



35-08791

AR 1960

35-02072

R-31-

8-66



See photo
F-196 C-6
34.0

F-256-1-2

F-254-2-3

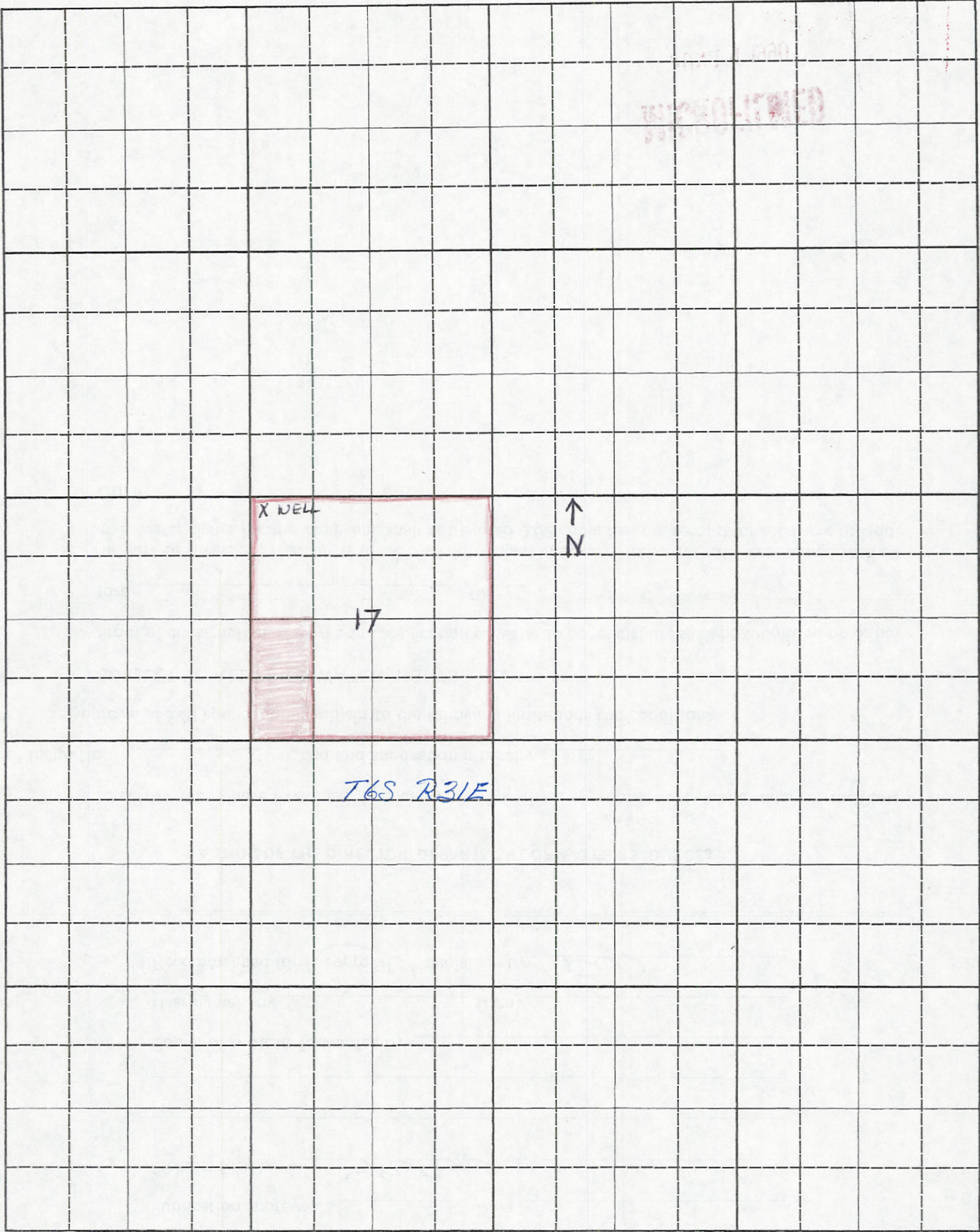
F-253 A
1.2 9.4

UNCLASSIFIED

APR 08 1993

DEC 06 1997

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



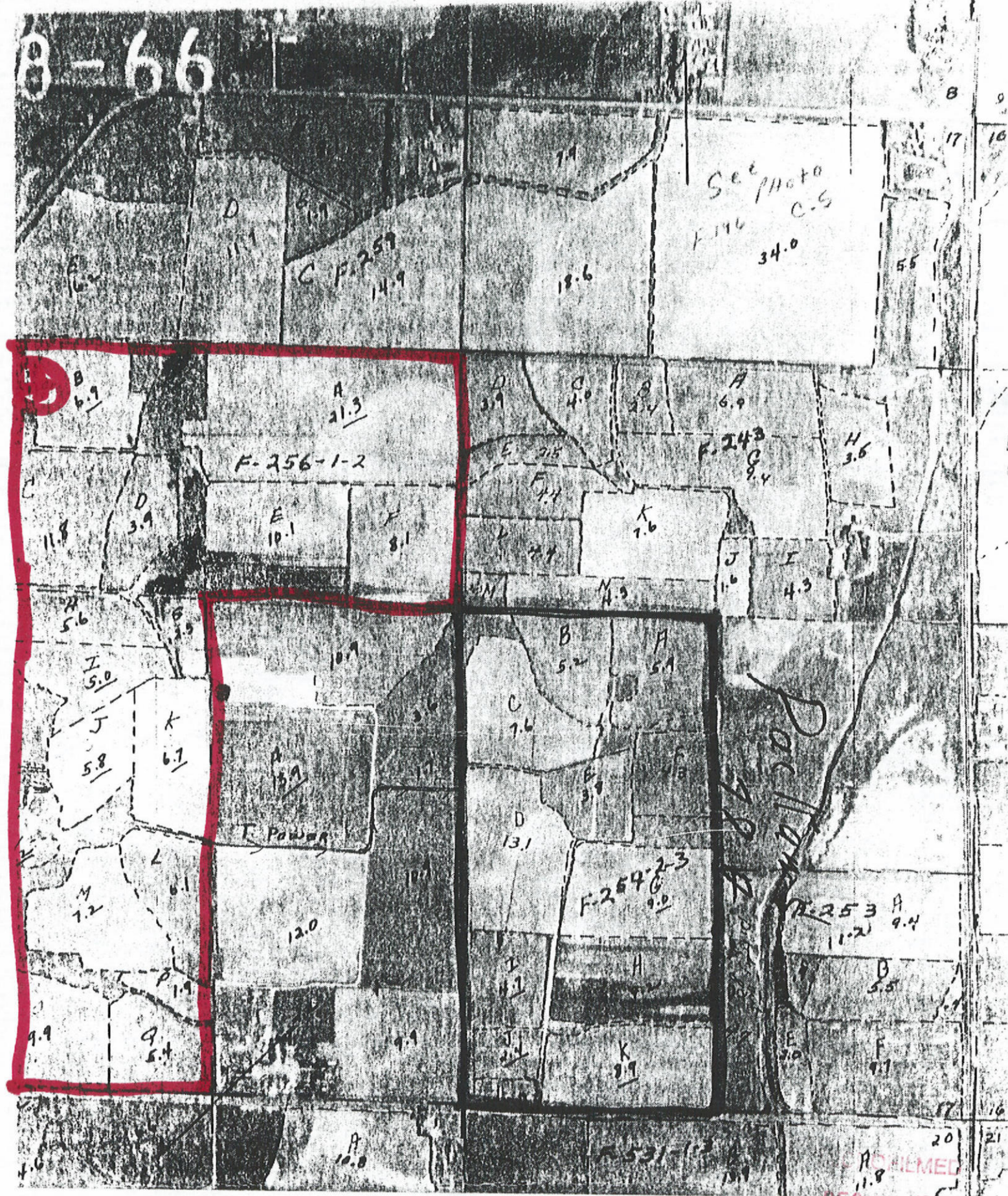
Scale: 2 inches equal 1 mile.

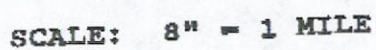
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JUN 19 1990

Sam Newman
(Applicant)

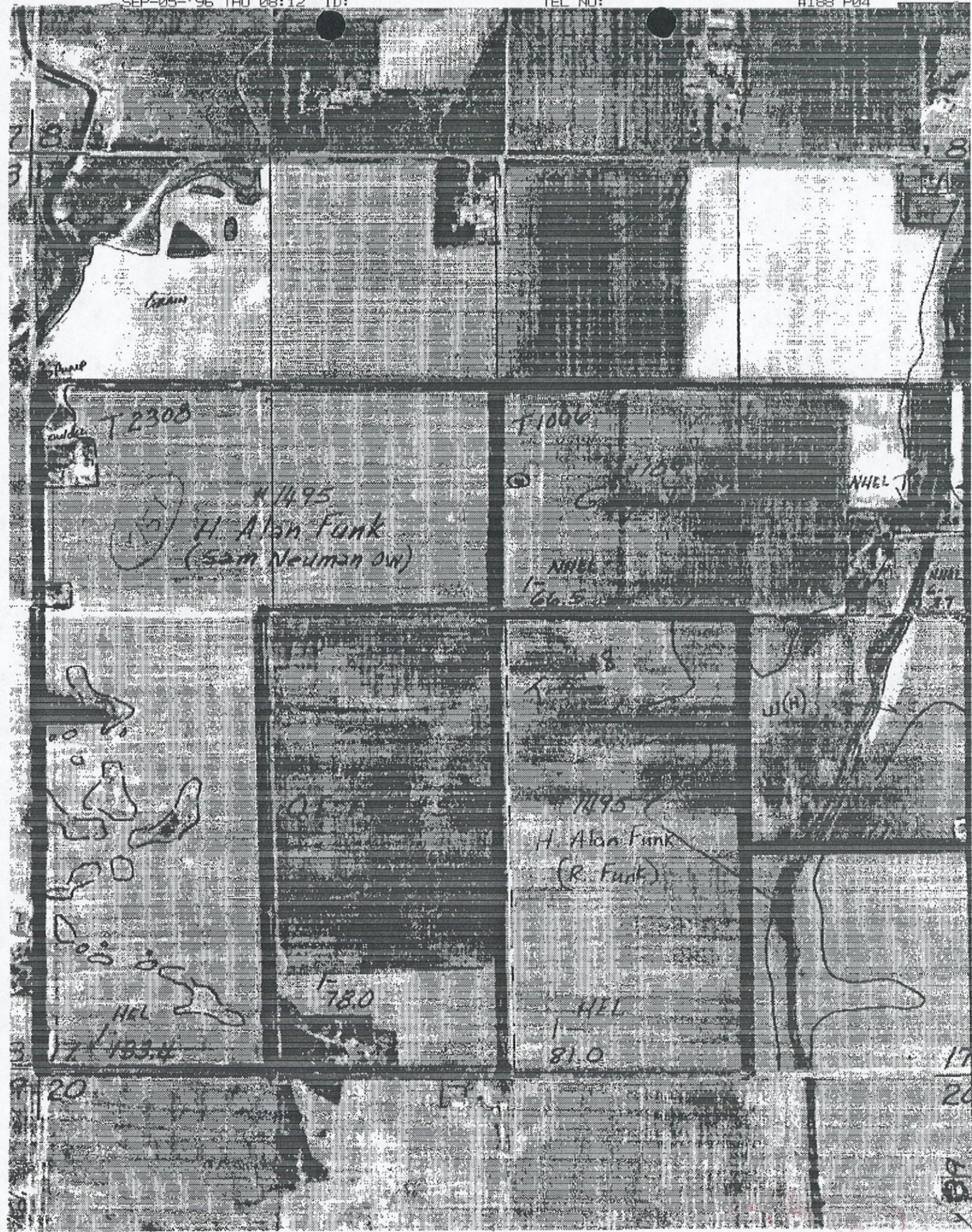
B-66



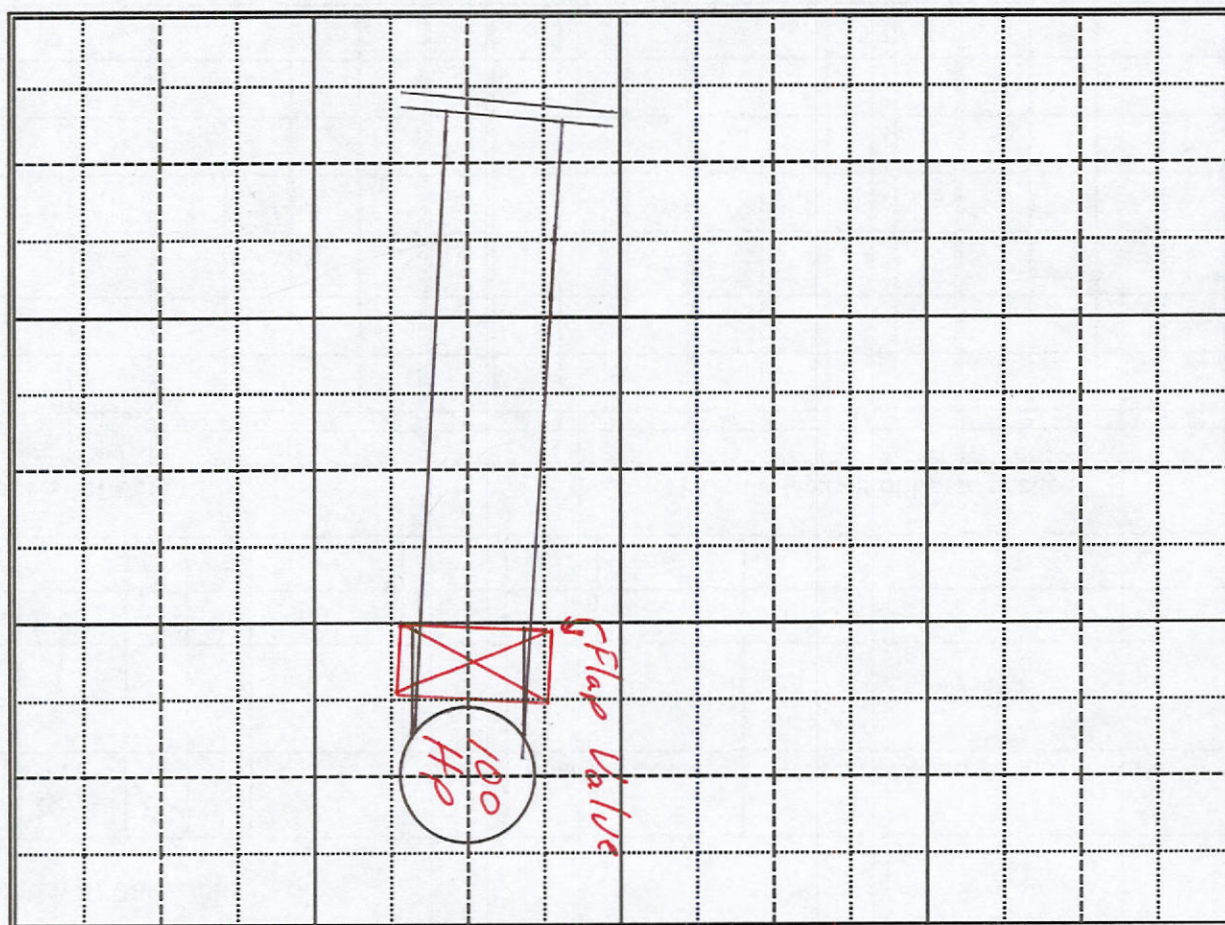


NAPP REF. AA-36 SW

OCT 03 1996



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



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
	US Electric	100	R2112750	Berkley	10" discharge

*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
Pressure gage	Fluid	ashcroft			100 psi	
Flow meter	Sonic	Poly				

2. Measurements:

operating pressure 70 psi
 dynamic pumping depth 62' (calculated)
 Sonic Reading 1214 gpm (2.70 cfs)
 one line short of birds add 20 gpm to sonic Reading
 (1214 gpm) + (20 gpm) = (1234 gpm) (2.75 cfs)



4700
1880

19

35-8791

27.9

34.0

T6S
R3
1E
40.3

Funk Rd 2000 S

1877

TE Power Co

Fairview Rd

32.2

66.5

1877

78.0

81.0

Highway 39

Homestead Rd 2100 S

68.2

1872
1920

1716
2021

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAR 24 1999

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): 35-08791
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Raymond Funk, Betty L. Funk
Raymond Newman, Loretta E. Zook
4. New Owner/Claimant(s) Raymond Funk, Betty L. Funk
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 2066 S 2950 W
 City, State and ZIP Code Abundeen, ID 83210
 New Telephone Number (208) 397-4506 or 939-3232
5. Date you acquired the property 01/04/99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Raymond Funk
Betty L. Funk
- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney if you wish IDWR to correspond with him or her for all matters related to your claims.

APR 08 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

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After Recording Return to:

Farm Credit Services - Idaho Falls
1020 Land Bank Street
PO Box 50030
Idaho Falls, ID 83405-0030

Customer/Note No: 41176 - 441

Mortgage

THIS MORTGAGE IS ALSO INTENDED TO BE A FIXTURE FILING.

On December 23, 1998, Raymond F. Funk, same person as Raymond Funk and Betty L. Funk, husband and wife, hereinafter called Mortgagors, whose address is

2066 S 2950 W
Aberdeen, ID 83210-1814

grant, convey, warrant, transfer and assign to Northwest Farm Credit Services, ACA, a corporation organized under the Farm Credit Act of 1971, as amended, hereinafter called Mortgagee, whose address is 1700 South Assembly Street, P.O. Box 2515, Spokane, Washington 99220-2515, a mortgage and security interest in property in Bingham County(ies), State of Idaho, more particularly described as follows:

Township 6 South, Range 31 E.B.M., Bingham County, Idaho

Section 17: S1/2NW1/4; W1/2SW1/4 EXCEPTING THEREFROM: Beginning at a point on the W. line of Section 17, which point bears N. 0°15' W. a distance of 722.70 feet from the W1/4 corner of said Section 17, the true point of beginning; thence N. 89°03' E. a distance of 331.20 feet; thence N. 0°15' W. a distance of 232.50 feet; thence N. 89°21' W. a distance of 328.50 feet more or less to the W. line of Section 17; thence S. 0°15' E. a distance of 239.40 feet to the true point of beginning.

AND FURTHER EXCEPTING THEREFROM: Beginning at a point on the W. line of Section 17, Township 6 South, Range 31 E.B.M., which point bears S. 0°15' E. a distance of 2.0 feet, from the W1/4 corner of said Section 17; (and which point of beginning lies 34.0' S. and 58.5 feet W. of the SW corner of a dwelling; and which same point is approximately coincident with Old Highway No. 39, State Aid Project No. 134-E, Station 1007+50); and running thence N. 89°40' E. a distance of 184.2 feet; thence N. 0°44' W. a distance of 122.9 feet; thence N. 89°32' W. a distance of 183.1 feet to a point on the W. line of said Section 17; thence S. 0°15' E. a distance of 125.5 feet, more or less, along the W. line of said Section 17 to the point of beginning.

and including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

The following described Note(s), Membership Agreements, security documents and any other documents or instruments signed in connection with the Note(s) and security documents and any amendments thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to Mortgagor under the terms of the Loan Documents and any amounts expended by Mortgagee to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Mortgagors to the order of Mortgagee, with interest and charges as provided therein and in the Loan Documents, and any extensions, modifications or renewals thereof:

DATE OF NOTE	PRINCIPAL AMOUNT	FINAL INSTALLMENT DATE
December 23, 1998	\$82,800.00	April 1, 2009

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated.

Mortgagors and each of them REPRESENT, WARRANT, COVENANT and AGREE:

1. That they have title to the Property free from encumbrances, except as described above, they have good right and lawful authority to convey and encumber the same; they will warrant and defend the same forever against the lawful

Mortgage (41176-441)

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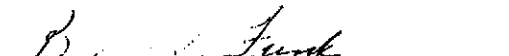
APR 08 1999

claims and demands of all persons whomsoever; and they agree this covenant shall not be extinguished by foreclosure or other transfers.

2. To keep all buildings and other improvements, now or hereafter existing, in good repair, not to remove or demolish permit the removal or demolition of any building or other improvement; to restore promptly in a good and workman manner, any building or improvement, which may be damaged or destroyed; to maintain and cultivate the Property good and husbandlike manner, using approved methods for preserving the fertility and productivity thereof; no change or permit change in the use of the Property; and not to do anything which would reduce the value of Property.
3. To maintain casualty insurance, naming Mortgagee as loss payee, on all buildings and improvements, against loss damage by fire or other risks; to maintain liability insurance; to obtain flood insurance at any time it is determined any building or improvement is located in whole or in part within a special flood hazard area; to pay all premiums charges on all such insurance when due; and to provide Mortgagee satisfactory evidence of such insurance if request. All such insurance shall be in such form(s), with such company(ies) and in such amount(s) as shall satisfactory to Mortgagee.
4. Not to apply or enter into any federal, state, or local program which limits or restricts the use of the Property, in way, without prior written consent of Mortgagee.
5. To pay all debts and money, secured hereby, when due; to pay, when due, all taxes, assessments, rents and of charges upon the Property and to suffer no other encumbrance, charge or lien on the Property, which would be super to this mortgage, except as stated above.
6. To specifically assign and deliver to Mortgagee all rents, royalties, damages and payments of every kind, includ without limitation insurance reimbursements and condemnation awards, at any time accruing, for any transfer, loss seizure of the Property, any portion thereof or any rights therein; and Mortgagee may, at its option, apply s amounts in any proportion to any of the indebtedness hereby secured; and Mortgagee shall have the right to enter in the Property to make full inspection of the Property.
7. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and use, including without limitation all environmental laws; not to use or permit the use of the Property for any unlaw or objectionable purpose or for any purpose that poses an unreasonable risk of harm, or that impairs or may impair value of the Property, or any part thereof; not to apply residue from waste water treatment facilities to the Prope without prior written notice to Mortgagee; to remedy any environmental contamination or violation of environmei laws that may occur or be discovered in the future; to allow Mortgagee access to the Property to inspect its condit and to test and monitor for compliance with applicable laws (any inspections or tests made by Mortgagee shall be Mortgagee's purposes only and shall not be construed to create any responsibility or liability on the part of Mortgag to Mortgagors or to any other person), to forward copies of any notices received from any environmental agencies Mortgagee; to provide Mortgagee copies of any independent test or inspection reports on the environmental status of Property; and to indemnify and hold Mortgagee, its directors, employees, agents and its successors and assig harmless from and against any environmental claims of any kind, and all costs and expenses incurred in connect therewith, including, without limitation, attorney's fees.
8. That neither Mortgagors nor, to the best of the Mortgagor's knowledge, any prior owner has created or permit conditions on the Property, which may give rise to environmental liability; no enforcement actions are pending threatened; no underground tanks are located on the Property except as already disclosed; any such underground ta currently or previously located on the Property do not now and never have leaked and no contaminated soil is loca on the Property; and Mortgagor's representations, warranties, covenants and indemnities herein and in the Lc Documents shall survive satisfaction of the Note(s) and Loan Documents, foreclosure of this mortgage, acceptance o deed in lieu of foreclosure or any transfer or abandonment of the Property.
9. To perform all terms and conditions of each water or other contract, described above, if any, and to promptly pay sums due or to become due under each contract so that no delinquency or default will occur under such contract(s); perform all acts necessary to perfect and maintain any water permit, certificate, license or other water intere however designated, described in or used in conjunction with the real property described above; any assignment of a such interest during the term of this mortgage, naming Mortgagee as an assignee shall be for security purposes a shall not alter Mortgagors' obligations hereunder; and any failure of Mortgagors to perform any such obligation sh constitute an event of default.
10. That the term "Grazing Rights," as hereinafter used refers to that portion of the Property, if any, consisting grazing leases, permits, licenses, privileges, and preferences, or any of them, which have or will be assign mortgaged or waived to Mortgagee, together with any additions, renewals, replacements or substitutions thereof; any portion of the Grazing Rights is a leasehold interest in state lands, such leasehold shall be considered to be ri property; such leasehold and all other real property portions of the Property constitute a single operating unit; and the event of foreclosure, Mortgagee shall have the right to have such leasehold and the other real property sold as unit and not in parcels; any statements and representations in any applications for Grazing Rights are true and corre Mortgagors have received no notice that the Grazing Rights have or are to be terminated, cancelled or modified; a any termination or cancellation of any of the Grazing Rights shall constitute an event of default under this mortgage.

11. To execute any instrument deemed necessary by the Mortgagee to assign, mortgage or waive such Grazing Rights to the Mortgagee; to pay all fees and charges, and to perform all acts and things necessary to preserve and keep in good standing the Grazing Rights; to take no action which would adversely affect the Grazing Rights; to procure renewals of the Grazing Rights upon or prior to their expiration date; to operate the lands covered by the Grazing Rights in conjunction with the other real estate portion of the Property and not to convey or attempt to convey either separately; to forward to Mortgagee copies of any notices received by Mortgagors regarding the Grazing Rights; and in the event of foreclosure of this mortgage, to waive all claims for preference in the Grazing Rights upon demand from the purchaser of the Property at foreclosure sale, or from any successor to such purchaser.
12. That if the Property is within an irrigation block and/or subject to water service contract(s) governed by the provisions of "Federal reclamation law," and the regulations issued thereunder, Mortgagors shall comply with the terms and provisions of said laws, regulations and contracts; Mortgagors, and each of them, for themselves, their heirs, successors and assigns, hereby appoint Mortgagee their attorney-in-fact to select and designate the portion of the Property to be subject to a recordable contract, in the event Mortgagors become subject to the excess land limitation; if Mortgagors fail to comply with the terms of said law, regulations or contracts, or if the delivery of water for the irrigation of the Property is discontinued in whole or in part, Mortgagors shall be in default; in the event the Bureau of Reclamation determines that continued drainage maintenance on the Property is no longer feasible, and Mortgagors purchase other lands offered as a preference purchase right (as an adjustment for wetlands), Mortgagors shall execute a supplemental mortgage on such lands in favor of the Mortgagee; and failure to execute such mortgage on demand, shall constitute an event of default.
13. That in the event of default in any of the covenants or agreements herein, or in any of the Loan Documents, Mortgagee may, at its option perform the same, in whole or in part; any advances, including, without limitation, attorney fees or costs, paid or incurred by Mortgagee to protect or enforce its rights under the Loan Documents, in bankruptcy, appellate proceedings or otherwise, shall be payable on demand and shall become a part of the indebtedness secured by this mortgage.
14. That the indebtedness and obligations secured by this mortgage are personal to the Mortgagors and are not assignable by Mortgagors; Mortgagee relied upon the credit of Mortgagors, the interest of Mortgagors in the Property and the financial market conditions then existing when making this loan; if Mortgagors sell, transfer or convey or contract to sell, transfer or convey the Property, or any portion thereof, or if the ownership of any corporation or partnership, owning all or any portion of the Property shall be changed either by voluntary or involuntary sale or transfer or by operation of law, without prior written consent of Mortgagee, or if Mortgagors default in the payment of the indebtedness, or with respect to any warranty, covenant or agreement in the Loan Documents or if a receiver or trustee for any part of the Property is appointed, or if any proceedings under the bankruptcy or insolvency laws is commenced by or against Mortgagors, or if Mortgagors become insolvent, or if any action is commenced to foreclose or enforce a lien on any portion of the Property, then, Mortgagors shall be in default hereunder.
15. That time is of the essence and in the event of default, at Mortgagee's option, the entire indebtedness secured hereby shall forthwith become due and payable and bear interest at the rate set forth in the Loan Documents for delinquent payments; Mortgagee shall have the right to foreclose the lien of this mortgage, to have a receiver appointed in any court proceeding; to collect any rents, issues and profits from the Property and apply them against the indebtedness hereby secured and to exercise any rights and remedies available under the Uniform Commercial Code for the state in which the property is located; and reasonable notice if required by such Code shall be five (5) days.
16. That the failure of Mortgagee to exercise any right or option provided herein, at any time shall not preclude Mortgagee from exercising any of such rights at any other time; the covenants and agreements contained herein shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns; all rights conferred on Mortgagee are cumulative and additional to any rights conferred by law; and if any provision is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof and the mortgage shall be construed as though such provision had been omitted.
17. That Mortgagors and each of them join in this instrument for the purpose of subjecting each of their right, title and interest, if any, in the Property, whether of record or otherwise and including any right to possession, to the lien of this mortgage.

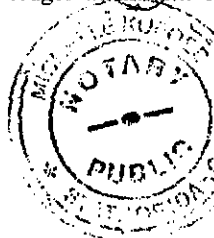

Raymond F. Funk


Betty L. Funk

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY
99 JAN - 4 PM 4: 14
FEE 12.00
MICROFILMED
APR 08 1999

STATE OF Idaho)
)ss.
County of Bingham)

On this 4th day of January, 1999, before me personally appeared Raymond F. Funk, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she executed the same as his/her free act and deed.



Michelle K. Koffel
Notary Public for the State of Idaho
Residing at Blackfoot Idaho
My commission expires 4.11.2000

STATE OF Idaho)
)ss.
County of Bingham)

On this 4th day of January, 1999, before me personally appeared Betty L. Funk, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she executed the same as his/her free act and deed.



Michelle K. Koffel
Notary Public for the State of Idaho
Residing at Blackfoot ID
My commission expires 4.11.2000

Mortgagee acknowledges that this mortgage is subject to a security interest in favor of AgAmerica, FCB (Bank) and by its acceptance hereof and pursuant to and in confirmation of certain agreements and assignments by and between Mortgagee and Bank, does assign, transfer and set over the same unto Bank, its successors and assigns, to secure all obligations of Mortgagee to Bank, provided that pursuant to such agreements and assignments Mortgagee has authority to perform all loan servicing and collection actions and activities hereunder, including, without limitation thereto, releasing in whole or in part and foreclosing judicially or otherwise this mortgage until the Bank, by instrument recorded in the office in which this mortgage is recorded, revokes such authority; provided, however, if Bank is the Mortgagee in this transaction, this paragraph is without effect.

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C-6
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R-21.3

F-256-1-2

E-10.1

K-6

H-3.6

F-24.3

C-4

J-11.6

E-4.3

D-13.1

C-7.6

F-25.3

A-1.2

B-9.4

C-1.2

D-1.2

E-1.2

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G-1.2

H-1.2

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R-1.2

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U-1.2

V-1.2

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DJ-1.2

DK-1.2

DL-1.2

DM-1.2

DN-1.2

DO-1.2

DP-1.2

DQ-1.2

DR-1.2

DS-1.2

DT-1.2

DU-1.2

DV-1.2

DW-1.2

DX-1.2

DY-1.2

DZ-1.2

EA-1.2

EB-1.2

EC-1.2

ED-1.2

EE-1.2

EF-1.2

EG-1.2

EH-1.2

EI-1.2

EJ-1.2

EK-1.2

EL-1.2

EM-1.2

EN-1.2

EO-1.2

EP-1.2

EQ-1.2

ER-1.2

ES-1.2

ET-1.2

EU-1.2

EV-1.2

EW-1.2

EX-1.2

EY-1.2

EZ-1.2

FA-1.2

FB-1.2

FC-1.2

FD-1.2

FE-1.2

FF-1.2

FG-1.2

FH-1.2

FI-1.2

FJ-1.2

FK-1.2

FL-1.2

FM-1.2

FN-1.2

FO-1.2

FP-1.2

FQ-1.2

FR-1.2

FS-1.2

FT-1.2

FU-1.2

FV-1.2

FW-1.2

FX-1.2

FY-1.2

FZ-1.2

GA-1.2

GB-1.2

GC-1.2

GD-1.2

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GG-1.2

GH-1.2

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GK-1.2

GL-1.2

GM-1.2

GN-1.2

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GQ-1.2

GR-1.2

GS-1.2

GT-1.2

GU-1.2

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GZ-1.2

HA-1.2

HB-1.2

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HN-1.2

HO-1.2

HP-1.2

HQ-1.2

HR-1.2

HS-1.2

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HV-1.2

HW-1.2

HX-1.2

HY-1.2

HZ-1.2

IA-1.2

IB-1.2

IC-1.2

ID-1.2

IE-1.2

IF-1.2

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IL-1.2

IM-1.2

IN-1.2

IO-1.2

IP-1.2

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IU-1.2

IV-1.2

IW-1.2

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IY-1.2

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JK-1.2

JL-1.2

JM-1.2

JN-1.2

JO-1.2

JP-1.2

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JR-1.2

JS-1.2

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JU-1.2

JV-1.2

JW-1.2

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KM-1.2

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KT-1.2

KU-1.2

KV-1.2

KW-1.2

KX-1.2

KY-1.2

KZ-1.2

LA-1.2

LB-1.2

LC-1.2

LD-1.2

LE-1.2

LF-1.2

LG-1.2

LH-1.2

LI-1.2

LJ-1.2

LK-1.2

LL-1.2

LM-1.2

LN-1.2

LO-1.2

LP-1.2

LQ-1.2

LR-1.2

LS-1.2

LT-1.2

LU-1.2

LV-

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 15 1996
Department of Water Resources
Eastern District Office

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

TO: EC 10-18-96

1. Water Right Number(s) 35-08791

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Marie Neuman

P.O. Box 315 Aberdeen ID 83210

4. New Owner/Claimant(s) Raymond and Betty L. Funk 1/2 interest

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 2066 S. 2950 W

City, State and ZIP Code Aberdeen, ID 83210

New Telephone Number (208) 397-4506

5. Date you acquired the property 3-20-95 4-10-95

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Raymond Funk Date 10-9-96

Betty L. Funk Date 10-9-96

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

RECEIVED
DEC 16 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08791

Priority: June 2, 1989

Maximum Diversion Rate:

1.55 CFS

This is to certify, that MARIE NEUMAN
LORETTA E ZOOK
RAYMOND NEUMAN
BETTY L FUNK

PO BOX 315

ABERDEEN ID 83210-0315

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 2, 1989; and has submitted Proof of Beneficial Use on July 12, 1991. An examination indicates that the works have a diversion capacity of 2.760 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	04/01 to 10/31	1.55 CFS	
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LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 17, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	31E	17	SWNW 36	SENEW 40	NWSW 34	146
			SWSW 36			

Total number of acres irrigated: 146

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

OCT 03 1996

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 35-08791

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Use of this right with Right 35-02072 is limited to a total combined annual diversion volume of 584.0 af, and to the irrigation of a combined total of 146 acres in a single irrigation season.
9. Right 35-02072 is also diverted at the point of diversion described above.
10. This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of SEPTEMBER, 1996.


Acting for KARL J. DREHER, Director

3 1996

RECEIVED

SEP 19 1996

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08791

Date of Priority: June 2, 1989 Maximum Diversion Rate: 1.55 CFS
Comes now MARIE NEUMAN
LORETTA E ZOOK
RAYMOND NEUMAN
BETTY L FUNK

PO BOX 315

ABERDEEN ID 83210-0315

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. 35-08791, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.55 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWNW, Sec. 17, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	31E	17	SWNW 36	SENW 40	NWSW 34	146
			SWSW 36			

Total number of acres irrigated: 146

OCT 03 1996

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 at Aberdeen, Idaho, this 16th day of September, 1996.

Betty L. Funk
(Signature)

RECEIVED

SEP 19 1996

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08791

FOR DEPARTMENT USE ONLYPreliminary check by Ket Fee = \$50.00 Received by Ket # C036595 Date 9.19.96**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. 35-08791 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Use of this right with Right 35-02072 is limited to a total combined annual diversion volume of 584.0 af, and to the irrigation of a combined total of 146 acres in a single irrigation season.
9. Right 35-02072 is also diverted at the point of diversion described above.
10. This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.

OCT 03 1996

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08791

Witness my hand this 24TH day of SEPTEMBER, 1996.


Acting for KARL J. DREHER, Director

RECEIVED

OCT 03 1996

RECEIVED

JUL 12 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
 Amt. of Fee \$ 125.00
 Date 7.12.91
 Receipt No. 0021140
 Received by UJH

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 35-08791 Telephone No. 397-4506

Name(s) of Permit Holder(s): Estate of John E. Neuman - Sam Neuman

Post Office Address: 2066 S. 2950 W. Aberdeen ID 83210

Source of Water: well - 40' casing for top - casing at Bottom

If ground water, well driller's name: Paul Vollmer Date drilled: Nov. 1958

Extent of Use:

Domestic _____ (No. of households)

Irrigation 80 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 1.6 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: March 1959

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination: mobile 234-5849

Alan Funk 397-4820
 Name Telephone No.

2065 S. 2800 W. Aberdeen ID 83210
 Address

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.

7-9-91
 Date

Sam Neuman by Betty Funk, Power of Attorney
 Signature (and title if on behalf of a company or organization)

RECEIVED
SEP 10 1993

State of Idaho
Department of Water Resources

RECEIVED

AUG 30 1993

Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Eastern District Office

Estate of John Neuman

I, & Sam Neuman, hereby assign to See Attached Sheet

of _____
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-08791
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

100% Portion

Point of Diversion Sec. 17 Twn 6 S R 31 E, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of NW $\frac{1}{4}$

Made this 26 day of August, 19 93.

Sam Neuman by Betty L. Lusk
Permit Holder his attorney-in-fact

Marilyn G. Neuman - Personal Rep. of
Spouse of Permit Holder John Neuman

State of Idaho)
County of Bingham) ss.

On this 26th day of August, 19 93, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ram A. Munkhook
Notary Public residing at
Aberdeen, Idaho

My commission expires:

2/12/96

MICROFILMED

OCT 19 1993

database updated. 9/29/93 C3.

Assignment of Permit for Water Right # 35-08791

Betty L. Funk, 2066 S. 2950 W., Aberdeen, ID 83210

Loretta E. Zook 601 W. Knott Hesston, KS 67062

Raymond Neuman P.O. Box 97 Hesston, KS 67062

(Half Interest to above in equal shares)

Marie Neuman (Mrs. John Neuman for Estate of John Neuman)

(Half Interest) P. O. Box 315, Aberdeen, ID 83210

RECEIVED

OCT 19 1993

State of Idaho
Department of Water Resources

NO. 35-08791

Proposed Priority: June 2, 1989 **Maximum Diversion Rate:** 1.60 CFS

This is to certify, that ESTATE OF JOHN NEUMAN

SAM NEUMAN

2033 S. 2900 W.

ABERDEEN, ID 83210

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

1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW

Sec. 17, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

06S 31E 17

NWSW 40

SWSW 40

80

Total number of acres irrigated:

80

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1992.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. 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.

MICROFILMED

JUN 19 1990

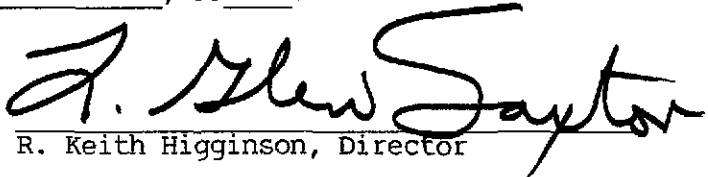
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08791

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

7th day of June, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

JUN 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Estate of John Neuman ^{or} ~~&~~ Sam Neuman Phone 397-4796

Post office address 2033 South 2900 West Aberdeen, Idaho 83210

2. Source of water supply ground water which is a tributary of n/a

3. Location of point of diversion is ~~SW~~ ^{* NW} $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 6 South
Range 31 E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.6 cfs for irrigation purposes from 4/1 to 11/1 (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:

a. 1.6 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing 20" well, with 100hp electric motor, four-stage deep well turbine pump, 3/4 mile mainline four wheel lines and panel

b. Height of storage dam n/a feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage n/a to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 80 feet.

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 — maximum 5 years).

8. Description of proposed uses: n/a

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

JUN 19 1990

* As per telephone conversation with Mr Sam Neuman, 12:32 hours, 14 July 1989, Dm1

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 S	31E	17										40	40						80

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above. Applicant also owns eighty (80) shares of water in the Aberdeen Springfield Canal that are supplemental to this application but not used since 1978.

9. a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

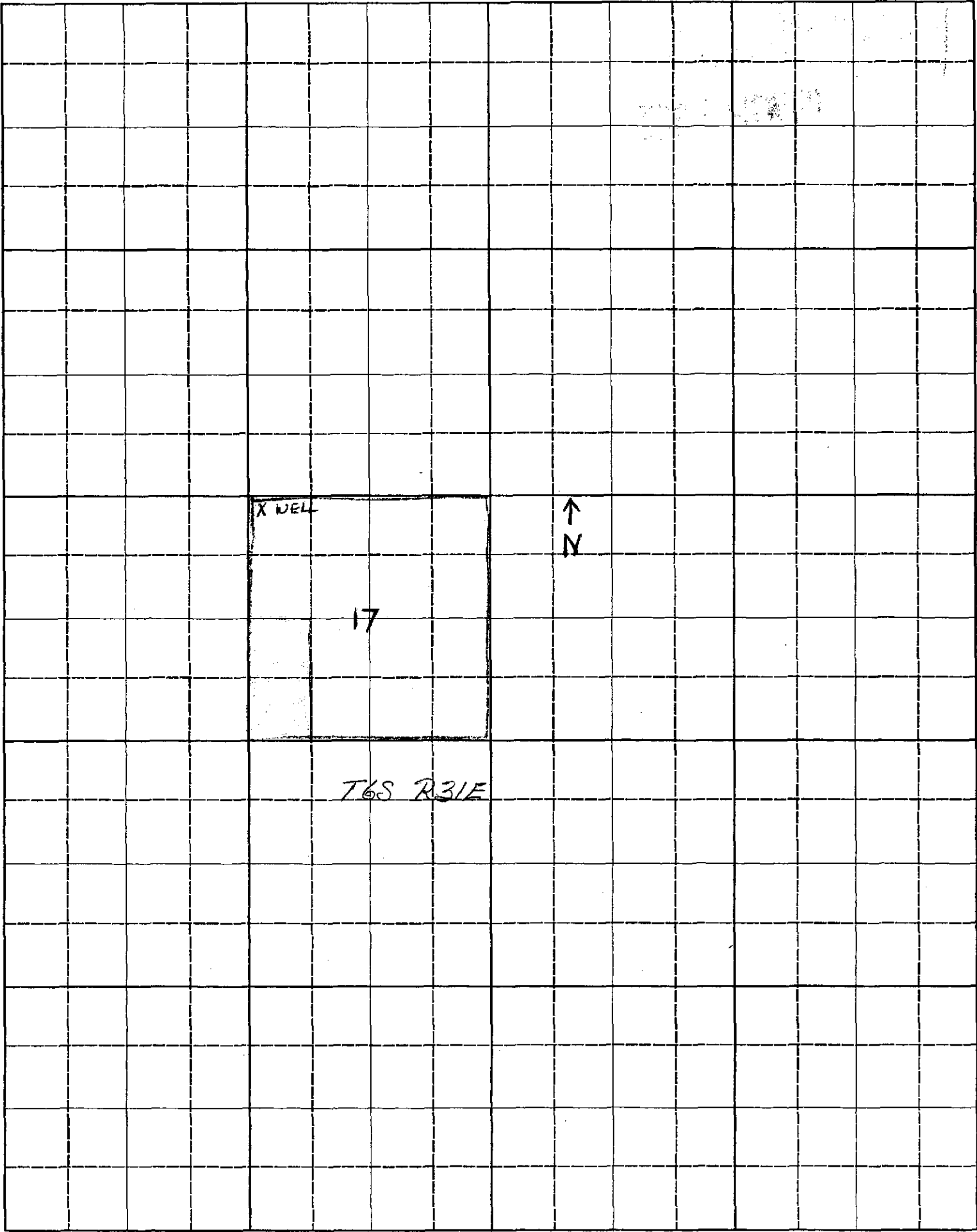
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Applicant put in this sprinkler system in 1978 and has used it continuously since said date and has not used his Canal Co. water since that date.

MICROFILMED

JUN 19 1980

11. 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 hereinafter set forth.

JUN 19 1990

Sam Greenman
(Applicant)

Received by OW Date 6-02-89 Time 11:30
Preliminary check by AMD Fee \$ 65⁰⁰ E008877
Receipted by HWS Date 6-6-89
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by tw

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. Other:

MICROFILMED

JUN 19 1990

DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.
Statehouse Mall
Boise, Idaho 83720
(208) 327-7900

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State Idaho:

27-07485

JOHNSTON, James S.
P.O. Box 698
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: NENWNE, Sec. 35, T. 02S, R. 35E.
Use: IRRIGATION (.800 CFS)
DOMESTIC (.350 CFS)
Total Diversión: (1.000 CFS).
Date Filed: 8/2/1989.
In: T02S, R35E, S35, NENE, NWNW, SWNE.
40.0 ACRES TOTAL.

27-07486

MALM, Wallace E.
MALM, Barbara
349 N. 100 E.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SWNE, Sec. 19, T. 02S, R. 36E.
Use: IRRIGATION (1.940 CFS).
Total Diversión: (1.940 CFS).
Date Filed: 10/4/1989.
In: T02S, R36E, S19, SWNE, SENE, NESW, NESE, NWSE.
97.0 ACRES TOTAL.

35-08154

LEBRECHT, Wulf
Sterling, Id. 83279
Source: GROUNDWATER
Diversión Pt: NESW, Sec. 27, T. 03S, R. 31E.
Use: IRRIGATION (3.200 CFS).
Total Diversión: (3.200 CFS).
Date Filed: 6/13/1983.
In: T03S, R31E, S27, NESW, SESW, NWSE, SWSE.
160.0 ACRES TOTAL.

35-08160

YANCEY, Brice Orley
1264 S. 2700 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: NESE, Sec. 4, T. 05S, R. 31E.
Use: IRRIGATION (1.700 CFS).
Total Diversión: (1.700 CFS).
Date Filed: 6/14/1983.
In: T05S, R31E, S04, SWNE, SENE, SWNW, SENW, NESW, NESE, NWSE.
280.0 ACRES TOTAL.

35-08225

HAROLDSEN, James
79 N. 2200 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: NWNW, Sec. 33, T. 02S, R. 32E.
Use: IRRIGATION (1.700 CFS).
Total Diversión: (1.700 CFS).
Date Filed: 11/7/1983.
In: T02S, R32E, S33, NENW, NWNW, SWNW, SENW.
160.0 ACRES TOTAL.

35-08790

MARTIN, J. Wayne J.
P.O. Box 149
Moreland, Id. 83256
Source: GROUNDWATER
Diversión Pt: NENE, Sec. 4, T. 02S, R. 34E.
Use: IRRIGATION (1.400 CFS).
Total Diversión: (1.400 CFS).
Date Filed: 5/28/1989.
In: T02S, R34E, S04, NENE, SENE, NESE, SESE.
70.0 ACRES TOTAL.

35-08791

NEUMAN, Estate of John
NEUMAN, Sam
2033 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: NWNW, Sec. 4, T. 02S, R. 31E.
Use: IRRIGATION (1.600 CFS).
Total Diversión: (1.600 CFS).
Date Filed: 6/2/1989.
In: T06S, R31E, S17, NWSW, SWSW.
80.0 ACRES TOTAL.

35-08797

GIBBS, Marjorie M.
P.O. Box 127
Springfield, Id. 83277
Source: GROUNDWATER
Diversión Pt: SWSWNW, Sec. 12, T. 04S, R. 32E.
Use: IRRIGATION (2.400 CFS).
Total Diversión: (2.400 CFS).
Date Filed: 6/19/1989.
In: T04S, R32E, S11, NENE, SENE, S12, NWNW, SWNW, NESW, NWSW.
120.0 ACRES TOTAL.

35-08799

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversión Pt: SENWNW, Sec. 23, T. 01N, R. 36E.
Use: IRRIGATION (2.640 CFS).
Total Diversión: (2.640 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S23, NENW, NWNW, SWNW, SENW.
132.0 ACRES TOTAL.

35-08800

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversión Pt: SENWSW, Sec. 14, T. 01N, R. 36E.
Use: IRRIGATION (3.000 CFS).
Total Diversión: (3.000 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S14, SENW, NESW, NWSW, SWSW, SESE.
168.0 ACRES TOTAL.

35-08801

WILLIAMS, J. Stanley
WILLIAMS, Nancy
1286 W. 200 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: NESWSE, Sec. 18, T. 03S, R. 34E.
Use: IRRIGATION (.780 CFS).
Total Diversión: (.780 CFS).
Date Filed: 6/19/1989.
In: T03S, R34E, S18, NWSE, SWSE.
39.0 ACRES TOTAL.

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APR 27 1990

Department of Water Resources

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MAY - 2 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

5th day of April, 1990;

and the last publication having been made on the
12th day of April, 1990;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 23rd day of April, in
the year 1990 before me a Notary Public of said State,
personally appeared

Ted Townsend
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Kaye Peyton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

35-0884

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 10, T. 03S, R. 32E.
Use: IRRIGATION (1.240 CFS).
Total Diversion: (1.240 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, SWNE, SENE, NESE, NWSE, SWSE, SESE.
200.0 ACRES TOTAL.

35-08841

TURPIN, Donald Bruce
907 W. 275 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 16, T. 03S, R. 34E.
Use: IRRIGATION (.460 CFS).
Total Diversion: (.460 CFS).
Date Filed: 7/24/1989.
In: T03S, R34E, S16, SESE.
23.0 ACRES TOTAL.

35-08842

JOHNSON, L. Dean
619 W. Highway 26
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NENWNE, Sec. 25, T. 02S, R. 34E. NWNWNE, Sec. 25, T. 02S, R. 34E.
Use: IRRIGATION (.200 CFS).
COMMERCIAL (.340 CFS).
Total Diversion: (.540 CFS).
Date Filed: 5/26/1989.
In: T02S, R34E, S25, NWNE.

10.0 ACRES TOTAL.

35-08845

CIRCLE H. FARM
c/o Ralph Henderson
5118 Whitaker
Chubbuck, Id. 83202
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 11, T. 04S, R. 33E.
Use: IRRIGATION (1.040 CFS).
Total Diversion: (1.040 CFS).
Date Filed: 9/6/1989.
In: T04S, R33E, S11, NESE, SWSE, SESE.
52.0 ACRES TOTAL.

35-08869

BURKMAN, Doug
285 W. 450 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 10, T. 02S, R. 35E.
Use: IRRIGATION (.140 CFS).
Total Diversion: (.140 CFS).
Date Filed: 12/12/1989.
In: T02S, R35E, S10, NENW.
7.0 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. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho, 83720, on or before APRIL 23, 1990.

R. KEITH HIGGINSON
Director

(745)
Pub.: 4/5, 12

35-08802

VANORDEN, Larry E.
VANORDEN, Paule T.
1054 W. 125 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNENW), Sec. 20, T. 03S, R. 34E.
Use: IRRIGATION (.600 CFS).
Total Diversion: (.600 CFS).
Date Filed: 6/20/1989.
In: T03S, R34E, S20, Lot 8 (NWNENW), Lot 9, (SWNE).
30.0 ACRES TOTAL.

35-08805

DYORAK, Judith A.
1878 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 6, T. 06S, R. 31E.

Use: IRRIGATION (1.900 CFS).
Total Diversion: (1.900 CFS).
Date Filed: 6/30/1989.
In: T06S, R31E, S06, NESE, SWSE, SESE.
95.0 ACRES TOTAL.

35-08834

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 10, T. 03S, R. 32E.
Use: IRRIGATION (1.500 CFS).
Total Diversion: (1.500 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, NENE, NWNE, SWNE, SENE, S11, NWNW, SWNW.
180.0 ACRES TOTAL.

35-08837

BARTAUSSKY, Ed
1037 W. 200 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 29, T. 02S, R. 34E.
Use: IRRIGATION (1.600 CFS).
Total Diversion: (1.600 CFS).
Date Filed: 7/3/1989.
In: T02S, R34E, S29, NWNE, SWNE.
80.0 ACRES TOTAL.

35-08838

PIEPER, George G.
P.O. Box 1174
Pocatello, Id. 83201
Source: GROUNDWATER
Diversion Pt: SWSWNW, Sec. 11, T. 03S, R. 33E.
Use: IRRIGATION (1.300 CFS).
Total Diversion: (1.300 CFS).
Date Filed: 7/3/1989.
In: T03S, R33E, S10, SENE, NESE, S11 SWNW, NWSW, SWSW.
188.0 ACRES TOTAL.

35-08839

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: SENE, Sec. 11, T. 03S, R. 32E.
Use: IRRIGATION (.680 CFS).
Total Diversion: (.680 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S11, NENE, NWNE, SWNE, SENE, NENW, SENW.
238.0 ACRES TOTAL.

MICROFILMED

JUN 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAYMOND FUNK
BETTY L FUNK
2066 S 2950 W
ABERDEEN ID 83210

RE: Water Right 35-08791

Dear Mr. & Mrs. Funk:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager

Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
APR 08 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

November 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RAYMOND FUNK
BETTY L FUNK
2066 S 2950 W
ABERDEEN ID 83210

RE: WATER RIGHT 35-08791

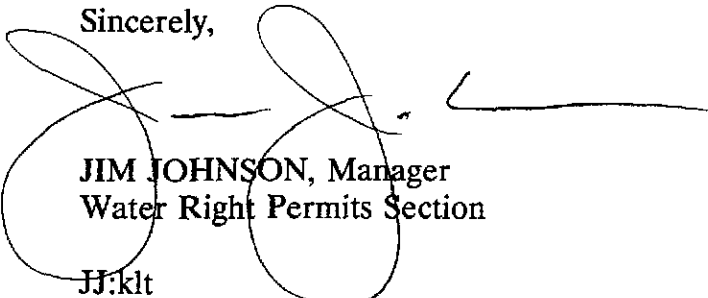
Dear Mr and Mrs Funk:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to replace Marie Newman with Raymond and Betty L Funk. We have modified our records to reflect this change in ownership.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED

DEC 9 8 1997

RECEIVED

October 9, 1996

OCT 23 1996

Department of Water Resources

RECEIVED

OCT 15 1996

Department of Water Resources
Eastern District Office

Raymond and Betty L. Funk
2066 S. 2950 W.
Aberdeen, Idaho 83210

Idaho Dept. of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: Water Right #35-08791

Sirs:

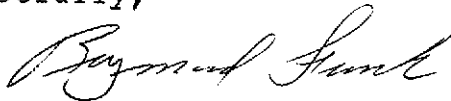
This letter is in regard to notice of Change of Water Right Ownership and copies of required information. This water right is with Marie Neuman, Loretta E. Zook, Raymond Neuman and Betty L. Funk. The change of ownership applies only to purchase of the 1/2 interest of Marie Neuman: the others remain the same.

Enclosed find copies of Contract of Sale dated April 10, 1995, attached legal description and plat maps marked in red boundary.

If you have any further questions, please write and will comply.

Thank you.

Respectfully,



Raymond Funk

Enclosures

MICROFILMED

DEC 08 1997

1968

R-31-

8-66

See photo
C-5
F-140 34.0

A 21.3
F-256-1-2

Rocky

F-253 9.4
1.2

F-254 2-3
1.0

12.0

DEC 08 1967
8 0 230



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OCT 15 1996

Page 2

Order No. 34270
Department of Water Resources
Eastern District Office

SCHEDULE A

1. Commitment Date: March 20, 1995, at 9:00 a.m.
2. Policy or Policies to be issued: Policy Amount

[X] (a) Owner's Standard Policy \$119,000.00
Form 1402-92 (10/17/92)
Proposed Insured: RAYMOND FUNK and BETTY L. FUNK
3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by MARIE A. NEUMAN, a widow, an undivided $\frac{1}{2}$ interest.

4. The Land referred to in this Commitment is described as follows:

Township 6 South, Range 31 E.B.M., Bingham County, Idaho

Section 17: ~~S $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ SW $\frac{1}{4}$~~ EXCEPTING THEREFROM: Beginning at a point on the W. line of Section 17, which point bears N. 0°15' W. a distance of 722.70 feet from the W $\frac{1}{4}$ corner of said Section 17, the true point of beginning; thence N. 89°03' E. a distance of 331.20 feet; thence N. 0°15' W. a distance of 232.50 feet; thence N. 89°21' W. a distance of 328.50 feet more or less to the W. line of Section 17; thence S. 0°15' E. a distance of 239.40 feet to the true point of beginning.

1.7 AC.

AND FURTHER EXCEPTING THEREFROM: Beginning at a point on the W. line of Section 17, Township 6 South, Range 31 E.B.M., which point bears S. 0°15' E. a distance of 2.0 feet, from the W $\frac{1}{4}$ corner of said Section 17; (and which point of beginning lies 34.0' S. and 58.5 feet W. of the SW corner of a dwelling; and which same point is approximately coincident with Old Highway No. 39, State Aid Project No. 134-E, Station 1007+50); and running thence N. 89°40' E. a distance of 184.2 feet; thence N. 0°44' W. a distance of 122.9 feet; thence N. 89°32' W. a distance of 183.1 feet to a point on the W. line of said Section 17; thence S. 0°15' E. a distance of 125.5 feet, more or less, along the W. line of said Section 17 to the point of beginning.

.5 AC

RECORDED
DEC 8 1997

NOTE

\$ 69,000.00 ABERDEEN, Idaho, April 10, 1995

I/We promise to pay to the order of MARIE A. NEUMAN, A WIDOW, AN UNDIVIDED 1/2 INTEREST

at ABERDEEN, Idaho, SIXTY-NINE THOUSAND DOLLARS AND NO/100

DOLLARS,

payable in lawful money of the United States of America, with interest thereon in like money, from and after

APRIL 10, 1995 until paid, at the rate of SEVEN

(7.0000%) per cent per annum. Principal and Interest to be paid as follows:

PAYABLE IN INSTALLMENTS OF \$26,292.59 PER YEAR, WITH THE FIRST SUCH PAYMENT DUE ON THE 15TH DAY OF MARCH, 1996, AND CONTINUING TO BE PAID ON THE 15TH DAY OF MARCH, 1997 AND ON MARCH 15, 1998 THE ENTIRE THEN REMAINING PRINCIPAL BALANCE AND ALL ACCRUED INTEREST SHALL BE PAID IN FULL.

ALL PAYMENTS, INCLUDING PARTIAL PREPAYMENTS, SHALL BE APPLIED FIRST TO ACCRUED INTEREST AND THEN TO THE PRINCIPAL BALANCE.

THE MAKER SHALL HAVE THE RIGHT TO PREPAY THIS NOTE IN WHOLE OR IN PART WITHOUT PENALTY.

THIS NOTE IS SECURED BY A MORTGAGE OF EVEN DATE ENCUMBERING THE PREMISES DESCRIBED AS:

SEE ATTACHED LONG LEGAL DESCRIPTION

"As this copy is acknowledged to be a true and correct reproduction of the original document, the original is hereby approved as to form and content and further approved for use by Pioneer Title Company in closing Escrow No. 40532"

X Marie A. Neuman

I/We agree that in case of default in the payment of any said installments or any amount due hereunder, such unpaid amount shall bear interest from the date of such maturity until paid at the interest rate set forth herein, and that if any one of said installments or interest due hereon is not paid within ten (10) days after the same becomes due and payable, the whole of the principal sum then remaining unpaid, together with the interest that shall have accrued thereon, shall forthwith become due and payable at the election of the holder of this note, without notice. If action is commenced to enforce payment of this note, I/We agree to pay such sums as the court may affix as attorney's fees. The maker s and endorser hereon jointly and severally waive presentment for payment, demand, protest and notice of protest of non-payment of this note.

RAYMOND FUNK

BETTY L. FUNK

Pioneer Title Company

of

Bannock County

135 North Arthur
POCATELLO, IDAHO 83204
Telephone (208) 233-9595

Department of Water Resources
Eastern District Office

RECEIVED
OCT 15 1996
DEC 8 1997

NOTE

\$ 69,000.00 ABERDEEN , Idaho, April 10 , 1995

I/We promise to pay to the order of MARIE A. NEUMAN, A WIDOW, AN UNDIVIDED 1/2 INTEREST

at ABERDEEN , Idaho, SIXTY-NINE THOUSAND DOLLARS AND NO/100

DOLLARS,

payable in lawful money of the United States of America, with interest thereon in like money, from and after
APRIL 10, 1995 until paid, at the rate of SEVEN

(7.0000%) per cent per annum. Principal and Interest to be paid as follows:

PAYABLE IN INSTALLMENTS OF \$26,292.59 PER YEAR, WITH THE FIRST SUCH PAYMENT DUE
ON THE 15TH DAY OF MARCH, 1996, AND CONTINUING TO BE PAID ON THE 15TH DAY OF
MARCH, 1997 AND ON MARCH 15, 1998 THE ENTIRE THEN REMAINING PRINCIPAL BALANCE
AND ALL ACCRUED INTEREST SHALL BE PAID IN FULL.

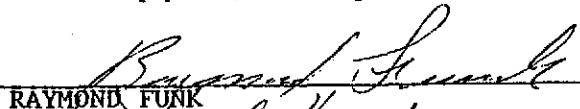
ALL PAYMENTS, INCLUDING PARTIAL PREPAYMENTS, SHALL BE APPLIED FIRST TO ACCRUED
INTEREST AND THEN TO THE PRINCIPAL BALANCE.

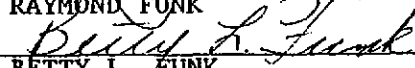
THE MAKER SHALL HAVE THE RIGHT TO PREPAY THIS NOTE IN WHOLE OR IN PART WITHOUT
PENALTY.

THIS NOTE IS SECURED BY A MORTGAGE OF EVEN DATE ENCUMBERING THE PREMISES
DESCRIBED AS:

SEE ATTACHED LONG LEGAL DESCRIPTION

I/We agree that in case of default in the payment of any said installments or any amount due hereunder, such unpaid
amount shall bear interest from the date of such maturity until paid at the interest rate set forth herein, and that if any
one of said installments or interest due hereon is not paid within ten (10) days after the same becomes due and payable,
the whole of the principal sum then remaining unpaid, together with the interest that shall have accrued thereon, shall
forthwith become due and payable at the election of the holder of this note, without notice. If action is commenced to
enforce payment of this note, I/We agree to pay such sums as the court may affix as attorney's fees. The maker s
and endorser _____ hereon jointly and severally waive presentment for payment, demand, protest and notice of protest
of non-payment of this note.


RAYMOND FUNK


BETTY L. FUNK

Pioneer Title Company

of

Bannock County

135 North Arthur

POCATELLO, IDAHO 83204

Telephone (208) 233-9595

RECEIVED

OCT 15 1996

Department

Fasten



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 25, 1996

MARIE NEUMAN
LORETTA E ZOOK
RAYMOND NEUMAN
BETTY L FUNK
PO BOX 315
ABERDEEN ID 832100315

RE: WATER RIGHT NO. 35-08791

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment. Should you have any questions regarding these documents, please contact me.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

OCT 03 1996



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 1996

MARIE NEUMAN
LORETTA E ZOOK
RAYMOND NEUMAN
BETTY L FUNK
PO BOX 315
ABERDEEN ID 832100315

RE: WATER RIGHT NO. 35-08791

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECEIVED
OCT 03 1996

2nd Amend Letter

MEMORANDUM

TO: File 35-08791

FROM: Sharla

DATE: September 5, 1996

RE: Attached Maps/Diagrams

The attached maps/diagrams are from Al Ruberry's investigation of the Aberdeen Springfield Canal system. The symbols are explained below. The Neuman's lands are outlined and the information from Al's investigation back up the applicant's statement on the original application for permit that surface water is no longer used on these lands.

- ☐ Acres claimed in SRBA as surface water use
- ☐ Acres found to be irrigated by surface water
- ☐ Groundwater use only (corresponding water right identified)

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#188 P02

1



NAPP REF. AA-36 SW

001 03 1996

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM																
		NE		NW		SW		SE		NE		NW		SW		SE																		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																	
T06S R31E S17																																		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
A010002321	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
0100297	SNAKE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		
A010029721	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
A0102064G1	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
A0102068G1	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
A0102068H1	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
3502049	GROUNDWATE	:	28	:	40	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3502049	GROUNDWATE	:	29	:	39	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3502072	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3502072	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3502154	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3502154	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A350254321	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
3504034	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3504034	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3504035	WASTE WATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A350424621	LARGE CLAI	:	33	:	40	:	40	:	30	:	35	:	25	:	35	:	40	:	40	:	24	:	39	:	40	:	:	40	:	40	:	40	:	541
3507608	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3507608	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3507732	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3507732	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3507760	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3507760	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3508150	GROUNDWATE	:	05	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
3508791	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A3510843	GROUNDWATE	:	07	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
C170-AA 36		:	41	:	41	:	32	:	42	:	41	:	45	:	43	:	42	:	41	:	45	:	45	:	43	:	42	:	42	:	43	:	42	:
C770-AA 36		:	40	:	42	:	38	:	42	:	41	:	44	:	42	:	43	:	42	:	44	:	44	:	43	:	41	:	42	:	43	:	42	:

MISS-S benefits to down water divers -
A P-O in Sec. 8. Spine to a Range
Boundary property water makes distal
to various areas across N-55-
S-52 Sec. 8,
MISS-S benefits to attempt injury. on a
Rody Phobus more.
Pump in Sanborn is carrying N-55-
in Sec. 18.

OCT 03 1998

OCT 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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JUL 30 1996

A. GENERAL INFORMATION

Department of Water Resources

Permit No. 35-8797

1. Owner: MR John NEUNOM - Betty Funk Lorotta Zook Phone No. (208) 397-4506
Raymond Newman

Current Address: 2066 S 2950 W

2. Accompanied by: Ray Funk EXAM DATE: 8-19-93

Address: Same Phone No. Same

Relationship to Permit Holder: part owner

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

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
			SW	NW	17	6S	31E	Bingham	USGS Quad map

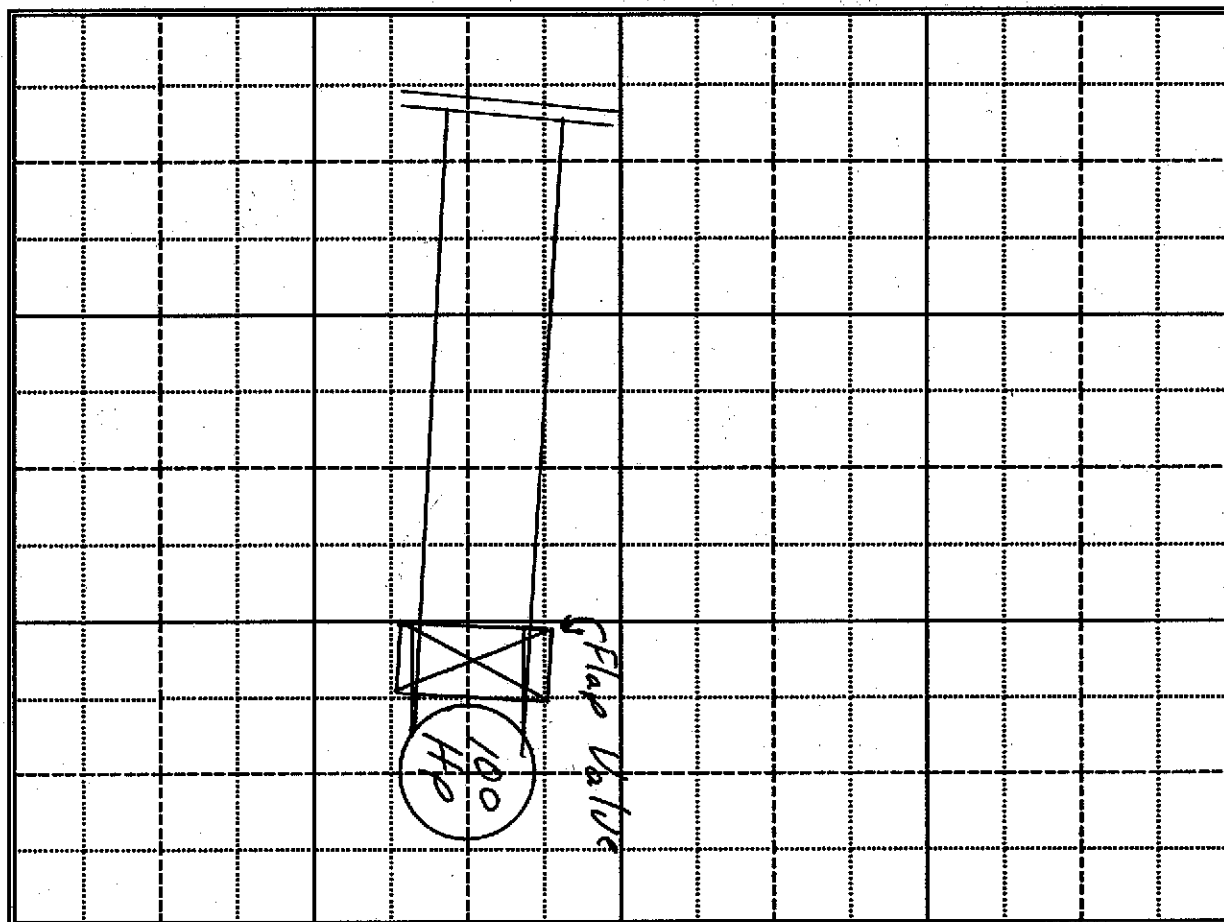
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

OCT 03 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



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
	US Electric	100	R2112750	Berkley	10" discharge

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

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D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gage	Fluid	Ashcroft			100 psi	
Flow meter	Sonic	Poly				

2. Measurements:

operating pressure 70 psi
dynamic pumping depth 62' (calculated)
Sonic Reading 1214 gpm (2.70 cfs)
one line short of birds add 20 gpm to sonic Reading
 $(1214 \text{ gpm}) + (20 \text{ gpm}) = (1234 \text{ gpm}) (2.75 \text{ cfs})$

MODE SELECT ?
INPUT

OUTER DIAMETER
10.0264 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1098 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.343 IN U

MODE SELECT
T0 CHECK

0373.8 MMSEC
100.33 % T0

08-19 12:3000 *R
ZERO MODE
AUT ZERO

08-19 12:3100 *R
+ 1.214E 3GPM

08-19 12:3100 *R
+ 1.214E 3GPM

08-19 12:3100 *R
+ 1.212E 3GPM

35-8791



E. NARRATIVE/REMARKS/COMMENTS

100 Hp pump to 10" underground main line
supplying water to eight 1/4 mile wheel lines
with 31 birds (5 gpm Flow control).

* At time of measurement one wheel line
short 4 birds to go around House.
Therefore I'm adding 20 gpm to Sonic
Reading.

* According to owner approx 140 Farmable
acres

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

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Theory

$$Q = (8 \text{ lines}) \times (31 \text{ birds}) \times (5 \text{ gpm}) = 1240 \text{ gpm} \quad (2.76 \text{ cfs})$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

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		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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. AUTHENTICATIONField Examiner's Name Gary Buss Date 8-19-93

Reviewer _____ Date _____

SEAL

OCT 03 1996

35-87

27.9

TGS
R3
Sec 17
4
40.3

1.
68.2



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

October 4, 1993

MARIE NEUMAN
PO BOX 315
ABERDEEN ID 83210

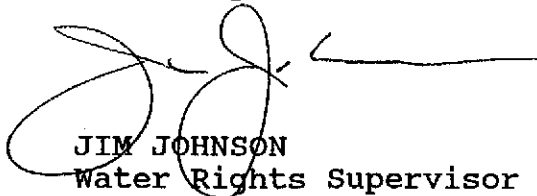
Re: Permit No. 35-08791

Dear Ms. Funk:

We acknowledge receipt of the correspondence assigning a portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

MICROFILMED

OCT 19 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

October 4, 1993

BETTY L FUNK
2066 S 2950 W
ABERDEEN ID 83210

Re: Permit No. 35-08791

Dear Ms. Funk:

We acknowledge receipt of the correspondence assigning a portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the printed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

RECEIVED

OCT 19 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

October 4, 1993

LORETTA E. ZOOK
601 W KNOTT
HESSTON KS 67062

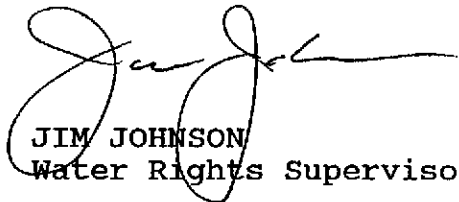
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Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

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OCT 19 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

October 4, 1993

RAYMOND NEUMAN
PO BOX 97
HESSTON KS 67062

Re: Permit No. 35-08791

Dear Ms. Funk:

We acknowledge receipt of the correspondence assigning a portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

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WR0749NP
No. 35-08791

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 09/29/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIE NEUMAN PO BOX 315 ABERDEEN ID 832100315	06/02/1989	IRRIGATION	04-01 11-01	1.60 CFS	
					TOTAL DIVERSION:	1.60 CFS

C BETTY L FUNK
2066 S 2950 W
ABERDEEN ID 83210

C LORETTA E ZOOK
601 W KNOTT
HESSTON KS 67062

C RAYMOND NEUMAN
PO BOX 97
HESSTON KS 670620097

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T06S R31E S17 NW NW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S	31E	17	:											40	40					80.0
																			80.0	

Pou County: BINGHAM

Other Rights: 80 SHARES OF WATER IN ABERDEEN SPRINGFIELD CANAL

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
 - claim against the holder of a senior water right based upon the
 - theories of forfeiture, abandonment, adverse possession, waiver,
 - equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
 - the use into a water district, require streamflow augmentation
 - or other action needed to protect prior surface water and
 - groundwater rights.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 026 - Permit holder shall commence the excavation or construction of
 - diverting works within one year of the date this permit is issued
 - and shall proceed diligently until the project is complete.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.

TOTAL ACRES

OCT 19/1993

WR0749NP
No. 35-08791

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 09/29/93
PAGE: 2

Dates:	App. Received: 06/02/1989	Priority Date: 06/02/1989
	Proof Due Date: 07/01/1992	Proof Made Date: 07/12/1991
	Exam Made Date:	Exam Sent to S.O.:
	Licensed Date:	
Misc:	Water District Number:	Field Exam Fee: R (Received)
Audit:	09/29/93 ZIMMERMA	

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SEP 03 1993
Department of Water Resources

August 26, 1993

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AUG 30 1993

Department of Water Resources
Eastern District Office

Betty L. Funk
2066 S. 2950 W.
Aberdeen, ID 83210

IDWR Eastern Region
900 N. Skyline
Idaho Falls, ID 83402

Permit No. 35-08791

To Whom it May concern:

Enclosed are papers in regard to above water right
that is currently under Estate of John Neuman and
Sam Neuman.

Papers are as follows: COPIES of

1. Assignment of Permit
2. Personal Rep. Statment in regard to
Estate of John Neuman
3. County Tax notice and receipt
4. Warranty Deed #390019
5. Warranty Deed #395531
6. Durable Power of Attorney from Sam
Neuman to Betty L. Funk

If there are any questions please call Betty Funk at
397-4506 or write.

Thank you.

Sincerely,

Betty L. Funk

Betty L. Funk

Encl. 6

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OCT 19 1993

IT IS ESSENTIAL THAT YOU BRING YOUR NOTICE OR SEND
YOUR STUB IF PAYING BY MAIL.

390019

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WARRANTY DEED

For Value Received Sam Neuman and Ella Neuman, husband and wife,

AUG 30 1993

Department of Water Resources
Eastern District Office

the grantors, do hereby grant, bargain, sell and convey unto Betty L. Funk, Lorena D. Funk, E. Zook and Raymond Neuman, as tenants in common

whose current address is 2066 S, 2950 W., Aberdeen, Idaho 83210

the grantees, the following described premises, in Bingham County Idaho, to wit:

Grantors' undivided one-half (½) interest in the following property:

The West half of the Southwest quarter of Section 17
in Township 6 South of Range 31 EBM, in Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 1990.

Sam Neuman

Ella Neuman

Ella Neuman

STATE OF IDAHO, COUNTY OF Bannock
On this 14 day of May, 1990,
before me, a notary public in and for said State, personally
appeared:Sam Neuman and Ella Neuman,
husband and wife,known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.Residing at _____, Idaho
Comm. Expires _____NOTARY PUBLIC
STATE OF IDAHO
THOMAS J. HOLMES
My Comm. Expires Feb. 16, 1994

390019

CRUISE COUNTY
BLACKFOOT, ID
FEB 30 1991

1990 MAY 18 AM 9:46

RECORDED AT THE REQUEST OF
Jones, Christensen
Jorgensen, Robin
P180x967 Pcc. 83204

MICROFILMED

OCT 19 1993

Furnished by the AMERICAN LAND TITLE CO.

ASSIGNMENT

Sam Neuman and Ella Neuman, husband and wife, do by this instrument assign to Betty L. Funk, Loretta E. Zook and Raymond Neuman, as tenants in common, their grantors undivided one-half ($\frac{1}{2}$) interest in the lease with Alan Funk as tenant, whereby Alan Funk leases the property described on the attached Exhibit "A".

This Assignment shall include the existing lease and any future extensions or new leases with Alan Funk for rental of the same property.

DATED this 14 day of May, 1990.

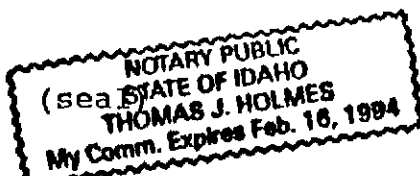
Sam Neuman
Sam Neuman

Ella Neuman
Ella Neuman

STATE OF IDAHO)
 :SS
County of Bannock)

On this 14 day of May, 1990, before me, the undersigned Notary Public, in and for said State, personally appeared Sam Neuman and Ella Neuman, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.



[Signature]
NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: _____

RECORDED

OCT 19 1993

original in file

393531

WARRANTY DEED

For Value Received Sam Neuman and Ella Neuman, husband and wife, AUG 30 1993

Department of Water Resources
Eastern District Office

the grantors, do hereby grant, bargain, sell and convey unto Betty L. Funk,
Loretta E. Zook and Raymond Neuman, as tenants in common,
whose current address is Route 1, Box 77, Aberdeen, Idaho 83210

the grantee, the following described premises, in Bingham County Idaho, to wit:

South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section
17, Township 6 South, Range 31 E.B.M., less Tract A
and Tract B attached:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that he the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: Jan 11, 1991.

Sam Neuman
Ella Neuman by Betty Funk her attorney-in-fact
Sam Neuman
Ella Neuman, by Betty Funk
her attorney-in-fact

STATE OF IDAHO, COUNTY OF Blaine
On this 11 day of Jan, 1991.
before me, a notary public in and for said State, personally
appeared

Sam Neuman and his wife Ella
Neuman, by Betty L. Funk, her
attorney-in-fact.
known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that she executed the same.

NOTARY PUBLIC
STATE OF IDAHO
THOMAS J. HOLMES
My Comm. Expires Feb. 16, 1994

Notary Public
, Idaho

RECORDED

OCT 19 1993

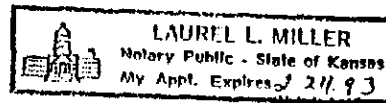
STATE OF KANSAS)
:SS
County of Harvey)

On this 15th day of January, 1991, before me, the undersigned Notary Public, in and for said State, personally appeared Sam Neuman, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

(seal)

Laurel L. Miller
NOTARY PUBLIC-STATE OF KANSAS
Commission Expires: 2-24-93



RECORDED

OCT 19 1993

Cavaness & Boomer
ATTORNEYS-AT-LAW
P.O. Box 70
376 Roosevelt
American Falls, Idaho 83211
(208) 226-2562

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AUG 30 1993

Department of Water Resources
Eastern District Office

Date January 24 19 89
Clerk, Dist. Court Magistrate Div.
By Neta Van Orden
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

Estate of:

JOHN NEUMAN,

Deceased.

)
) Case No. 2699
)
) LETTERS TESTAMENTARY
)
)

1. MARIE A. NEUMAN was duly appointed and qualified as Personal Representative of the estate of the above-named decedent on the 24 day of January, 1989, by the Court with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court, this 24 day of January, 1989.

JAMES L. MARTSCH
Magistrate Judge

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Department of Water Resources
Eastern District Office

DURABLE POWER OF ATTORNEY

I, Sam Neuman, a resident of Bingham County, Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Betty L. Funk, my true and lawful attorney for me and in my name, place and stead, and on my behalf, subject to the provisions of Paragraph 14 hereof, to do and execute all or any or the following acts, deeds and things:

1. To receive debts, payments and property. To ask demand, sue for, recover and receive all sums of money debts, dues, goods, wares, merchandise, chattels, effects and things of whatever nature or description which now are or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways or means howsoever, and upon receipt thereof, or of any part thereof, to make, sign, execute and deliver such receipts, releases or other discharges for the same respectively as my said attorney-in-fact shall deem advisable, and to have access to any safety deposit box in any financial institution, whether or not my attorney-in-fact is listed as a signor on the safety deposit box access card.

2. To settle accounts. To settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in any way interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

3. To satisfy security interests and mortgages. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any security interest or agreement, or mortgage, and on receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such security interest, or mortgage by deed or otherwise.

4. To settle, submit to arbitration, or otherwise adjust differences. To settle with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me, or by me, or upon my account, and to take and receive, or to pay and discharge (as the case may be), any composition or dividend thereof or thereupon, and to give or receive releases or other discharges for the whole of such debts or demands, or to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter, and thing due to or concerning me as my attorney-in-fact shall think best, and for that purpose to enter into and execute and deliver such bonds of arbitration or other instruments as my attorney-in-fact may deem advisable.

5. To prosecute and defend. To start, prosecute, discontinue, or defend all actions or other legal proceedings.

OCT 19 1993

touching my estate or any part thereof, or touching any matter in which I or my estate may be in any way concerned.

6. To manage real estate. To enter into and upon all my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve, alter, or reconstruct, and to insure, any buildings or structures thereon, and further to contract with others for the management of such real estate and to grant to such other all the powers with respect to such real estate common to real estate management contracts, and granted to my attorney-in-fact herein.

7. To grant leases, receive rents, and otherwise deal with tenants and leased property. To contract with any person for leasing for such periods, including periods longer than my life, and without regard to the termination of this power of attorney, at such rents and subject to such conditions as my attorney-in-fact shall see fit, all or any of my said real estate, and to let any such person into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears of rent, and sums of money which are now or shall hereafter become due and payable in respect thereof, and also on non-payment thereof or of any part thereof to take all necessary or proper means and proceedings for terminating the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

8. To sell, mortgage, or exchange real or personal estate. To sell, either at public or private sale, mortgage, encumber or exchange any part or parts of my real estate or personal property for such consideration, payable immediately or upon such terms as my attorney-in-fact shall think fit, and to execute and deliver good and sufficient deeds, mortgages, deeds of trust, bills of sale, endorsements, assignments, or other instruments for the conveyance or transfer of the same, with such covenants or warranty or otherwise as my attorney-in-fact shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

9. To deposit moneys, withdraw, invest, and otherwise deal with tangible property. To deposit any moneys in my name, and to withdraw any of such money or any other money to which I am entitled which now is or shall be so deposited, to use such money in the payment of any debts or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real and personal estate, or in or about any of the purposes herein mentioned, or otherwise for my use and benefit, or to invest such money in my name in any stocks, shares, bonds, securities or other property, real or personal, as deemed proper, and to receive and give receipts for

RECORDED
OCT 19 1993

any income or dividend arising from such investments, and to vary or dispose of all and any such investments, or other investments for my use and benefit as my attorney-in-fact may deem proper.

10. To vote at stockholders' meetings, execute proxies, and otherwise substitute for owner. To vote at the meetings of stockholders or other meetings of any corporation or company, or otherwise to act as my attorney-in-fact or proxy, with power of substitution, in respect of any stocks, shares, bonds, debentures, or other evidences of ownership, or securities, now or hereafter held by me and issued by or on account of said corporation, or company and for that purpose to execute any proxies, limited or general, or other instruments.

11. To execute deeds, bills, notes, and similar instruments. For all or any of the purposes herein stated to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds, or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes, or other commercial or merchantile instruments.

12. To do all other things necessary in connection herewith. To do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present, it being my intent to grant to my said attorney-in-fact, a general power and not a limited or special power, to act for me and in my behalf limited to the specific acts herein described.

13. State law. This durable power of attorney shall be governed by and interpreted according to Idaho law.

14. Power of Attorney effective notwithstanding disability of principal; continues in effect after principal's death until notice. Pursuant to the provisions of Idaho Uniform Probate Code Section 15-5-501 and Section 15-5-502, I declare that this power of attorney shall not be affected by my disability or incapacity, and that the authority granted herein shall continue during any period while I am disabled or incapacitated. Further, pursuant to said sections, all such authority shall continue after my death, until notice of such death shall have been received by my attorney-in-fact so that he has actual knowledge of the fact that I have died. Any action taken in good faith by said attorney-in-fact during any period while it is uncertain whether I am alive, before said attorney-in-fact receives actual knowledge of my death, or, in any event, taken during any period while I am disabled or incapacitated, shall be as valid as if I were alive, competent, and not disabled.

OCT 19 1993

15. Substitute Power of Attorney-In-Fact. I have appointed my daughter, Betty L. Funk, as my primary attorney-in-fact; however, I recognize that under certain circumstances my daughter, Betty L. Funk, might be unable or unwilling to serve as my attorney-in-fact. I have accordingly provided for my daughter, Loretta Zook, as a successor attorney-in-fact, and I direct that it is my intent and desire that a representation or statement by my daughter, Loretta Zook, that my daughter, Betty L. Funk, is unable or unwilling to serve as attorney-in-fact pursuant to this Durable Power of Attorney shall be conclusive evidence to anyone dealing with her that such is the fact and that my daughter, Loretta Zook, is authorized to proceed. I direct that no one dealing with my daughter, Loretta Zook, as my attorney-in-fact shall have any duty to inquire further beyond the representation by my daughter, Loretta Zook, as to whether or not my my daughter, Betty L. Funk, is able or willing to serve.

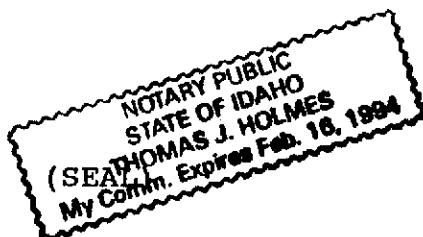
DATED this 14 day of May, 1990.

Sam Neuman
Sam Neuman

STATE OF IDAHO)
:SS
COUNTY OF BANNOCK)

On this 14 day of May, 1990, before me the undersigned Notary Public, in and for said State, personally appeared Sam Neuman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.



[Signature]
NOTARY PUBLIC - STATE OF IDAHO
MY COMMISSION EXPIRES: _____

MAILED
OCT 19 1993

North Orchard Street
Boise, Idaho 83706-2237

RECEIVED
JUL 3 1 1991

NEUM033 832103004 1690 07/29/91
FORWARDING TIME EXPIRED
NEUMAN
601 W KNOTT ST
HESSTON KS 67062-9010
RETURN TO SENDER



July 25, 1991

ESTATE OF JOHN NEUMAN
SAM NEUMAN
2066 S. 2950 W.
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08791

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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AUG 01 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8791

Date 7-22-91

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☒ Copy in file? Drill permit no. _____
☒ Amt paid for drilling permit? _____ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

☒ Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

☒ Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

address change PS. 7-23-91

Proj acceptable

PRIORITY CALCULATION

Date proof received NA
Date proof due _____
No. of days late _____
Priority date _____
NEW PRIORITY DATE _____

LB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 1681 08791 Estate of John Neuman
Name(s) of Permit Holder(s): Sam Neuman
Post Office Address: _____
Tel. No. _____

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on completed Nov-1958 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

PLACE
STAMP
HERE



MAILED

AUG 01 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 7, 1990

ESTATE OF JOHN NEUMAN
SAM NEUMAN
2033 S. 2900 W.
ABERDEEN, ID 83210

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08791

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you

JUN 12 1990

commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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JU 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

NON-TRUST
HOLD

INITIAL REVIEW BY Dennis M. Dunn DATE 14 July 1989 APPLICATION NUMBER 35 8791
Estate of John or Sam Neuman

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
- ☐ Yes ☒ No 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 _____

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ 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 _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required - Flow Task Force Memo
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 6-2-1989
By _____ Date _____

STATE OFFICE REVIEW P05, P23 P17 48 49 46 26
By KW See below for additional information
Date 5-25-90

ADDITIONAL INFORMATION

App. in NON-TRUST Area-
OK to allow 2 yrs. to develop

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 27, 1990

The Morning News
Box 70
Blackfoot, ID 83221

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 23, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

FILED

JUN 19 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-08791

NEUMAN, ESTATE OF JOHN
NEUMAN, SAM
2033 S. 2900 W.
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: NWNW Sec 17 T 06S R 31E

```

Use: IRRIGATION      ( 1.600 CFS)
      Total Diversion: ( 1.600 CFS)

```

Date Filed: 6/ 2/ 1989

In: T06S R31E S17 NWSW SWSW

80.0 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. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

Published 4/ 5/1990 & 4/12/1990 R. Keith Higginson, Director

DECLASSIFIED

JUN 9 1990

21-Jul-1989

John or Sam Neuman
2033 S. 2900 W.
Aberdeen, ID 83210

RE: Application for Permit No. 35-8791

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned the identification number listed above. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor
HWJ/rb

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JUN 19 1990

BEN CAVANESS
HENRY R. (Hank) BOOMER

Cavaness & Boomer

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

Telephone
(208) 226-2562

June 1, 1989

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JUN - 2 1989

Department of Water Resources
Eastern District Office

Harold Jones
Appropriation Examiner
Idaho Dept. of Water Resources
150 Shoup
Idaho Falls, ID 83401

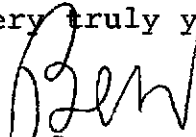
Re: John and Sam Neuman Application

Dear Skip:

Enclosed is the application of Sam Neuman for water for eighty (80) acres of land that is now being irrigated from a well rather than from the canal. Also enclosed is our buisness account check for the required \$65 filing fee.

If you have any problems, please advise.

Very truly yours,


Ben Cavaness

BC:mh

Encl.

cc: Sam Neuman

MICROFILMED

JUN 19 1990