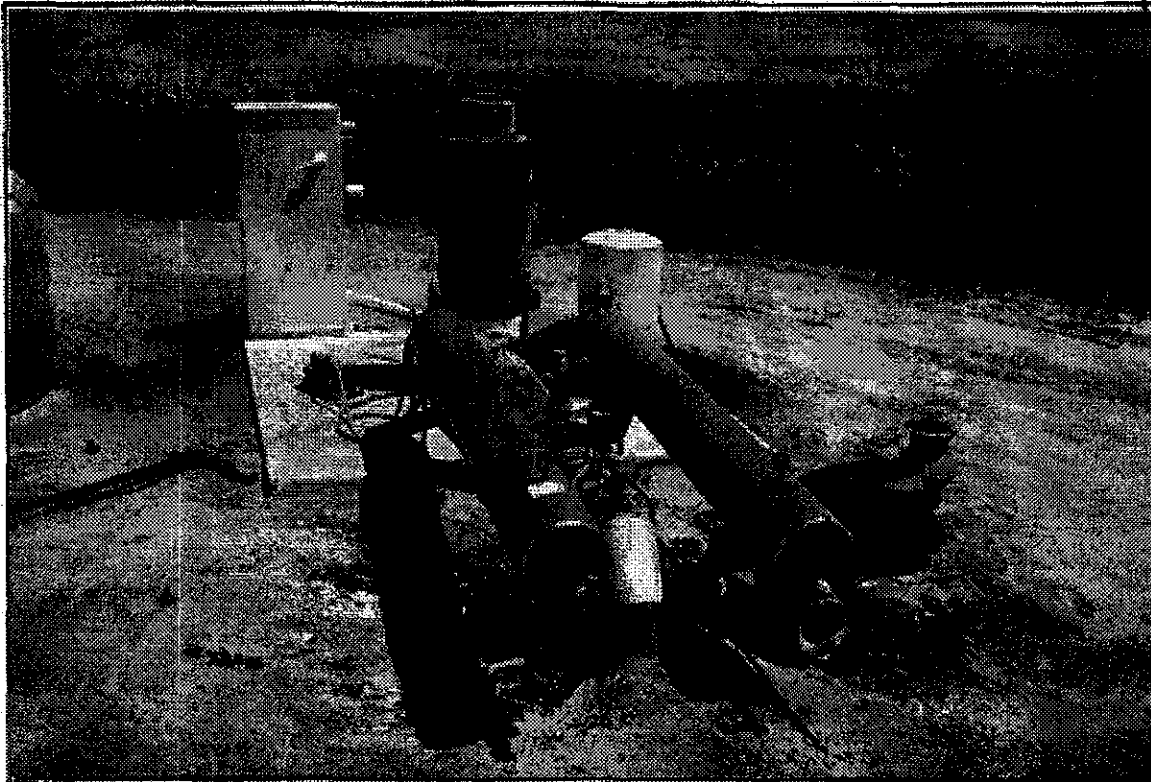
MICROFILMED
OCT 11 2001

HAROLD FUNK

IRRIGATION

10/3

VIEW OF
POINT OF
DIVERSION



VIEW NORTH
PLACE OF
USE
LINEAR



MICROFILMED

OCT 11 2001

PERMIT
NUMBER

35-08939

HAROLD PARK

IRRIGATION

243

VIEW
NORTHEAST
PLACE OF
USE
LINEAR

VIEW EAST
PLACE OF
USE

MICROFILMED

OCT 11 2001

PERMIT
NUMBER

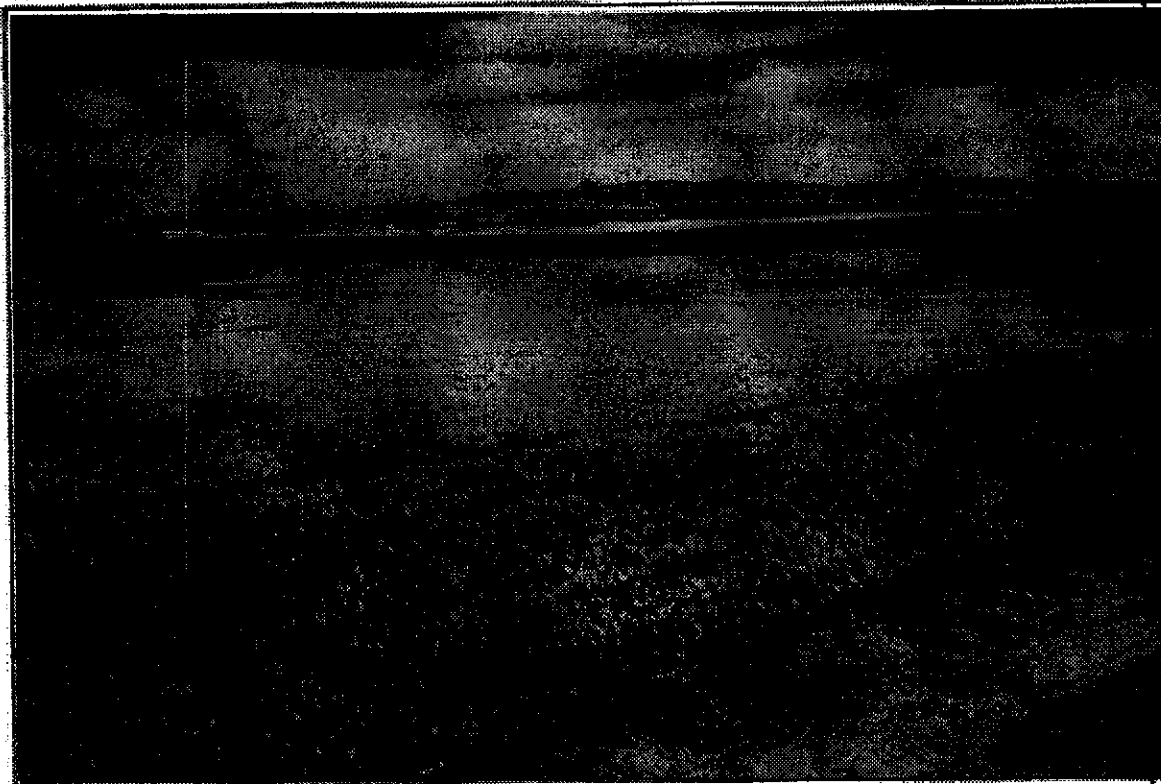
35-08939

HAULD FUNK

IRRIGATION

313

VIEW
SOUTHEAST
PLACE OF
USE
LINEAR



VIEW SOUTH
PLACE OF
USE



MICROFILMED

OCT 11 2001

PERMIT
NUMBER

35-08939

July 23, 1993

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08939

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MISSFILMED

AUG 26 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08939

Reviewed by Klg Date 6/28/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate -160
yes Correct Uses?

SOURCE OF WATER

 Surface water source
✓ Ground water source

yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 35-91-E0028000
200 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
175 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due	<u>/</u>	-
No. of days late	<u>/</u>	=
Priority Date	<u>/</u>	+
New Priority Date	<u>/</u>	

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 6/17/93
7/23/93 Klg

Drilling Permit No. 35-91-E-028Water Right Permit No. 35-08346

Injection Permit No. _____

RECEIVED

APR 26 1991

State of Idaho
Department of Water Resources**APPLICATION FOR DRILLING PERMIT**

Department of Water Resources

Applicant (please print) ERVIN EAST (Rast Mountainview Farms)Mailing Address 3345 Rast Rd., American Falls, ID 83211Telephone 226-2120☒ Well Owner ☐ Well Operator ☐ Other, specify _____Proposed well location NE 1/4 NE 1/4, or Gov't Lot No. _____Sec. 2, Twp. 7S, Rge. 29E, County Power

Street Address of Well Site _____

Lot, block and subdivision _____

Proposed use of well:

- ☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- ☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Irrigation 160 acres

☐ Injection

- ☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

Well construction information:

A. ☒ New well ☐ Deepen ☐ Replace - See Condition 9B. Proposed Surface Diameter 18" Proposed Maximum Depth 400'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212° or more (Geothermal well)

RECEIVED

AUG 26 1993

Construction Start Date 4-23-91Anticipated Well Driller Sherman Couch (Burley)

NOTE: The actual well driller must be identified prior to drilling.

Applicant's signature Steven L. Shaver Date 4-23-91

Title _____

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

is Permit is Approved

Date 23 April 1991

approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Dennis M. Aunn
Signature of Authorized Department Representative

Sr. Water Resource Agent
Title

Receipt No. E015998 Received by _____ Fee 200 Date 4/23/91

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED

AUG 26 1993

Cavaness & Boomer

BEN CAVANESS
HENRY R. (Hank) BOOMER

ATTORNEYS-AT-LAW
376 Roosevelt - P.O. Box 70
American Falls, Idaho 83211

Telephone
(208)226-2562
Fax (208)226-2578

July 20, 1993

RECEIVED

JUL 21 1993

Department of Water Resources

Karen L. Gustafson
Secretary/Records Manager
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Re: Permit No. 35-08939 - Harold Funk

Dear Karen:

Enclosed is a copy of the well driller's report that you requested in your letter to me dated June 29, 1993. I think he tried to FAX a copy to you, but I wanted to make certain that you did actually receive one.

If you have any problems or questions, please advise.

Very truly yours,



Ben Cavaness

BC:mh

cc: Harold Funk

Encl.

AUG 26 1993

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.

RECEIVED

JUL 21 1993

Department of Water Resources

WELL OWNER

Name HAROLD FUNK
Address 865 FILLMORE
AMERICAN FALLS, ID 83211
Drilling Permit No. 35-91-E-028
Water Right Permit No. P35-08346 4-35-08939

7. WATER LEVEL

Static water level 252 feet below land surface.Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Well diameter increase
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☒ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
appx 2500		

9. PROPOSED USE

- ☐
- Domestic
- ☒
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

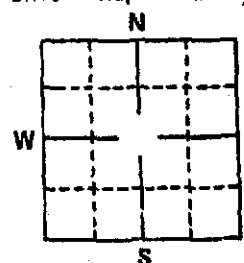
9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
23	0	8	topsoil & clay		
	8	11	sand		
	11	12	sand & lava boulders		
	12	16	gray lava solid		
20	16	31	gray lava hard		
	31	37	red lava soft & broken		
	37	44	gray lava hard		
	44	50	gray lava loose & soft		
	50	60	brown sandy clay & boulders		
	60	86	gray lava hard		
	86	114	gray cinders & broken lava		
	114	120	gray lava hard		
	120	130	orange clay & cinders		
	130	154	gray lava hard		
	154	161	brown lava soft & broken		
	161	170	brown lava solid		
	170	180	red & brown cinders & broken lava		
	180	205	red & gray cinders & broken lava		
	205	212	clay & cinders		
	212	226	gray lava solid		
	226	234	gray broken lava & boulders		
	234	239	gray lava solid		
	239	247	broken lava		
	247	259	brown lava solid		
	259	261	brown & red cinders	x	
	262	287	gray lava hard & broken	x	
	287	293	red cinders	x	
	293	302	gray lava solid		
	302	315	gray lava broken	x	
	315	327	gray lava hard		
	327	335	red & gray lava firm	x	
	335	340	red cinders	x	
	340	372	gray lava hard		
	372	375	broken lava (some clay)	x	
	375	384	orange & brown clay & boulders		
	384	395	gray lava solid		

10. Work started 4-23-91 finished 6-10-91

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County POWER

NE 1/4 NE 1/4 Sec. 2, T. 7, S. 29, E. 29, W. 29

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name SHERMAN COUCH WELL DRILLINGAddress 340 wauna vista Dr,
BURLEY IDAHO Date 6-16-91

Signed by (Firm Official) _____

and
(Operator) _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 29, 1993

Mr. Ben Cavaness
Cavaness and Boomer
PO Box 70
American Falls, ID 83211

Re: Permit No. 35-08939 in the name of Harold Funk

Dear Ben:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your well.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

RECORDED

AUG 26 1993

Cavaness & Boomer

BEN CAVANESS
HENRY R. (Hank) BOOMER

ATTORNEYS-AT-LAW
376 Roosevelt - P.O. Box 70
American Falls, Idaho 83211
May 13, 1993

Telephone
(208)226-2562
Fax (208)226-2578

RECEIVED

JUN 17 1993

Department of Water Resources
Eastern District Office

Harold Jones
Appropriations Examiner
Idaho Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, ID 83401

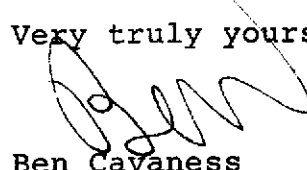
Re: Permit #35-8939

Dear Harold:

Enclosed is the Proof of Beneficial Use that has been completed and ready for filing with your Department. Also enclosed is Mr. Funk's check in the amount of \$175 to cover the required filing fee.

If you will require anything further, please advise.

Very truly yours,



Ben Cavaness

BC:mh

cc: Harold Funk

Encl.

RECEIVED

JUN 17 1993

May 31, 1993

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 35-08939

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 140209

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 9, 1991

HAROLD FUNK
865 FILMORE
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08939

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

AUG 21 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

MICROFILMED

AUG 21 1991

APPLICATION FOR PERMIT REVIEW

Application #: 35-8939
Date: 8-1-91

Reviewer: Pam Skaggs ^{CS}

Existing:

☒ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

☒ GT. 0.2 cfs - 01G-P03 01C-P03(existing well)
☒ LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23 (All GW, even existing wells)

Location:

☒ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

☒ Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - 7 (1, Blank or Other)

☒ Trust - 051-052-053-P74 (Consumptive Uses)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

☒ Beneficial Use Due Date: - 08-02-1993
Other Conditions Recommended

MODIFIED

AUG 21 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 35-8939/Trust Water Processing

DATE: 8-1-91

The above application is a new trust water filing which has been advertised by the region and forwarded to the state office for final review.

Statements on the application appear to indicate that the filing represents a proposed development. There appears to have been no prior development nor are there any existing rights. The development therefore must be considered a trust water use and appropriation. All acreage under the filing shall be counted as trust acreage.

I recommend continued processing of the application and attaching trust conditions to any approval.

MICROFILMED
AUG 21 1991

Form No. 202a
1/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FAUS HOOD

APPLICATION FOR PERMIT ANALYSIS SHEET

35~8939

INITIAL REVIEW BY ALW DATE 4-2-91 APPLICATION NUMBER HAROLD TUCK

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED
JUL 22 1991

Date Requested _____

Department of Water Resources

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

END COPIES TO

None

☐ Idaho Dept. of Health & Welfare
☐ Idaho Dept. of Fish & Game
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit

☐ U.S. BLM
☐ U.S. Forest Service
☐ Water District
☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 2-8-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information
Date of priority recommended 3-25-91
By HWS Date 7-17-91

STATE OFFICE REVIEW

☐ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition: OIG

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

35-08939

FUNK, HAROLD
865 FILMORE
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NESE Sec 2 T 07S R 29E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 3/25/ 1991

In: T07S R29E S02 NESE NWSE SWSE SESE

160.0 ACRES TOTAL

RECORDED

AUG 21 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Jun-1991

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

RE: Application No. 35-8939

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Power County Press on June 20 & 27, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED
AUG 21 1991