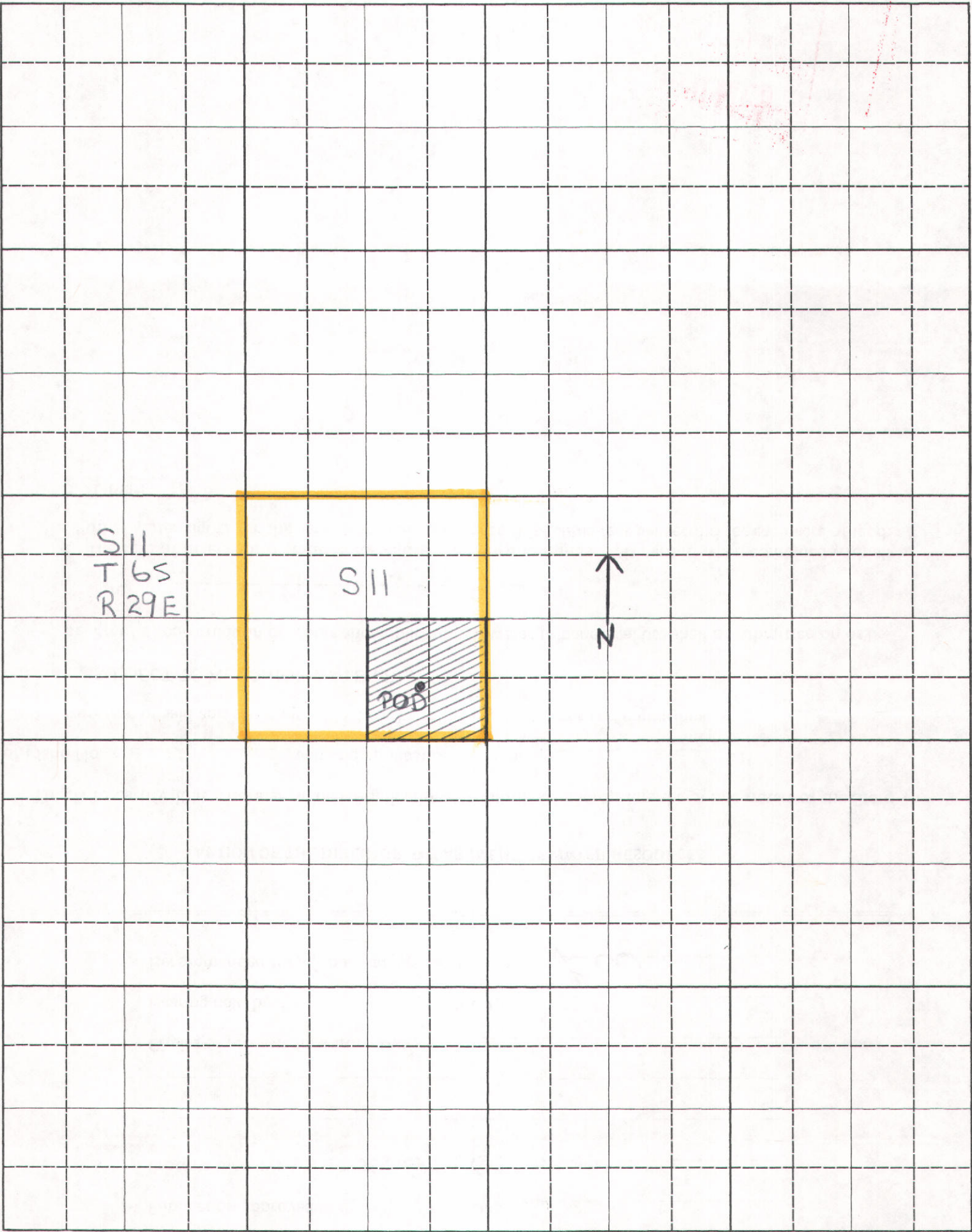


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

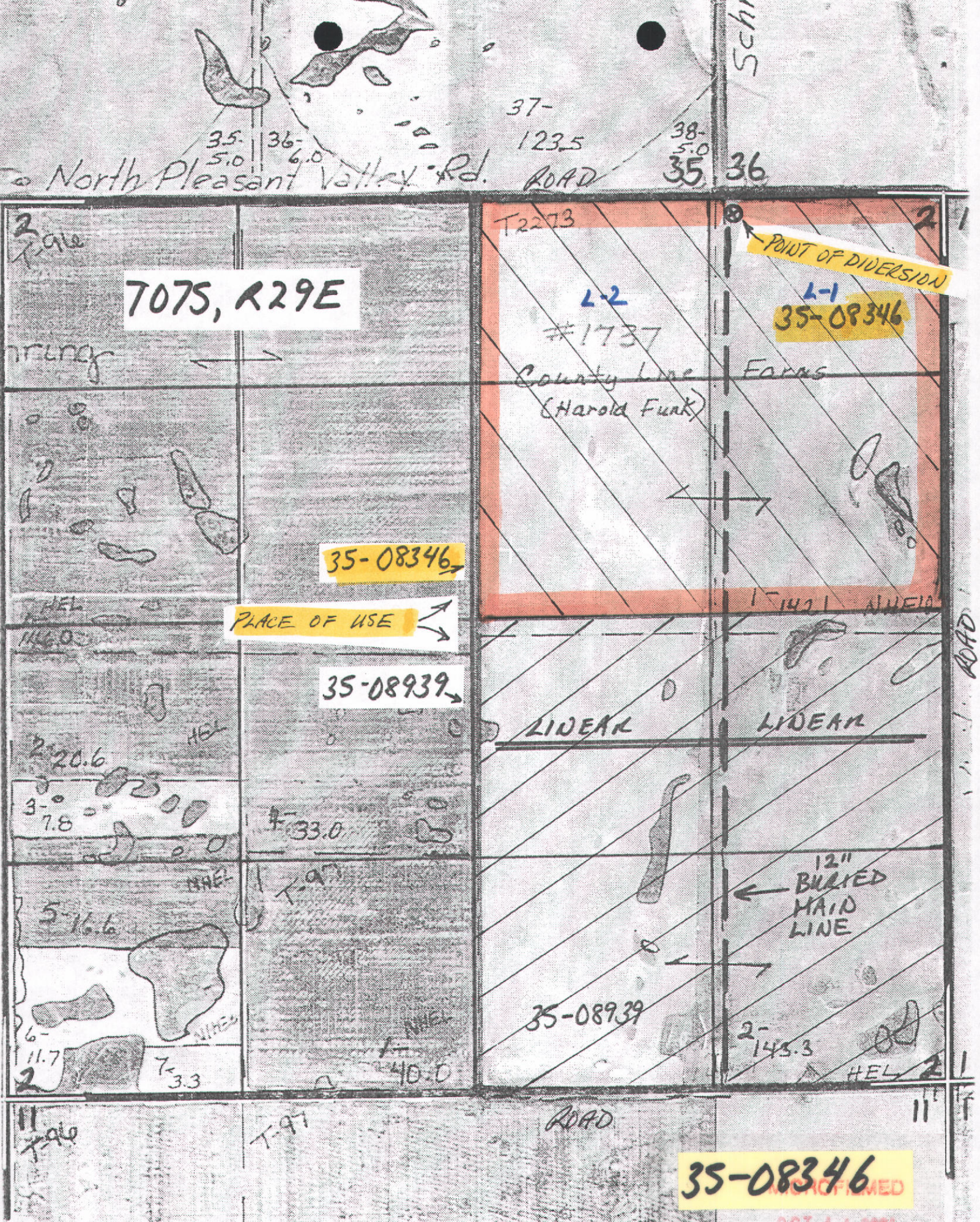
JUL 23 1990

X. Raet Mountain View Farm Corp
(Applicant)
Ervin R. Raet President

Idaho Dept. of Water Resources
Place of Use Comparison Report

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

No P/U
OL



7075, R29E

T2273

L-2

#1737

County Line
(Harold Funk)

Farms

POINT OF DIVERSION

L-1

35-08346

35-08346

PLACE OF USE

35-08939

LINEAR

LINEAR

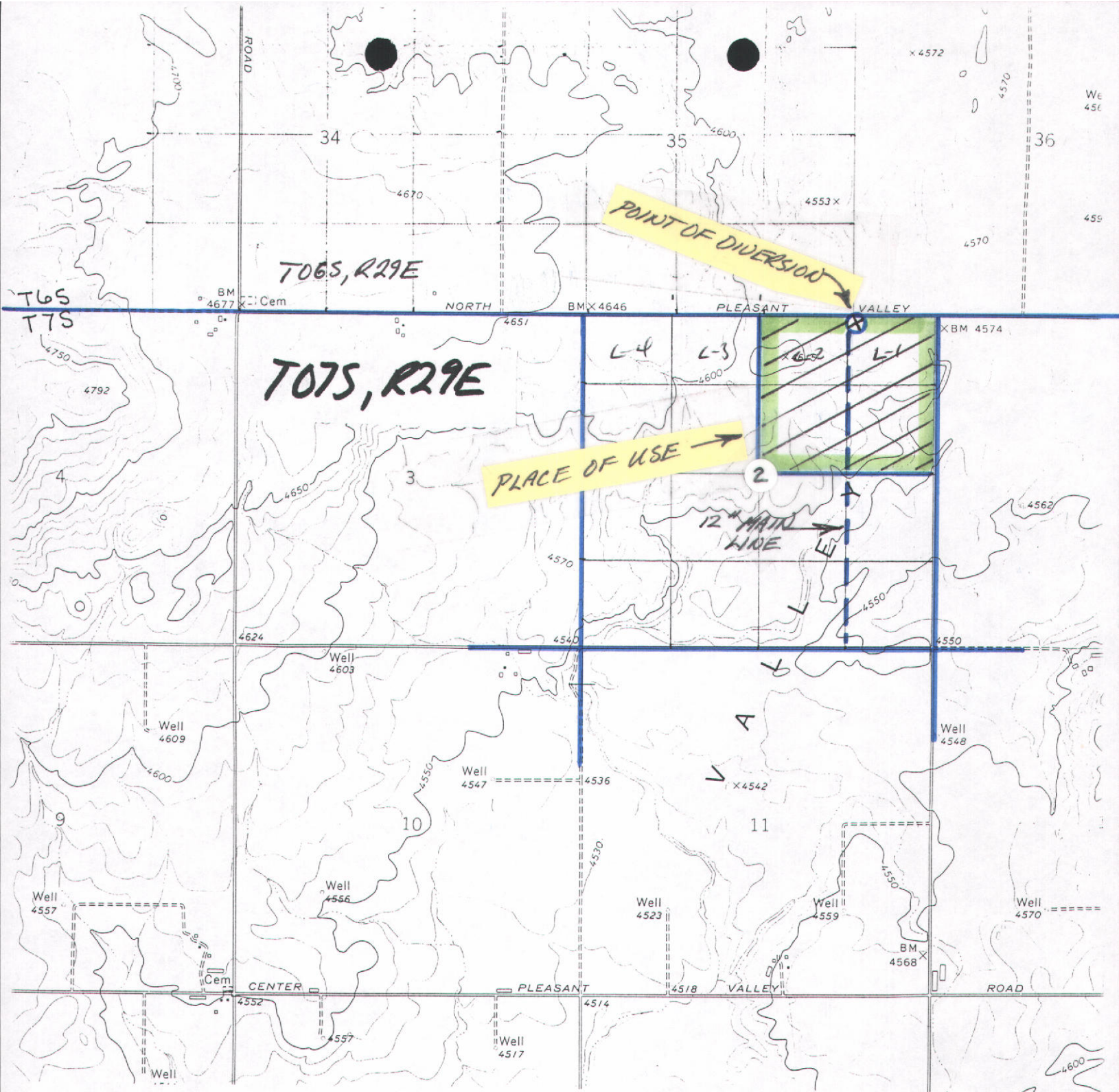
12" BURIED
MAIN
LINE

35-08939

2-145.3

35-08346
UNCONFIRMED

OCT 11 2001



MICROFILMED

OCT 11 2001

35-08346

HAROLD FUNK
IRRIGATION

10/3

VIEW OF
POINT OF
DIVERSION



VIEW NORTH
PLACE OF
USE
LINEAR



PERMIT
NUMBER

35-08346

MICROFILMED
OCT 11 2001

HAROLD FUNK

IRRIGATION

2 of 3

VIEW
NORTHEAST
PLACE OF
USE
LINEAR



VIEW EAST
PLACE OF
USE



MICROFILMED
OCT 11 2001

PERMIT
NUMBER

35-08346

HAROLD FUNK

IRRIGATION

343

VIEW
SOUTHEAST
PLACE OF
USE
LINEAR



VIEW SOUTH
PLACE OF
USE



MICROFILMED
OCT 11 2001

PERMIT
NUMBER

35-08346

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08346

Priority: March 29, 1984

Maximum Diversion Rate: 2.64 CFS
Maximum Diversion Volume: 568.0 AF

It is hereby certified that HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 29, 1984; and has
submitted Proof of Beneficial Use on March 06, 1995. An examination indicates that the works have a
diversion capacity of 5.58 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	2.64 CFS	568.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 NW¼NE¼NE¼ Sec 2, Twp 07S, Rge 29E, B M, POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 29E 2	31 0	32 0	40 0	39 0													142 0
	L 1	L 2															

Total Acres 142

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Right 36-08939 is also diverted through the point of diversion described above.

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

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

Acting for 
KARL J. DREHER
Director

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-8346	Rast Mountain View Farms	3.20
Full Assignment	35-8346	Harold Funk	3.20

NOT RECORDED
APR 12 1997

RECEIVED
MAR 06 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-08346 Telephone No. (208) 226-7735

2. Name(s) of Permit Holder(s): Harold Funk

3. Mailing Address: 865 Fillmore American Falls, ID 83211

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo 06 / yr. 91

a. Well Driller: Sherman Couch Well Drilling Drilling Permit Number: 35 - 91 - E - 028

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 160 Other. _____

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

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No _____

Has the measuring device been installed?

Yes X or No _____

Flow Measurement Port: Is a flow measurement port required?

Yes X or No _____

Has the measurement port been installed?

Yes X or No _____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Harold Funk Telephone Number: (208) 226-7735

Address: 865 Fillmore American Falls, ID 83211

10. The information given on this form 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.

Signature of permit holder.

(include your title, if on behalf of company of organization)

Date: 3/1/95

MAR 23 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

Microfilm
FEB 13 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

FEB 13 1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

FEB 13 1995

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

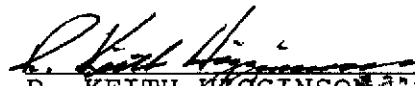
3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

- a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or
- b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HUGGINS
Director

FEB 13 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 15 1991

Department of Water Resources
Eastern District Office

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Ract Mountain View Farms, hereby assign to HAROLD FUNK
of, 865 FILMORE, AMERICAN FALLS, ID. 83211
(Full Address)

All my right, title, and interest in and to Application for Permit
No. P35-08346 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 13 day of March, 1991

x Ract Mountain View Farm Corp By
Applicant
Ervin R. Ract President

State of Idaho)
County of Power) ss

On this 13 day of March, 1991, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

John W. Hartman
Notary Public
American Falls, Idaho

seal

My commission expires: 4-13-91

FILED
APR 12 1991

RECEIVED

MAR 15 1991

STATE OF IDAHO

Department of Water Resources
Eastern District Office

APPROVED

RECEIVED

APR 01 1991

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now ^X ERVIN RAST (RAST MOUNTAINVIEW FARMS) Phone 226-2120
of (address) 3345 RAST RD., AMERICAN FALLS, ID 83211, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. P35-08346, and requests that the permit and permit map be changed as follows:

1. Point of diversion. NE 1/4 NE 1/4, Section 2, Township 7S, Range 29E, B.M.,
County of POWER. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.2 for TRF 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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	29E	2	40	40	40	40													160

Total number of acres to be irrigated = 160

4. a. Who owns the property at the point of diversion? HAROLD FUNK (NEW OWNER) ^{RALPH BREIDING} ~~FORMER OWNER~~
b. Who owns the land to be irrigated or the place of use? HAROLD FUNK
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: ERVIN RAST IS SELLING PERMIT TO
NEW LANDOWNER HAROLD FUNK

MICROFILMED

APR 12 1991

Show 40-acre subdivisions, townships, ranges and ditches.

NEW SE 2

NEW

T's

RC 2 RE

Signed at 1:47 PM, this 7 day of MARCH, 19 91.

x Ervin R Rast - President
Rast ^(Signature) Mountain View Farm
Corp

Preliminary check by HWS Fee = \$20.00 # EG15803 Received by HWS Date 3-15-91

Publication prepared by _____ Date _____ Published In _____

Publication dates _____

I, L. GLEN SAXTON, of the Department of Water Resources hereby

APPROVE THE ABOVE REFERENCED APPLICATION FOR AMENDMENT PROVIDED THE CONDITIONS AS

SET FORTH IN PERMIT NO. 35-08346 ARE MET.

APR 12 1931

Witness my hand this 10 day of April, 1991

CHIEF, WATER ALLOCATION BUREAU

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08346

Proposed Priority: March 29, 1984 Maximum Diversion Rate: 3.20 CFS
This is to certify, that **RAST MOUNTAIN VIEW FARMS**
RT. 1
AMERICAN FALLS, ID 83211
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE Sec. 11, Township 06S, Range 29E
POWER 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	29E	11	NESE 40	NWSE 40	SWSE 40	160
			SESE 40			
Total number of acres irrigated:						160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1995.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. 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

JUL 25 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08346

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

13 day of July, 19 90

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILM

JUL 23 1990

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

MAR 29 1984

Department of Water Resources **To appropriate the public waters of the State of Idaho**
 Eastern District Office

1. Name of applicant Rast Mountain View Farms Phone 226-2120

Post office address Route 1, American Falls, Idaho 83211

2. Source of water supply GW which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 Township 6S

Range 29E B.M. Power County, additional points of diversion if any: _____

*As per telecon w/E. Rast 4/2/84 SM

4. Water will be used for the following purposes:

Amount 3.2 for irrigation purposes from April 1 to *Nov. 1 - Oct. 15 (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. 3.2 cubic feet per second and/or b. N/A acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 250 HP pump. $\frac{1}{4}$ miles pivot sprinkler

b. Height of storage dam _____ 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 _____ to _____ inclusive.
 (Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

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: _____

JUL 7 1984

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

[illegible]

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

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

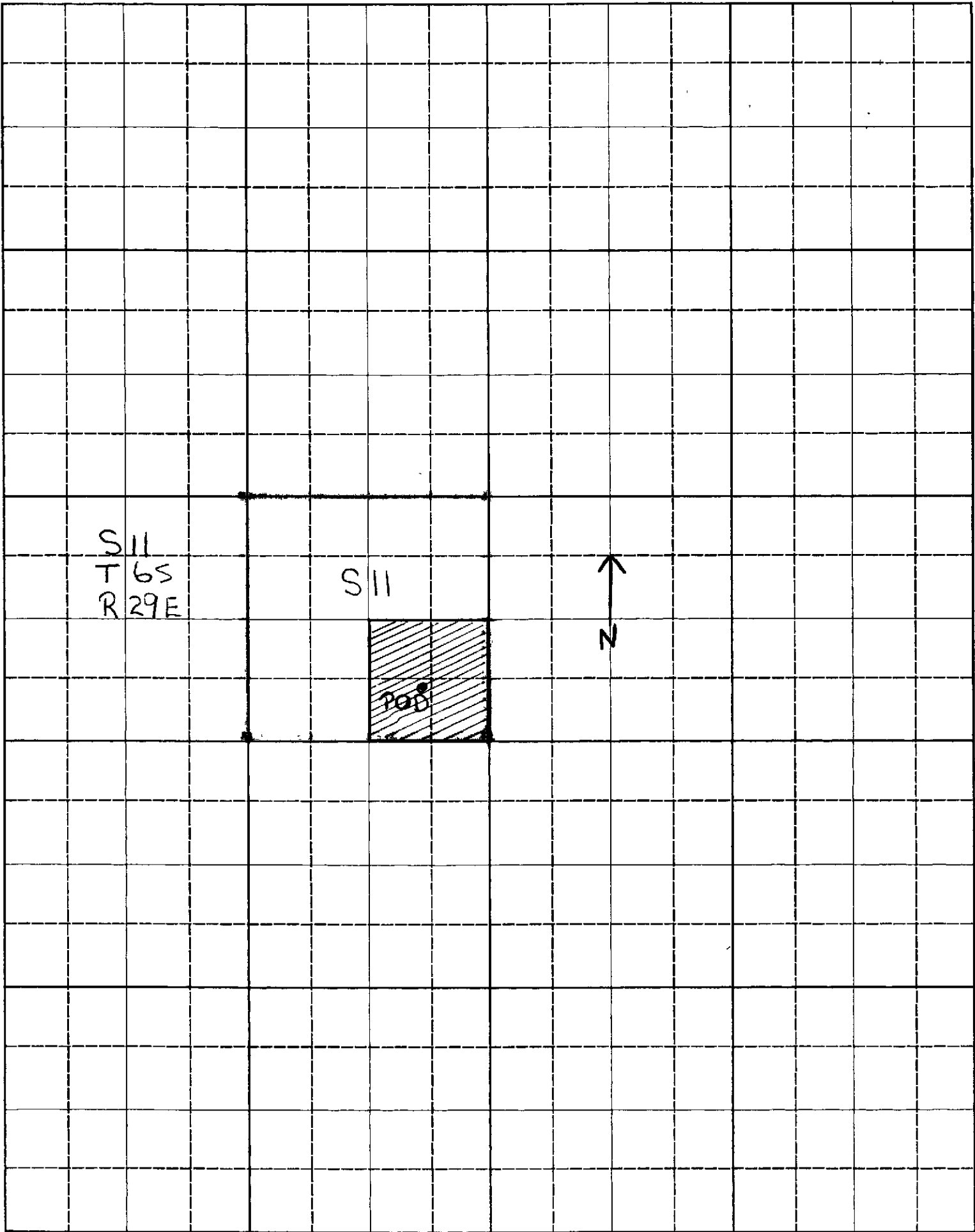
b. Who owns the land to be irrigated or place of use

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

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

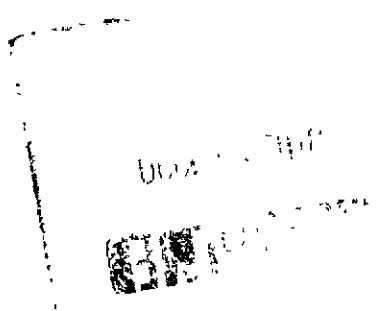


Scale 2 inches equal 1 mile.

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.

JUL 23 1990

Erwin R. Ruet
Ruet Mountain View Farm Corp
(Applicant)
Erwin R. Ruet President



d. Other:

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.

fore

, 19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

of Idaho No.

, and said application is hereby

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by JK Date 3-29-24 Time 1:50 pm.
Preliminary check by JK Fee \$ 125.00
Received by JK Date 3-29-24 # 33496
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 fw

Affidavit of Publication

State of Idaho

County of Power

Erma Cromption being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 6 day of June 1990 and the date of last publication being the 13 day of June 1990

(Signed)

Erma Cromption

State of Idaho

County of Power

This 15 day of June in the year of 1990, before me, a Notary Public, personally appeared Erma Cromption, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Erma Cromption

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

RECEIVED

DEPARTMENT OF WATER RESOURCES

1990

Department of Water Resources
Eastern District Office

RECEIVED
JUN 28 1990

Department of Water Resources



The Power

Application for Trust water right

Published in The Power County Press,
June 6, 13, 1990.

NOTICE OF APPLICATION FOR
TRUST WATER RIGHT

35-08346

RAST MOUNTAIN VIEW FARMS
RT. 1
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSE Sec 11 T 06S R
29E

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

Date Filed: 3/29/1984

In: T06S R29E S11 NESE NWSE
SWSE SESE
160.0 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 Mall,
Boise, Idaho 83720 on or before
JUNE 25, 1990.

R Keith Higginson, Director

OK
JH
7-2-90



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2001

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

RE License No. 35-8346 - Issuance of License

Dear Water Right Holder(s).

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

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

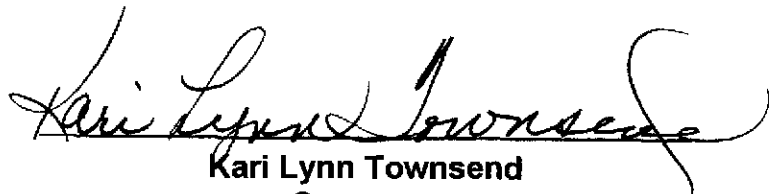
OCT 15 2001

CERTIFICATE OF MAILING

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

RE: WATER RIGHT NO. 35-8346

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211



Kari Lynn Townsend
Secretary

MICROFILMED
OCT 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
MAY 1 1988

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

35-8346

1. kwalker 9/24/2001 Place of Use

Comment: When I GISd the shape for this place of use my acres came out a little bit different than that identified by the examiner. Since the number of acres are consistent, I am recommending we license with the GIS shape that determined the acreage.

2. VAULT 3/6/1995 Proof of Beneficial Use Rcvd

Comment. Proof of Beneficial Use Rcvd

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SEP 11 2001

LICENSE REVIEW CHECKLIST

Permit No 35-8346 Date 9-24-01 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion OK

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

Change (P39/P49) Add (P45/P44) Feds (P40)

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

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps Right(s) no p/u OL. same well as

File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 3.2 cfs

Fee Limit 4.0 cfs

Measured 5.58 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 2.64

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 2.64 cfs 568. af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 2.64 cfs 568 af

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

supp Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

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

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

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

2.64 cfs x 1 9835 x 214 days = 1120.6 af (vs) 142 acres x 4.0 (FHR) = 568. af

Remarks R55, W36

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist? _____

Water Mgmt Dist? _____

Crit GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? No - Not req'd

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

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

5.58 cfs for 300 total acres = 0.0186 cfs/ac

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

FW
9/24/2001

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35-7548	GARY W GEHRING,	GROUND WATER	07S28E2					39	40	40	39	38	40	28	36					303
Right	35-8185	GARY W GEHRING,	GROUND WATER	07S28E2					32	32	40	39	39	40	28	38					338
Right	35-8346	HAROLD FUNK,	GROUND WATER	07S28E2	31	32	40	39													142
Right	35-8839	HAROLD FUNK,	GROUND WATER	07S28E2													40	40	39	39	158

No P/U
02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 30 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08346

1. Owner: HAROLD FUNK

Phone No. (208) 226-7735
221-7077 CELL

Current Address: 865 FILMORE ST, AMERICAN FALLS, ID 83211

2. Accompanied by: OWNER

EXAM DATE: 7/24/96

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER

tributary to N/A

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 35-08939

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
	L-1	NW	NE	NE	2	07S	29E	POWER	U.S.G.S. TOPO MAP / NAAP PHOTO

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	
07S	29E	2	1-1 31.08	1-2 31.65	39.5	40													142.23

TOTAL 142.23 ACRES

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1998

2. Measurements: SEE ATTACHMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PHYSICAL FLOW METER	TYPE FLYTE	TF-P	7H0263			1996
(OVER) PRESSURE GAGE	RAID (RD)				0-160	52751

D. FLOW MEASUREMENTS

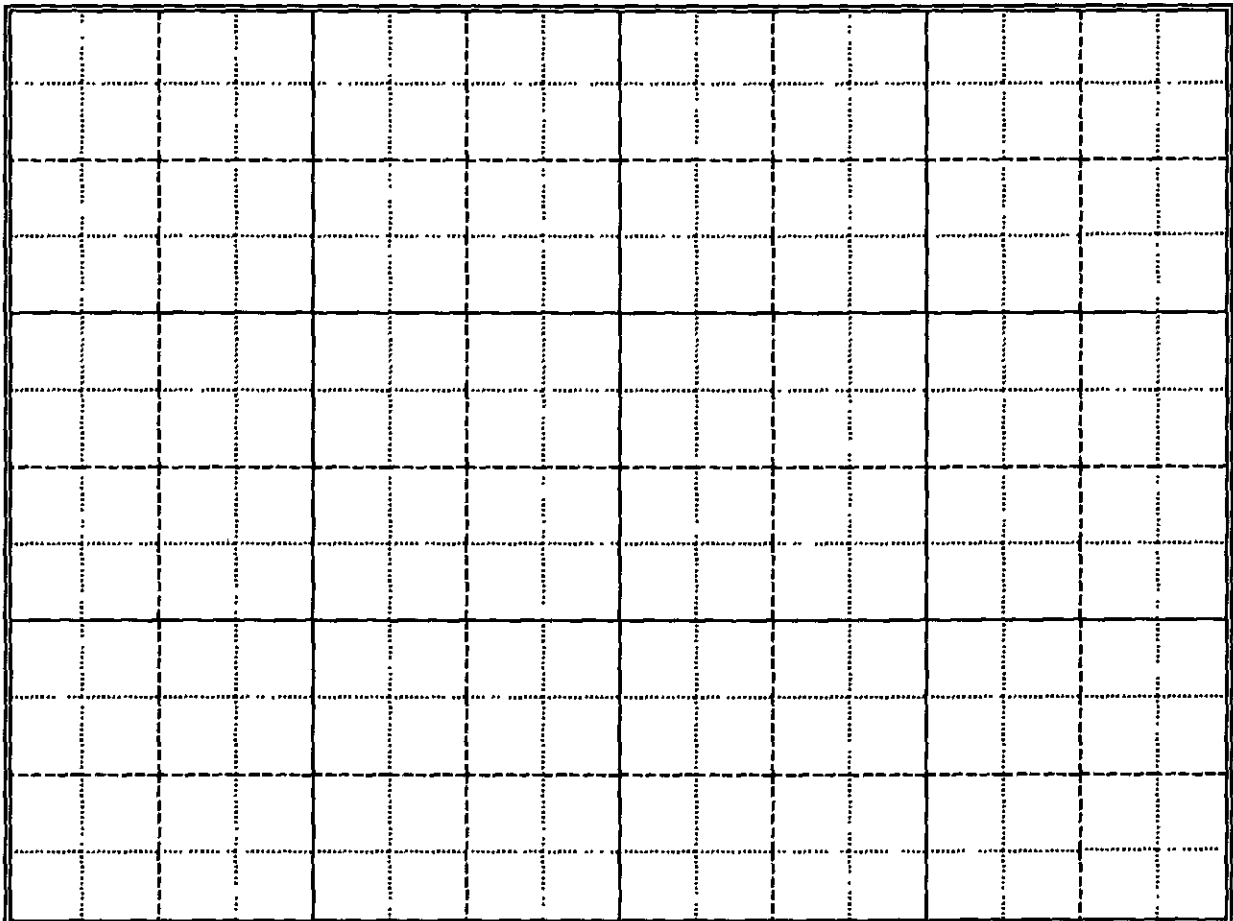
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
LIFT PUMP	G.E.	350	DST423011		10"

4.

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

Scale: 1" =



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable. SEE PHOTO & ATTACHMENTS

E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM USES A 350 HP PUMP TO LIFT WATER TO
A 12" BURIED MAIN LINE WHICH SUPPLIES WATER TO
A 1/2 MILE LOW PRESSURE LINEAR SYSTEM.

THIS POD IS SUPPLIES WATER TO 35-08346 + 35-08939.

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

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1999

Measured Method:

Additional Computation Sheets Attached

THEORETICAL PHOT FLOW = 5.65 CFS

POLYSONIC FLOW MEASUREMENT = 5.5772FS.

$$142.23 \text{ kcal} \times .02 = 2.84466 \text{ OEE} \approx 2.8$$
$$35-08939 + 35-08346 = 5.58 \text{ CFS} / 301 \text{ TOTAL ACRES} = 0.0185 \text{ CFS/ACRE}$$
$$\text{THIS REACTANT } 142.23 \text{ MOLES} \times 0.0185 = 2.63 \text{ CFS}$$

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 142,23 \times 4 = 568,9 \text{ AFT.}$$
$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.63 \text{ cfs} \times 214 \times 1.9835 = 568.9 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

From

Period of Use

10/31

(S) 0

Rate of Diversion

6.895

Annual Volume

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

_____ Add P.D. as reflected above
_____ Add P.U. as reflected above
_____ Other
_____ None

I. AUTHENTICATION

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

Reviewer _____
Date _____

SEAL

MODE SELECT
INPUT

OUTER DIAMETER
12.7500 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1940 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.940 IN U

ZERO MODE
? CLEAR

ZERO MODE
? AUT ZERO

07-24 14:2600 *R
+0002.50 % AI2

MODE SELECT
? TO CHECK

0464.8 MMSEC
100.07 % T0

07-24 14:2700 MICROFILMED
+ 2.456E 36PM

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

S.577CFS

35-08939
35-08346
Handled Jan 4

35-08346

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District No. 1
900 N Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

HAROLD FURK
35-08939
35-08346
SOURCE TYPE

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 350

Eff = Efficiency = .7 (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 252 ft.

Assumed Draw down = + 10 ft.

Lift = 262

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 52 psi

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

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

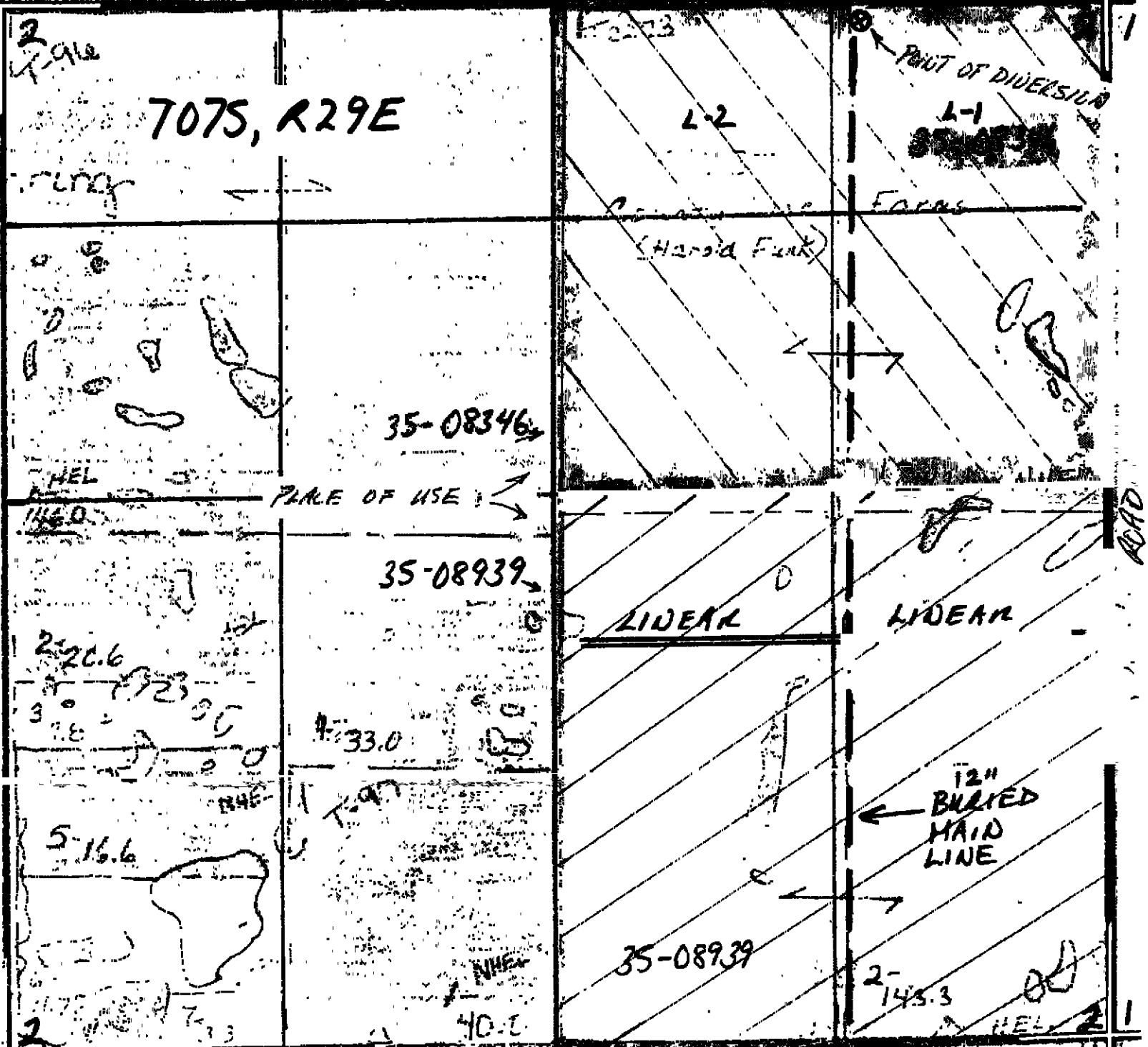
$$Q_{cfs} = \underline{5.6527} \text{ cfs}$$

POLYSONIC FLOW MEASUREMENT = 5.577 cfs

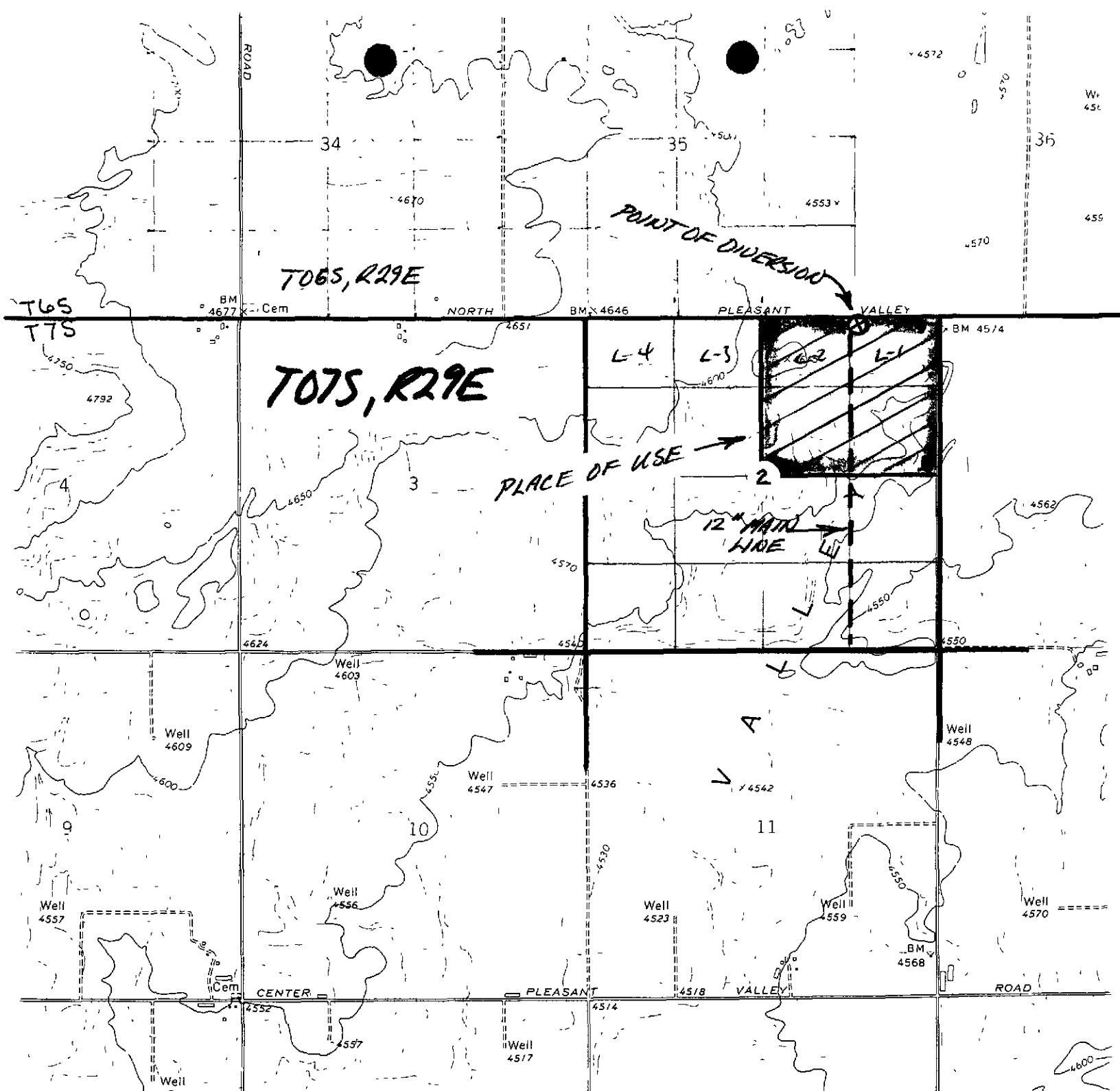
MICROFILMED

PERMIT NO. 35-08346

37- 123.5 38- 5.0 35 36
 North Pleasant Rd. ROAD
 3.5 36 5.0 6.0
 2 912
 11 910



ROAD
 35-08346
 11 910



MICROFILMED

1962 1 1 1962

35-08346

HAROLD FUNK

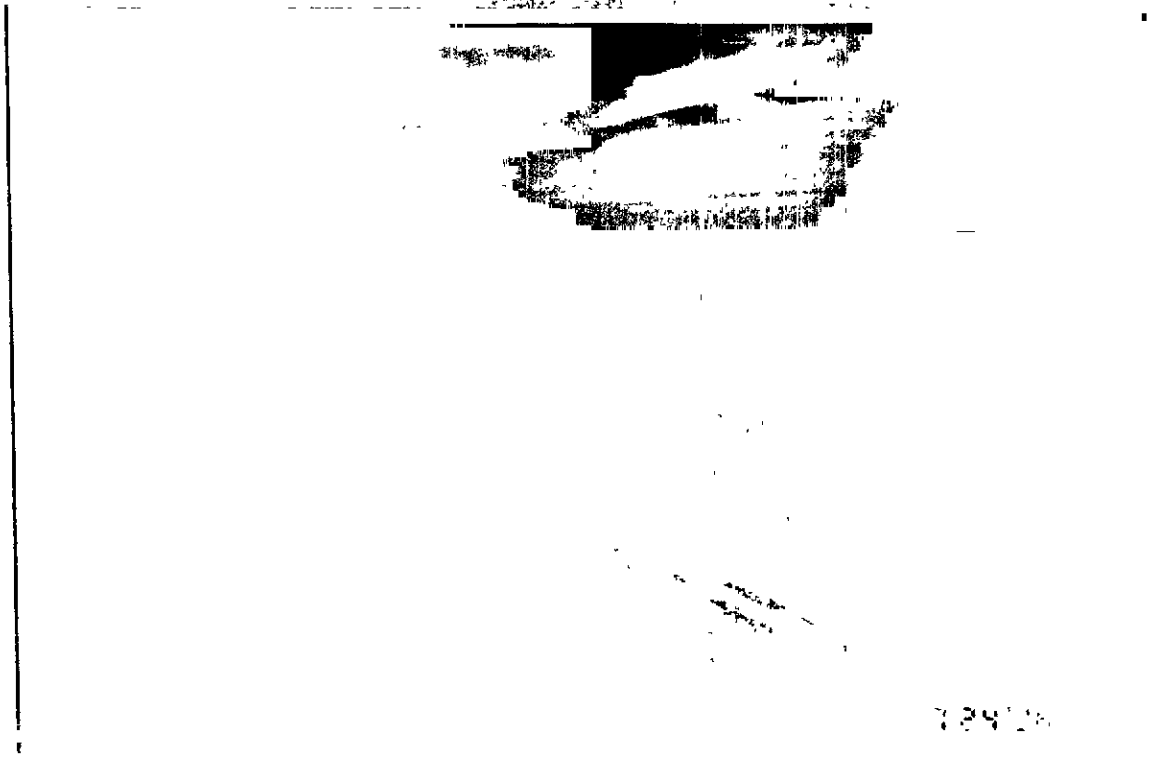
IRRIGATION

10/3

VIEW OF
POINT OF
DIVERSION



VIEW NORTH
PLACE OF
USE
LINEAR



PERMIT
NUMBER

35-08346

ENCLOSURE

10/3/03

HAROLD FUNK

IRRIGATION

2 of 3

VIEW
NORTHEAST
PLACE OF
USE
LINEAR

VIEW EAST
PLACE OF
USE

NO. 1000

PERMIT
NUMBER

35-08346

HAULD FUNK

IRRIGATION

343

VIEW
SOUTHEAST
PLACE OF
USE
LINEAR

724'86

VIEW SOUTH
PLACE OF
USE

724'86

MICROFILMED

SEP 1987 (107)

PERMIT
NUMBER

35-08346

FIELD EXAM NOTES

EXAM # 35-08939 + 35-08346

DATE OF EXAM 7/24/96

PERMITEE NAME HAROLD FUNK

OTHER WATER RIGHTS SAME POD NO

OTHER WATER RIGHTS SAME POU NO

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

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

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

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

LINEAR SYSTEM

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

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

SURFACE WATER TYPE OF MEASUREING DEVICE _____

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

all changes straightened - some open rock areas.

PHOTO FILMED

7/24/96

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08346

March 8, 1995

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08346

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MAR 23 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08346 Reviewed by DW Date 3-8-95

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

_____ Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 35-91-E-0028
200.00 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
175.00 Amount Submitted
yes Correct?
yes Required?
yes Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 3-6-95

MEMORANDUM

To: File 35-08346
From: L. Glen Saxton *LS*
RE: TELEPHONE CONVERSATION WITH HENRY BOOMER
Date: February 2, 1995

I called Henry Boomer today and advised him that based on his letter dated January 31, 1995, that it appeared the permit holder should file proof of beneficial use of water. Boomer advised that the project was complete and that they would file the required proof.

RECEIVED

FEB 13 1995

Boomer & Laggis

HENRY R. (Hank) BOOMER
PAUL S. LAGGIS

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

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

January 31, 1995

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720-9000

RECEIVED

FEB 02 1995

Department of Water Resources

Re: HAROLD FUNK
Water Right Permit No. 35-08346

Dear People:

On behalf of Harold Funk, I have been asked to respond to the Order for Temporary Stay issued regarding this particular water permit.

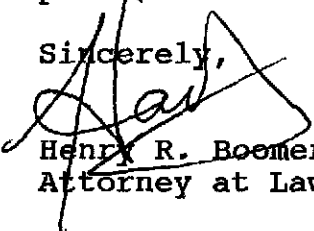
Briefly, Mr. Funk developed the land subject to the permit in the spring of 1991. This is evidenced by the well driller's report dated 06-16-91, which I am enclosing, along with copies of the 1991 and 1992 tax notices from the Power County Assessor's Office and Funk Irrigation and Implement invoice No. 0830. You will see that in 1991 this property was characterized as "dry agr" or dry land agricultural and "waste", with a market value of \$26,970.00. One year later, most of the acreage is characterized as irrigated acreage with a total market value of \$242,348.00.

Obviously, a substantial investment was made by Mr. Funk in the well, pumps, main lines, and other irrigation equipment, far in excess of the \$15,000.00 referred to in the Order. Also, such investment was made more than two years before receipt of the Order.

The development has been long since completed and we ask that Mr. Funk be permitted an exemption from the Order and that his permit not be cancelled.

If the Department desires further information or documentation, please advise as quickly as possible.

Sincerely,


Henry R. Boomer
Attorney at Law

HRB:sab

encl.

cc: Harold Funk

RECEIVED
FEB 13 1995

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

RECEIVED

FEB 02 1995

WELL OWNER

Name HAROLD FUNK
Address 865 FT. LEMORE
AMERICAN FALLS, ID 83211
Drilling Permit No. 05-91-E-024
Water Right Permit No. P35-08346

7. WATER LEVEL

Department of Water Resources

Static water level 2.52 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below

8. NATURE OF WORK

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

8. WELL TEST DATA

☐ Pump ☒ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>APPROX 2500</u>		

9. PROPOSED USE

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

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
26	0	8	topsoil & clay		
	8	11	sand		
	11	12	sand & lava boulders		
	12	16	gray lava solid		
20	16	31	gray lava hard		
	31	37	red lava soft & broken		
	37	44	gray lava hard		
	44	50	gray lava loose & soft		
	50	60	brown sandy clay & boulders		
	60	86	gray lava hard		
	86	114	gray cinders & broken lava		
	114	120	gray lava hard		
	120	130	orange clay & cinders		
	130	154	gray lava hard		
	154	161	brown lava soft & broken		
	161	170	brown lava solid		
	170	180	red & brown cinders & broken lava		
	180	205	red & gray cinders & broken		
	205	212	clay & cinders		
	212	216	gray lava solid		
	216	234	gray broken lava & boulders		
	234	239	gray lava solid		
	239	247	broken lava		
	247	259	brown lava solid		
	259	261	brown & red cinders	x	
	261	287	gray lava hard & broken	x	
	287	293	red cinders	x	
	293	301	gray lava solid		
	301	315	gray lava broken	x	
	315	327	gray lava hard		
	327	335	red & gray lava firm	x	
	335	340	red cinders	x	
	340	372	gray lava hard		
	372	375	broken lava (some clay)	x	
	375	384	orange & brown clay & boulders		
10.	384	395	gray lava solid		

Work started 4-20-91 finished 6-10-91

10. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____ from 18'

11. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
2.50 inches 20 inches +2 feet 18 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter Slot size Set from _____ feet to _____ feet
Diameter Slot size Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal: ☒ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port 2" pipe

11. DRILLERS CERTIFICATION

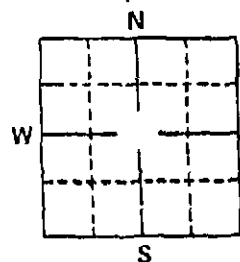
I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name HERMAN COUCH WELL DRILLING
740 wauna vista Dr,
Address BURLEY IDAHO Date 6-10-91

Signed by (Firm Official) _____
and
(Operator) _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____

County POWER

N ☐ E ☐
S ☐ W ☐

DOUGLAS GLASCOCK
POWER COUNTY ASSESSOR
COURTHOUSE
543 BANNOCK
AMERICAN FALLS, ID 83211

FORWARD & ADDRESS CORRECTION
CATEGORY DESCRIPTION
1 IRRIGD AG
19 WASTE

IMPORTANT NOTICE -- THIS IS NOT A BILL

PARCEL NO RP D0434-00 A

TAX CODE 6-00
MARKET VALUE

286,000 AC
18.230 AC

1992

TAXPAYERS

304.230 242,348*

VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement
IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JULY 13, 1992

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

S2 T7S R29E

LOT 1 LESS TN30; LOT 2; S2NE;

SE4

Mail To

FUNK, HAROLD A. ET-UX

865 FILMORE

AMERICAN FALLS, ID 83211

DOUGLAS GLASCOCK
POWER COUNTY ASSESSOR
COURTHOUSE
543 BANNOCK
AMERICAN FALLS, ID 83211

ADDRESS CORRECTION REQUESTED
CATEGORY DESCRIPTION
3 DRY AGR
19 WASTE

THIS IS NOT A BILL

PARCEL NO RP D0434-00 A

TAX CODE 6-00
MARKET VALUE

286,000 AC
18.230 AC

1991

TAXPAYERS

304.230 26,970*

VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement
IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JULY 8, 1991

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

S2 T7S R29E

LOT 1 LESS TN30; LOT 2; S2NE;

SE4

Mail To

FUNK, HAROLD A. ET-UX

865 FILMORE

AMERICAN FALLS, ID 83211

RECEIVED
FEB 13 1995

**FUNK****IRRIGATION & IMPLEMENT**P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211
PHONE: (208) 226-5049S
O
L
D
T
O

West One Leasing

101 S Capital Blvd

Boise, ID 83702

S
H
I
P
T
O

Harold A Funk

INVOICE DATE 4-18-91		CUSTOMER ORDER NO.		CUSTOMER I.D. NO.		CASH SALE		CHARGE SALE		C.O.D.		ADSE RET'D.	
SHIP VIA				TERMS Net		SALESMAN RT				PAID OUT		ON ACCT.	
ORDER	SHIP	PART NO.	DESCRIPTION						UNIT PRICE		AMOUNT		
			Enclosed Pipe Line Linear										
			Zimmerman SN ZC026-73										
			Inc: 3 Spans 8" x 176'										
			12 Spans 6 5/8" x 177'										
			2 O.H. 40'										
			84 6" Nibbe Valves										
			1 Dents engine w/ 2015W										
			2582' Nelson Pump & Rotation										
			30 14.9 Tires										
			Installation										
								SALES TAX					
IR 0830								TOTAL THIS PAGE					
RECEIVED BY								TOTAL		200,000.00			
Thank You													

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO
A FINANCE CHARGE of 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE of 18%.

RECEIVED
FEB 13 1995

Listed Under Harold A Funk - West One Bank

Memo: Annual installment payments are due 4-19 of each yr.
beginning with the year of 1991 1st payment due and payable to

West One Bank Leasing - P.O. Box 7886 - 101 S. Capital Blvd.

Attn: Nick Brunelle, Leasing ... Boise, ID 83702 11/16 Fax # 208 383 7563



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

November 9, 1994

HAROLD FUNK
865 FILMORE
AMERICAN FALLS ID 83211

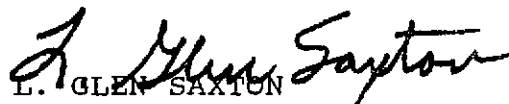
RE: Water Right No. 35-08346 Certified Mail No. 141755

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,


L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
FEB 13 1995

WELL DRILLER'S REPORT RECEIVED

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED

JUL 21 1993

~~Department of Water Resources~~

Department of Water Resources

WELL OWNER

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

2. NATURE OF WORK

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

3. PROPOSED USE

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

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____ from 18

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>150</u> inches	<u>20</u> inches	+ <u>2</u> feet	<u>18</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal: ☒ Cement grout

☐ Bentonite ☐ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

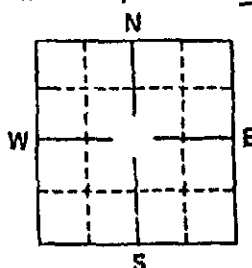
Weld

☐ Cemented between strata

Describe access port 2" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location



Subdivision Name _____ 190

Lot No. Block No. _____

County POWER

7. WATER LEVEL

Static water level 252 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below

B. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped
------------------	---------------	--------------

4211X 2500

AUG 07 1993

9. LITHOLOGIC LOG

Department of Water Resources
Eastern District Office

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
25	0	8	topsoil & clay		
	8	11	sand		
	11	12	sand & lava boulders		
	12	16	gray lava solid		
20	16	31	gray lava hard		
	31	37	red lava soft & broken		
	37	44	gray lava hard		
	44	50	gray lava loose & soft		
	50	60	brown sandy clay & boulders		
	60	86	gray lava hard		
	86	114	gray cinders & broken lava		
	114	120	gray lava hard		
	120	130	orange clay & cinders		
	130	154	gray lava hard		
	154	161	brown lava soft & broken		
	161	170	brown lava solid		
	170	180	red & brown cinders & broken lava		
	180	205	red & gray cinders & broken lava		
	205	212	clay & cinders		
	212	226	gray lava solid		
	226	234	gray broken lava & boulders		
	234	239	gray lava solid		
	239	247	broken lava		
	247	259	brown lava solid		
259	261	brown & red cinders	x		
261	287	gray lava hard & broken	x		
287	293	red cinders	x		
293	302	gray lava solid			
302	315	gray lava broken	x		
315	327	gray lava hard			
327	335	red & gray lava firm	x		
335	340	red cinders	x		
340	372	gray lava hard			
372	375	broken lava (some clay)	x		
375	384	orange & brown clay & boulders			
	384	395	gray lava solid		

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name IRCHMAR COUCH WEL Firm No. 161

Address 340 wauwa vista Dr,
BURLEY IDAHO Date 6-16-91

Signed by (Firm Official) _____

and
(Operator)

April 11, 1991

Re: Permit No. 35-08346

Harold Funk
865 Filmore
American Falls, ID 83211

Dear Water Right Holder(s):

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

Also enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

RECEIVED

APR 12 1991

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 35-08346 Applicant Rast Mountain Farms

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use. None
- ☒ Right number(s) NA
- ☐ Yes ☒ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING: OIG

- ☒ Amendment correct and complete. By CB Date 4-8-91
- ☒ Approved copy sent to applicant and to Region. By BLM Date 4-11-91

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
July 13, 1990

RAST MOUNTAIN VIEW FARMS
RT. 1
AMERICAN FALLS, ID 83211

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

RE: PERMIT NO. P35-08346

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 commence construction, no later than one year from the date the

MICROFILMED

JUL 23 1990

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

MICROFILMED

JUL 13 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McArmick

APPLICATION NUMBER: 35 8346

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____
Date: _____
Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

Final date for protests: _____

☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW.

☒ Affidavit of publication received. Date: _____

☐ Application published correctly. If not, record action taken. _____

☒ Fee amount, receipt date & number, recorded on application.

☐ Publication dates and paper, recorded on application.

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☐ Yes ☒ No Access port required.

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01 - P05

3-29-84 Date of priority recommended.

Special conditions of approval or cover letter.

App. in Trust Area -

Allow 5 yrs. to develop as requested

By: _____ Date: _____

STATE OFFICE REVIEW:

P05, P23 P17 46 26 51 52 53

☐ See attached sheet for more information.

By: KW Date: 7/3/90

Department of Water Resources Jul

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot radiv. (R)	REACH
-------	-----	-----	-----	-------------------------------	-------

TRACT	SEC	TWP	RGE	GOV ¹ lot redlv. (R)	REACH
-------	-----	-----	-----	--	-------

TRACT	SEC	TWP	RGE	gov't redv. (R)	REACH

TRACT	SEC	TWP	RGE	gov't lot	redv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	redv. (R)	REACH
IDAHO STREAM CODE INDEX						

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

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

MAY 29, 1990

Power County Press
Box 547
American Falls, ID 83211

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.

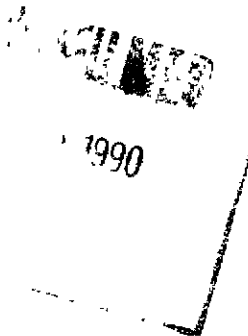
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 25, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.



NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08346

RAST MOUNTAIN VIEW FARMS
RT. 1
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSE Sec 11 T 06S R 29E

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

Date Filed: 3/29/ 1984

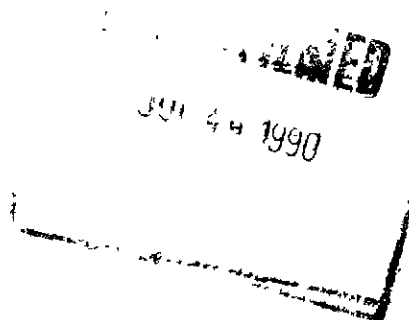
In: T06S R29E S11 NESE NWSE SWSE SESE

160.0 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 JUNE 25, 1990.

R. Keith Higginson, Director

Published 6/ 6/1990 & 6/13/1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 35-8346

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ✓ No
b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No ✓
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 0

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 160

5. If the permit is a supplemental filing please identify other water rights which are used on the same land. NONE

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Rast Mountain View Farm

Date May 9 1990

By Ervin Rast President

MICROFILM

JUL 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 4, 1990

RE: APPLICATION FOR PERMIT NO. 35-8346

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

JUL 26 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MAIL ROOM

JUL 23 1990

35-8346

RAST MOUNTAIN VIEW FARMS

RT. 1, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Date Filed: 03/29/1984

Diversion Pt: SWSE Sec 11 T 06S R 29E

Use: IRRIGATION (3.20 CFS)

In: NESE NWSE SWSE SESE Sec 11 T 06S R 29E FOR 160 ACRES

INDEXED

JUL 23 1984