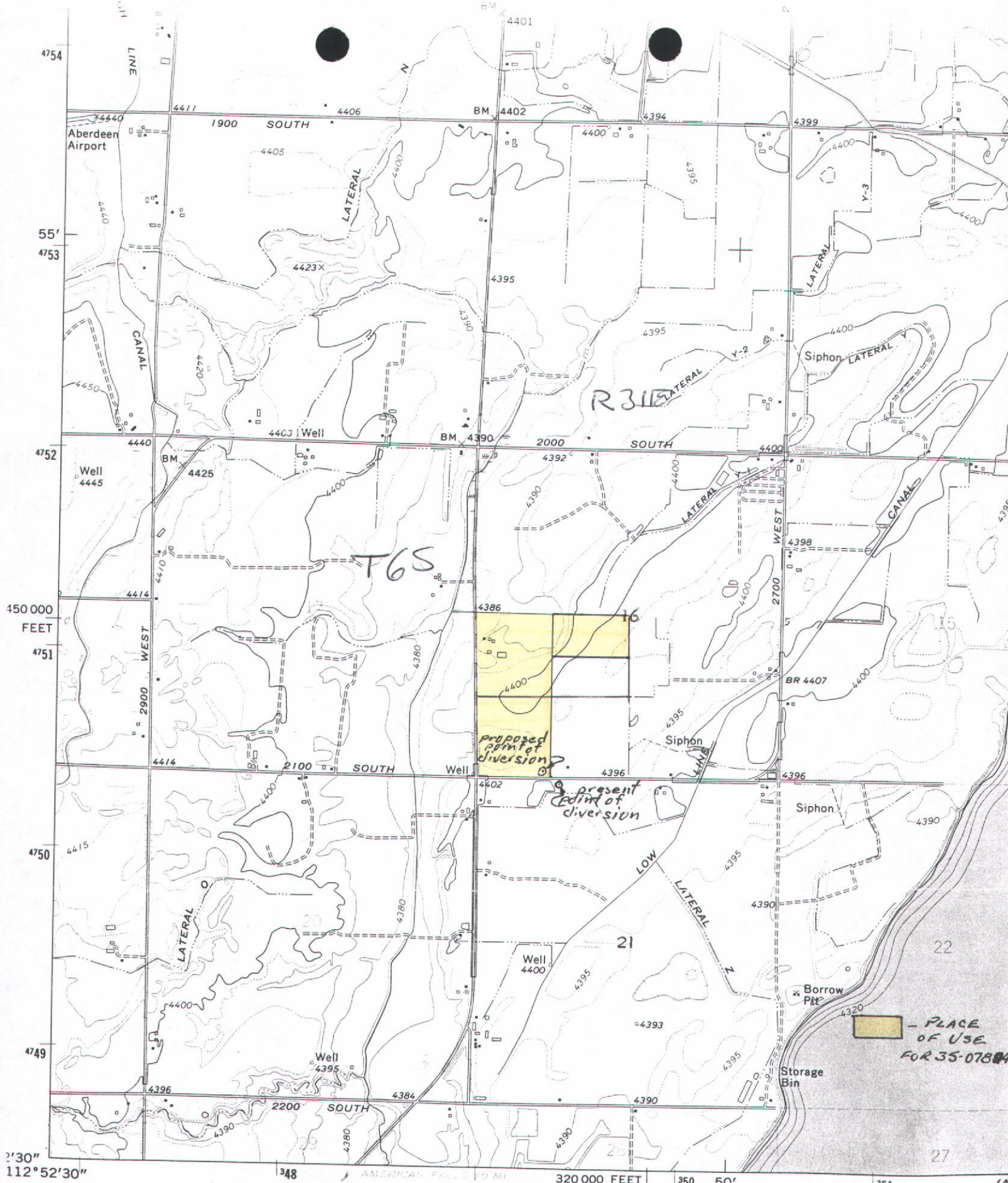




Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1969. Field checked 1971
Underwater contours by U. S. Bureau of Reclamation

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)

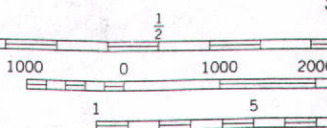
MICROFILMED

MAR 22 2000

GN

1"=14'
22 MILS

17"
302 MILS



CONTOUR
DOTTED LINE

35-7894

HWT



See 7-4

MICROFILMED

T6S

See 7-205

Rehrend
Fms Inc.
A
321

Rehrend
Fms Inc.

B
724

C
698

A
37
B
372

A
374

R 31 E

Ron Foster

A
176

CE Field & Sons

B
169

A 299 C 125

T
6
S

A 334
H Alsa Funk
20

38

A 38
372

17 16
20 21

23.7 TOTAL
1.3 Build.

M-5

NOT TO SCALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5607
WATER RIGHT NO. 35-07894

This is to certify that: **H ALAN FUNK**
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/15	1.59 CFS

SOURCE

GROUNDWATER

Priority: 03/31/1980

LOCATION OF POINT(S) OF DIVERSION: SESWSW , Sec. 16, 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	16	NBSW 20	NWSW 38	SWSW 38	96
Total number of acres irrigated:						96

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

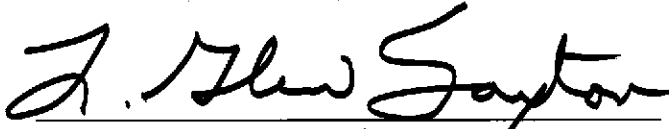
MICROFILMED
MAR 22 2000

TRANSFER NO. 5607
WATER RIGHT NO. 35-07894

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Rights 35-07894 and 35-07221 when combined shall not exceed a total diversion rate of 3.50 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 384.0 af at the field headgate for the lands above.
10. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
11. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 13th day of March, 2000.


Chief, Water Allocation Bureau

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MAR 22 2000

RECEIVED

JAN 10 2000

RECEIVED

NOV 22 1999

Page 1 of 6

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 307 Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant H. Alan Funk Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, PLLC, P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☐ Change place of use
☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes A portion of applicant's farm is being sold and the existing well is on land being sold. Parties desire to have a separate well for land being retained by applicant located on applicant's land.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>35-07894</u> | <u>03/31/1980</u> | <u>1.59</u> | <u>Irrigation</u> | <u>04-01</u> to <u>10-15</u> |
- Total amount of water being transferred 1.59 cubic feet per second and/or _____ acre-feet per annum.
- Source of water groundwater tributary to _____
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SW	16	6S	31E	Bingham	

- Lands irrigated or place of use: no change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	31E	16									20	38	38						96

Total Acres MICROFILMED

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6. General Information:

- a. Description of diversion system well, pump and sprinkling system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
There will be no effect. The land will continue to be irrigated as at present.
- d. Remarks:

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 1999.

MICROFILMED
MAR 22 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(ATTACH ONE COPY FOR EACH RIGHT)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07894 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of Water groundwater tributary to _____

4. Date of priority 03/31/1980

5. Water is used for the following purpose:

amount 1.59 for Irrigation purposes from 04-01 to 10-15
(cfs/ac-ft)

6. Total amount of water under right 1.59 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NW	21	6S	31E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
~~6S~~	31E	16									20	38	38						96

MICROFILMED

Total Acres 96
MAR 22 2000

9. Describe any other water rights used for the same purpose as described above stock certificate no. 4615 for 100 shares of Aberdeen-Springfield Canal Company
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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MAR 22 2000

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)

_____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge:

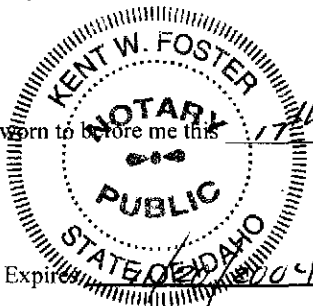
3. Describe effects on other water uses resulting from the proposed change:

There will be no effect.

I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 17th day of November, 1999.



(Signature of Applicant)

Notary Public

My Commission Expires 02/28/2004

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWT Date 11-22-99 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by HWT #E025484 Date 11-22-99

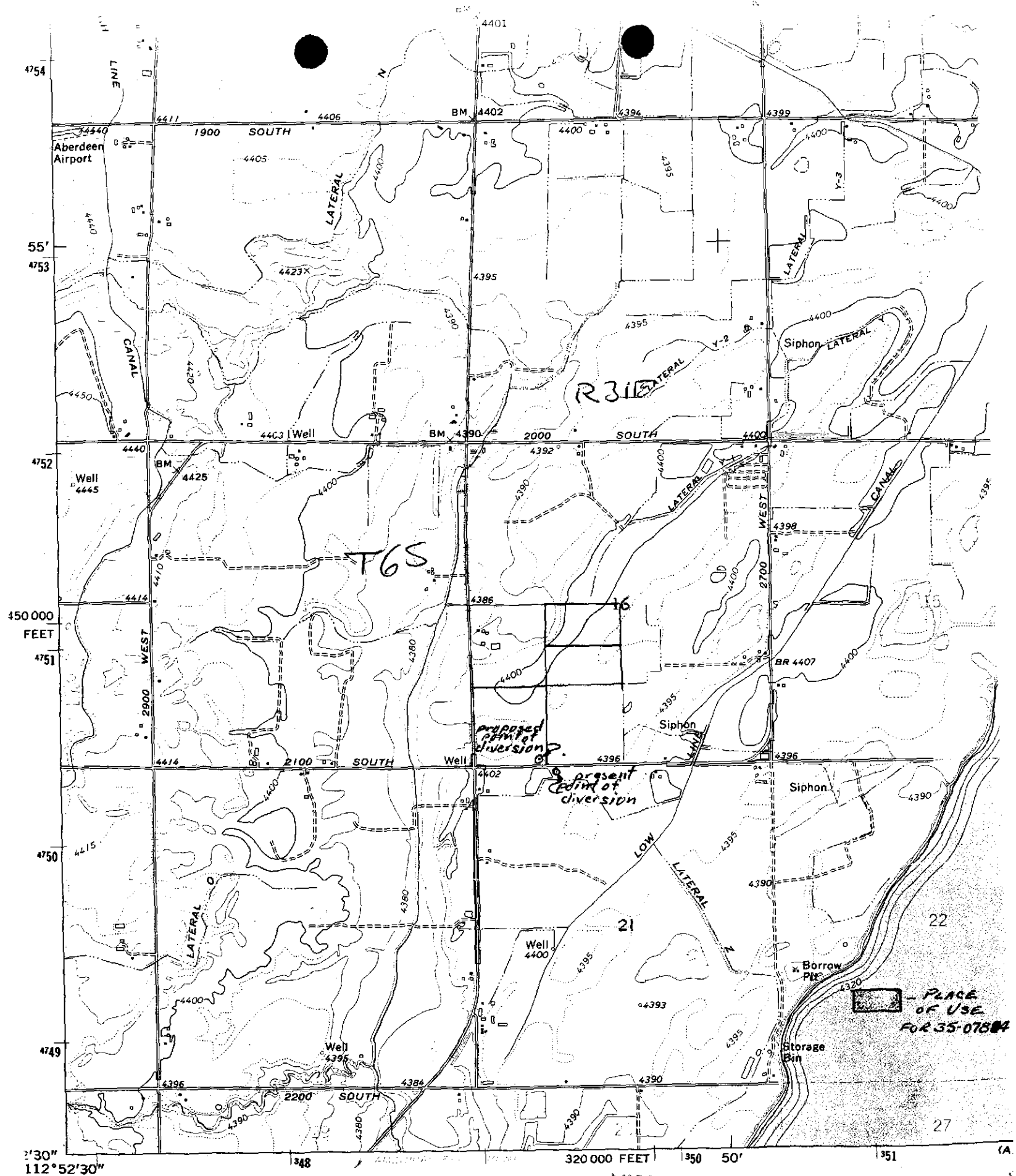
Published in Morning News Copies of protest forwarded by _____

Pub. dates 12/9 & 12/16/99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1971

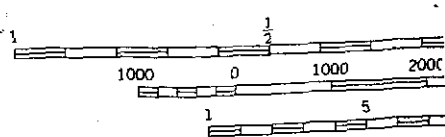
Underwater contours by U. S. Bureau of Reclamation

Projection and 10,000-foot grid ticks: Idaho coordinate

MICROFILMED

MAR 22 2008

1°14' 17°
- 2 S / 302 MILS



CONTOU

**STATEMENT OF MORTGAGEE AGREEING
TO PROPOSED CHANGE**

Key Bank National Association, through its authorized representative, hereby agrees to the proposed change in water right contemplated by the application of H. Allen Funk regarding water right No. 35-07894

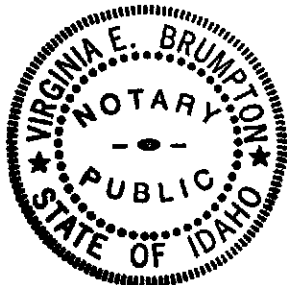
DATED this 1 day of December, 1999.

Randy King
Asst. Vice President of Key Bank

STATE OF IDAHO)
) ss.
County of Ada.)

On this 1 day of Dec., 1999, before me, a notary public, personally appeared Randy King, known or identified to me to be the Vice President of Key Bank National Association, the corporation that executed the within instrument, and known to me to be the person who executed the within instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

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



Virginia E. Brumpton
Notary Public for Idaho
Residing at Eagle, ID
Commission Expires: 10-25-2000

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MAR 22 2000 G:\Ag\WPDATA\IDBL\04429002\stmt of change.wpd

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7894 Priority March 31, 1980 Amount 1.59 cfs

THIS IS TO CERTIFY, that H. Alan Funk
of Aberdeen, ID, has complied with the terms and conditions of Permit
No. 35-7894 issued pursuant to Application for Permit dated March 31, 1980,
and has submitted proof to the Department of Water Resources on May 27, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.50 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to October 15</u>	<u>at 1.59 cfs</u>	<u>and 336.0 acre feet</u>
_____	_____ from _____ to _____	_____ cfs and _____	_____
_____	_____ from _____ to _____	_____ cfs and _____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.59 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
336.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21,
Twp. 6 S., Rge. 31 E. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	31E	16									20	38	38						96

Total number of acres irrigated 96

This right when combined with Right No. 35-7221 shall not exceed 3.5 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15th day of

August, 19 83.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant A. ALAN FUNK Phone 397-4820
Post office address RT #1 Box 48 Aberdeen, Idaho 83210
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 Township 6S
Range 31E B.M. BINGHAM County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.00 for IRRIGATION purposes from April 1 to October 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. 2.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 16" well casing, 100hp pump + motor, 8" discharge and mainline

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 16" inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 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: _____

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[illegible]

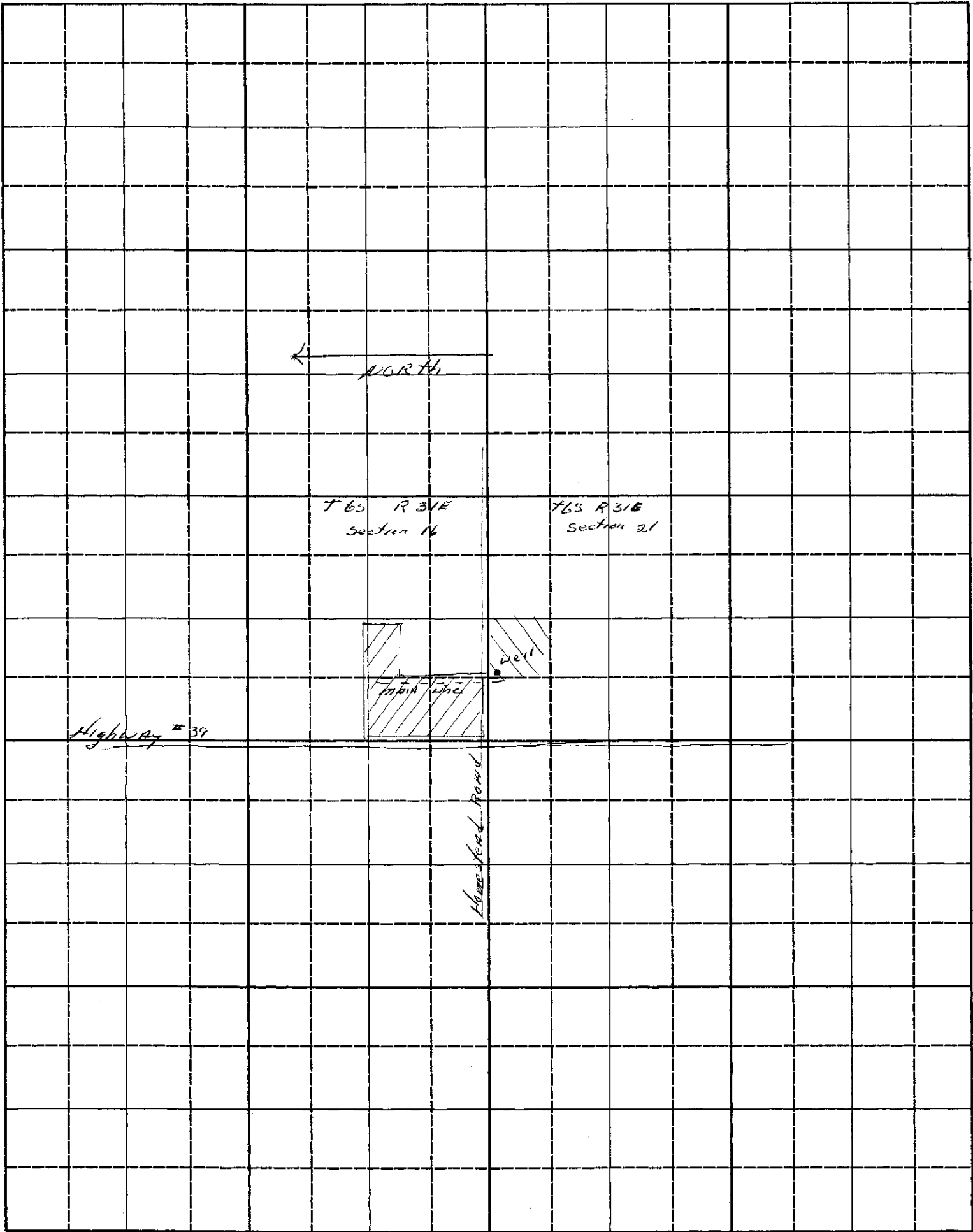
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H. Altm.
Funk

H. H. R. R. Funk

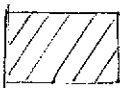
Paul Nolmer, Aberdeen Idaho is well

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.



Land To be irrigated



point of diversion

J. Alan Funch
(Applicant)

Proposed Priority 3/31/80

Received by WJ Date 3/31/80 Time 8:35P.

Preliminary check by WJC Fee \$ 45.00

Received by WJ Date 4/1/80 # 13897

Publication prepared by kw Date 4/03/80

Published in The Blackfoot News

Publication dates 4/10 & 4/17/80

Publication approved WJ Date 4/22/80

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WJC WJ

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. 35-7894, and said application is hereby approved.

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 be-

fore June 1, 19 81.

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: (1) An access port or other device as specified by the Department shall

be installed by the permit holder to provide for the installation of measuring

equipment and the determination of the rate of diversion by the Department.

Witness my hand this 19th day of May, 19 80.

D. Allen Gayton

RECEIVED

APR 18 1980

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

27-7148

ROSE GARDEN UTILITY CORP.
c/o CAROLEE HIAT, PRES.,
RT. 4, BOX 3 A, BLACKFOOT, ID.
83221

Source: GROUNDWATER
Dated Filed: 03/28/1980
Amount: 0.58 CFS
Diversion Point: NWNW, Sec. 33, T.
02S, R. 35E, BINGHAM Co.
Use: DOMESTIC (0.58 CFS) from
01/01 to 12/31
Place of Use: NWNW, Sec. 33, T.
02S, R. 35E
Diversion Means: WELL, PUMP &
DELIVERY SYSTEM.

35-7894

FUNK, H. ALAN
RT. 1, BOX 48, ABERDEEN, ID.
83210

Source: GROUNDWATER
Date Filed: 03/31/1980
Amount: 2.00 CFS
Diversion Point: NENW, Sec. 21, T.
06S, R. 31E, BINGHAM Co.
Use: IRRIGATION (2.00 CFS) from
04/01 to 10/15
Place of Use: NESW, NWSW, SWSW,
Sec. 16 T. 06S, R. 31E for 100
ACRES.
Diversion Means: WELL, PUMP &
PIPELINE.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before APRIL 28, 1980.

C. STEPHEN ALLRED
Director

(6487)

Pub.: 4-10 & 4-17-80.

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho)
I, David Mark Brown) ss.
solemnly do

swear that I am the Publisher of The Blackfoot 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 134 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: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of

of publication was published in said issue or said newspaper 2 consecutive weeks

the first publication having been made on the 10th day of April, 1980

and the last publication having been made on the 17th day of April, 1980; 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.

David Mark Brown

Subscribed and sworn to before me this 18th

day of April, 1980

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 26, 1980

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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 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

H ALAN FUNK
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Water Right 35-07894 (Transfer 5607)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5607). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

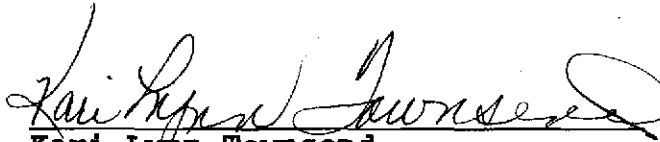
MICROFILMED
MAR 22 2000

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of **March**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 35-07894 (Transfer 5607)

**H ALAN FUNK
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405**


**Karl Lynn Townsend
Secretary**

**MICROFILMED
MAR 22 2000**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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MAR 22 2005

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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MAR 22 2000

MEMORANDUM

DATE: March 11, 2000

TO: Water Right File 35-07894

FROM: Shelley W. Keen ^{SUK}

RE: Review of Transfer 5607

Today I reviewed Transfer Application 5607 and prepared the approval document. The transfer changes the point of diversion for Water Right 35-07894 so that it no longer shares a point of diversion with Water Right 35-07221. Because the two rights exceed 3.50 cfs when added together, Right 35-07894 must still carry the condition limiting it to 3.50 cfs when combined with 35-07221. Standard conditions for supplemental rights were added because the WR and AJ databases show Aberdeen Springfield Canal Co. rights appurtenant to the place of use and because the SRBA recommendation indicates the right is used in combination with water from Aberdeen Springfield Canal Co. The SRBA recommendation was used as the basis for the transfer approval, so the database update should result in creation of an X-record rather than a replacement of the blank-prefix license record.

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MAR 22 2000

^{SUK}

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

WR-NUMBER	SOURCE	NE Lt Ac	NW Lt Ac	SW Lt Ac	SE Lt Ac	NE Lt Ac	NW Lt Ac	SW Lt Ac	SE Lt Ac	NE Lt Ac	NW Lt Ac	SW Lt Ac	SE Lt Ac	SUM
*3507894	T06S R31E S16 GROUNDWATER									20	38	38		96
A010002321	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
0100297	SNAKE RIVE :													
A010029721	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
A010206461	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
A010206861	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
A011038921	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
A350254321	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	40	595
R350254321	LARGE CLAI :	1	1	1	1	1	1	1	1	1	1	1	1	137
3502712	GROUNDWATE :					23	39	37	38					137
*3502712	GROUNDWATE :					25	36	37	39					137
A3502712	GROUNDWATE :					23	39	37	38					137
A350424621	LARGE CLAI :	20	40	40	40	38	39	40	40	40	35	40	37	595
R350424621	LARGE CLAI :	1	1	1	1	1	1	1	1	1	1	1	1	136
3507353	GROUNDWATE :	20	39	39	38									134
*3507353	GROUNDWATE :	17	39	40	38									136
A3507353	GROUNDWATE :	20	39	39	38									136
A3507353A	GROUNDWATE :	20	39	39	38									136
A3507353B	GROUNDWATE :	20	39	39	38									136
3507647	GROUNDWATE :													59
*3507647	GROUNDWATE :													59
A3507647	GROUNDWATE :													59
3507894	GROUNDWATE :													96
A3507894	GROUNDWATE :													96
T3507894	GROUNDWATE :													96
3508597	GROUNDWATE :													14
3508993	GROUNDWATE :													120

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MAR 22 2000

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 35-07894

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/15	1.59 CFS

SOURCE

GROUNDWATER

Priority: 03/31/1980

LOCATION OF POINT(S) OF DIVERSION:NWNENW , Sec. 21, Township 06S, Range 31E
BINGHAM CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SENW	: NESW				NWSW	SWSW	SESW	: NESE				NWSE	SWSE	SESE	:				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---
06S	31E	16	:											:									:	20	38	38						:	96.0
																TOTAL ACRES												96.0					

CONDITIONS/REMARKS:

- USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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MAR 22 2000

Claim No. 35-07894

CONDITIONS/REMARKS:

3. USE OF THIS RIGHT WITH RIGHT NO. 35-07221 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.50 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1008 AF.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. RIGHT NO. 35-07221 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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MAR 22 2000

Form 235-1 (10/96)

RECEIVED

Drilling Permit No. 35-00-E-0001Tag No. 00011752Water Right Permit No. 73607-35-0789

Injection Permit No. _____

JAN 10 2000

WELL DRILLER: PLEASE COMPLETE FOR VERBAL

Department of Water Resources

IDWR Employee Issuing Verbal: _____

Verbal Issued Date: _____

Time: _____

State of Idaho

Department of Water Resources

Expedited

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

Expedited

1. Applicant (please print): H. Alan Funk2. Mailing Address: 2065 S 2800WCity & State Aberdeen ID Zip Code 83210 Telephone 208-397-4820☒ Well Owner☐ Well Operator☐ Contractor or Other, specify _____3. Proposed Well Location: Twp 6S Rge 31E Sec 16 SW 1/4 SW 1/4Gov't Lot No. _____ County Bingham Lat _____ Long _____

Street Address of Well Site _____ City _____

Lot, block and subdivision _____

4. Proposed Use of Well:

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

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

NONDOMESTIC:

☒ Irrigation☐ Municipal☐ Industrial☐ Stock☐ Test☐ Other _____

(Describe)

☐ INJECTION☐ MONITORING: A well bore schematic and map is required for each blanket permit.No. of proposed wells: 1

5. Well Construction Information

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A. ☒ New Well ☐ Modify ☐ Replace

MAR 22 2000

B. Proposed Casing Diameter 16 inch Proposed Maximum Depth 200 Ft

C. Anticipated bottom hole temperature:

☒ 85 F or less☐ 85 F to 212 F☐ 212 F or more

(Cold Water Well)

(Low Temp. Geo. Well)

(Geothermal Well)

6. Construction Start Date: January 2000 (week of 15th)7. Anticipated Well Driller: Vollmer Well Drilling Driller's Lic. No. 383

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

Ant

2. Dec 99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is

Approved

Date

1-3-2000

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply well must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

Dennis W. Dunn
Signature of Authorized Department Representative

Sr. Water Resource Agent
Title

Receipt No. E025535Received by DN

Fee

200⁰⁰

Date

1-3-2000

EXTENSION OF DRILLING PERMIT

Extension approved by _____

Approval Date _____

Extension expires _____

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MAR 22 2000

ADDENDUM TO DRILLING PERMIT

1. APPLICATIONS, AS NECESSARY, ARE ON FILE SEEKING AUTHORIZATION TO USE THE WELL FOR THE PURPOSE FOR WHICH IT IS BEING DRILLED.
2. THERE ARE NO APPARENT REASONS THAT THE PENDING APPLICATIONS WILL NOT BE APPROVED AUTHORIZING USE OF THE WELL.
3. THE APPLICANT HAS REQUESTED BY LETTER THROUGH HIS AGENT THAT EXPEDITED APPROVAL IS NEEDED FOR IMMEDIATE CONSTRUCTION.
4. THE DRILLING PERMIT IS CONDITIONED TO SHOW THAT THERE IS NO AUTHORIZATION FOR DIVERSION AND USE OF WATER UNTIL THE WATER RIGHT APPLICATION IS APPROVED.
5. THE APPLICANT BY ACCEPTING THIS DRILLING PERMIT AND COMMENCES CONSTRUCTION ACKNOWLEDGES THAT HE ACCEPTS ALL RISK THAT THE WELL MAY NOT BE APPROVED FOR USE.



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MAR 22 2000



Drilling Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

H. Alan Funk, Applicant, requests issuance of a drilling permit prior to approval of a pending Application for Permit or Application for Transfer on file with this department. The request is made for the following reasons:

Sold ground which water permit is
now located. Change point of diversion
to new well which will be located
on property to be irrigated in spring
of 2000.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date

30 Dec 99

Signature

H. Alan Funk

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MAR 22 2000

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
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330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED

DEC 8 1999

Department of Water Resources
Eastern Region
Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 8, 1999

Harold Jones
IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

Re: Alan Funk-Application for Transfer of Point of Diversion for Water Right No.
35-07894

Dear Mr. Jones:

Enclosed is the original of a statement of the mortgagee agreeing to the proposed change.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\2579\IDWR1208.LTR:kmc

MICROFILMED
MAR 22 2000

11-24-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 35-07894 Applicant Alan Funk
2. Type of right: ☐ Decree ☐ License ☐ Claim ☒ SRBA Recommendation
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* measuring requirement

4. By RDC Date 1/5/2000

DEPT. OF WATER RESOURCES
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
(208) 522-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5607

Notice is hereby given that H. Alan Funk, % Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, Idaho, 83405, has applied to the Department of Water Resources to change the point of diversion of a groundwater source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:
SRBA Recommendation No.: 35-07894
Source: Groundwater
Amount: 1.59 cfs
Priority: 03/31/1980
Point(s) of Diversion: NWNENW, Sec. 21, T06S, R31E, BINGHAM COUNTY.
The water is used for irrigation of 96 acres water within Sec. 16, T06S, R31E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has sold the property where his original well was located. He intends to drill a new well in the SWSW, Sec. 16, T06S, R31E, so he can continue to irrigate his 96 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before December 27, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4432)
Pub.: 12/9, 16

AFFIDAVIT OF PUBLICATION
County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator 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 1911, approved March 11, 1911, 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 affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive weeks the first publication having been made on the 9th day of Dec. 1999; and the last publication having been made on the 16th day of Dec. 1999; 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.

Jacqueline Graham
On this 16th day of Dec. in the year of 1999, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

MICROFILMED

MAR 22 2000

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires June 19, 2004
Affidavit Processing Fee.....\$5.00



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 1, 1999

H ALAN FUNK
%HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer #5607

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on December 9 and 16, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

MAR 22 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 1, 1999

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

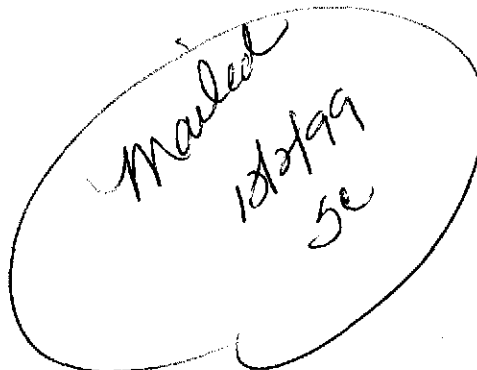
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before December 27, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

MAR 22 2000

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5607**

Notice is hereby given that H Alan Funk, % Holden, Kidwell, Hahn & Crapo, PO Box 50130, Idaho Falls ID 83405, has applied to the Department of Water Resources to change the point of diversion of a groundwater source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:

SRBA Recommendation No.: 35-07894 Source: Groundwater
Amount: 1.59 cfs Priority: 03/31/1980
Point(s) of Diversion: NWNENW SEC 21 T06S R31E, BINGHAM COUNTY
The water is used for irrigation of 96 acres water within SEC 16 T06S R31E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has sold the property where his original well was located. He intends to drill a new well in the SWSW SEC 16 T06S R31E so he can continue to irrigate his 96 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before December 27, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Morning News on December 9 and 16, 1999.

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MAR 22 2000

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
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Arthur W. Holden
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Robert B. Holden
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Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

November 29, 1999

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NOV 30 1999

Department of Water Resources
Eastern Region

Harold Jones
IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

Re: Alan Funk-Application for Transfer of Point of Diversion for Water Right No.
35-07894

Dear Mr. Jones:

Enclosed is a map that should have been attached to the application.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\2579\IDWR\1129.LTR:kmc

MICROFILMED
MAR 22 2000

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

November 17, 1999

RECEIVED

NOV 22 1999

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

Re: Application for Transfer of Water Right
Right No. 35-07894

Gentlemen:

Enclosed is an Application for Transfer of Water Right for H. Alan Funk along with our check in the amount of \$100.00 for the filing fee. As always, if there are concerns or questions, please call us at your convenience. Thank you for your kind assistance in this matter.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\2579\IDWR\1117.LTR.kmc

MICROFILMED

NOV 22 2000

August 17, 1983

RE: Permit No. 25-7894

H. Alan Funk
Route 1, Box 48
Aberdeen, ID 83210

Dear Mr. Funk:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 27, 1983

H. Alan Funk
Rt. 1, Box 48
Aberdeen, ID 83210

Dear Mr. Funk:

A representative of this Department has made an examination of the works covered by your Permit No. ~~35-7894~~, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: ~~1.59 cfs~~ Source: ~~groundwater~~

The maximum quantity diverted shall not exceed ~~336.0~~ acre feet per year.

Point(s) of diversion: ~~NENW Sec. 21, T. 6 S., R. 31 E.~~

Beneficial use: ~~Irrigation of 38 acre in SWSW, and 58 acres in N1/4SW, Sec. 16, T. 6 S., R. 31 E.~~

Priority date established: ~~3-31-1980~~

Conditions (if any): ~~This right when combined with Right No. 35-7221 shall not exceed 3.5 cfs.~~

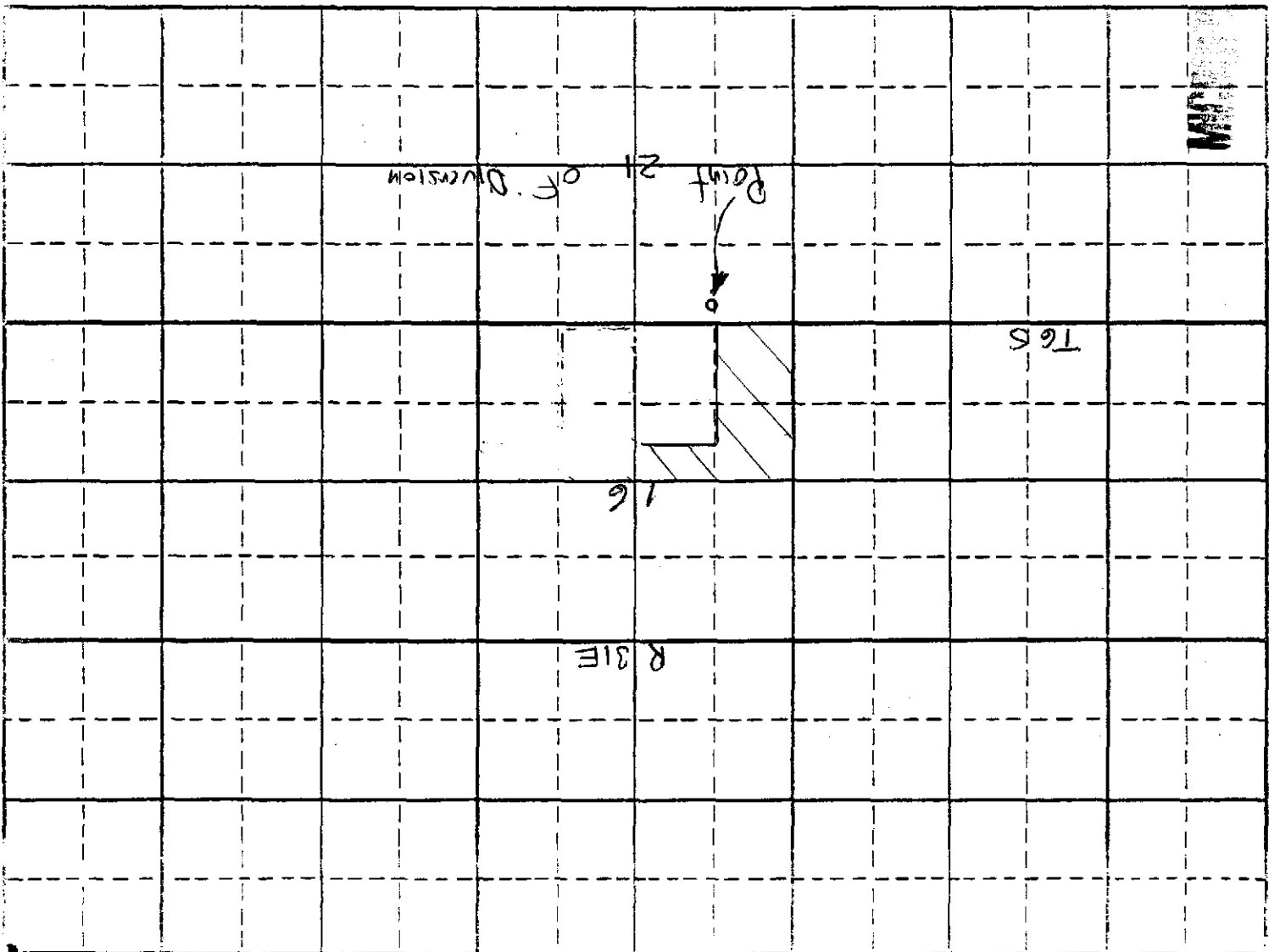
If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

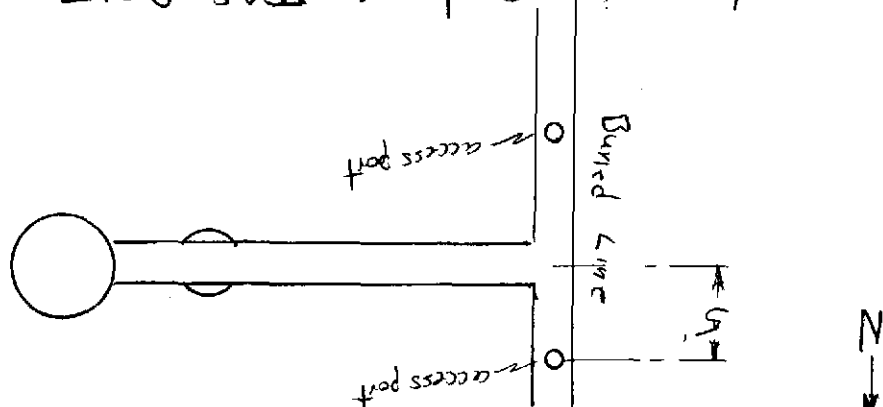
JJ:kw

3.85 cfs Greater than capacity Recommend R17



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE 1/4 NW 1/4 Sect 21 T6S R31E

Place(s) of Use

TWP.	RGE.	SEC.	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	TOTALS
6S	31E	16													96

Recommended Amendments:

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

Examiner's Signature: *[Signature]*
Checked by: *[Signature]*
Approved by: *[Signature]*
Date: 3-29-82
Date: 3-21-82
Date: 5/6/83

35-7844

HWT



NOT TO SCALE

IDWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: HW Jones

Date 8-5-81

Owner: Alan Funk

Permit No. 35-7894

Description of well &/or measuring site (give distance to restrictions upstream and downstream): 100 hp Motor; access port is 5' North of T-split in mainline & serves 4 wheel lines

Measured inside diameter of pipe in inches (A) 7.5"

Size of Annubar used in test 6.065

State ID# of Annubar Meter used 191117

Size Eagle Eye Meter used 0-13"

State ID# of Meter used 091461

Date of Last Calibration of Meter 4/81

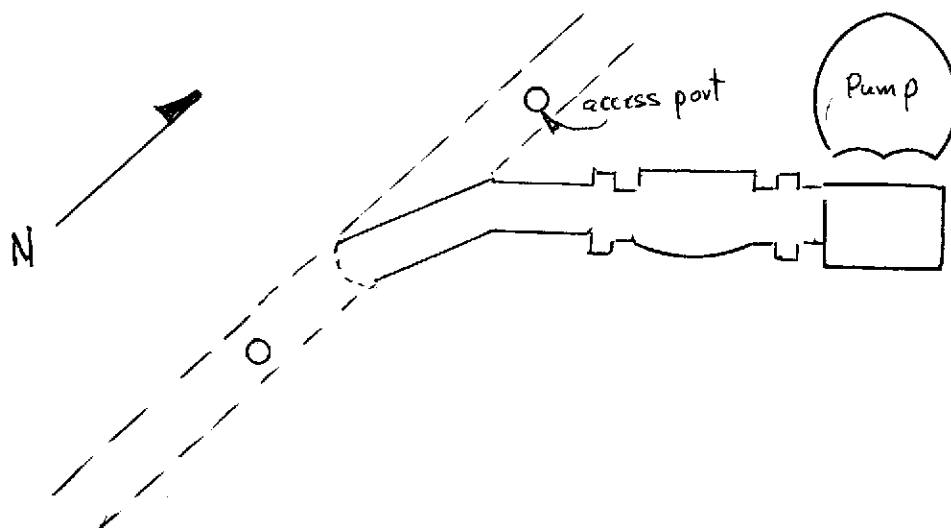
Observed inches of H2O read on Meter 6.3

Adjusted inches of H2O from Last Calibration (B) 10.92

CALCULATION:
$$\frac{(3.85) \times (A) \times (B)}{448.8} = \frac{(3.85) \times (7.5) \times \sqrt{10.92}}{448.8} = \frac{715.9 \text{ gpm}}{448.8 \text{ gpm}} = 1.59 \text{ cfs}$$
 cfs measured

Where A and B are measured in inches and 3.85 is a constant for the model 75 Annubar.

SKETCH:



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7221 Priority April 3, 1972 Amount 2.27 cfs

THIS IS TO CERTIFY, that H. ALAN FUNK
of Aberdeen, Idaho, has complied with the terms and conditions of Permit
No. 35-7221 issued pursuant to Application for Permit dated April 3, 1972
and has submitted proof to the Department of Water Resources on May 27, 1977
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.27 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>2.27</u> cfs and	<u>546</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.27 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
546 acre feet per year, said waters to be diverted within the NE1/4, Sec. 21,
Twp. 6S, Rge. 31E, B.M. in the County of Bingham

Description and location of place of use:

Twp.	Range	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	
6S	31E	21					39	38	39	40									156

Total number of acres irrigated 156

POOR QUALITY COPY

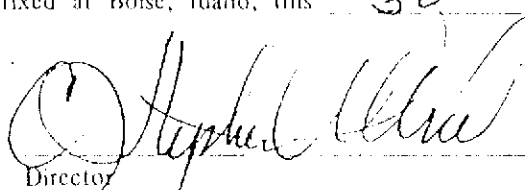
FEB 4 1980

Department of Water Resources
Eastern District Office

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
January, 1980


Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 9, 1981

RE: Permit No. 35-7894

H. Alan Funk
Rt. #1, Box 48
Aberdeen, ID 83210

Dear Mr. Funk:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

cc: IDWR - State Office

MICROFILMED

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 35-7894

Name(s) of Permit Holder: H. Alan Funk

Post Office Address: Rt. 1 Box 48

Aberdeen, Idaho 83210 Tel. No. 397-4820

Source of Water: Groundwater

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☒ Irrigation	<u>260</u>	(acres)
☐ Other	_____	

Measuring Device:	Required?	☐ Yes ☒ No	Installed?	☐ Yes ☐ No
Access Port:	Required?	☒ Yes ☐ No	Installed?	☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

5-27-81

Date

H. Alan Funk
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

MAY 27 1981

Department of Water Resources
Eastern District Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

JUN 1 1981

MICROFILMED
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

FUNK, H. ALAN
RT. 1, BOX 48
ABERDEEN, ID 83210

138051

MARCH 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7894 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

WATER RIGHT NUMBER 35-7894

OWNER LAST NAME - FUNK FIRST NAME - H. ALAN ORIG OWNER -
ADDRESS LINE 1 - RT. 1, BOX 48 ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - ABERDEEN STATE - ID ZIP CODE - 83210
SOURCE - GROUNDWATER TRIBUTARY OF -
STAGE - PERMIT STATUS -
TOTAL DIV. VOLUME - 336 .00 AFA TRFR/AMEND -
DIVERSION POINT - NENW 21 06S 31E LOT REDIY -
FROM - 04-01 TD - 10-15 USE - IRRIGATION USE DIV. RATE -/.59 2-0000 CFS USE DIV. VOLUME - 336 .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 06S RNG 31E SEC 16 TRACT NESW LOT AC 20 TRACT NWSW LOT AC 4038
DATE - TRACT SMSW LOT AC 4038 TOTAL ACRES 100
DECREE NAME -
REMARKS - See Lic,
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 06-01-1981 PERMIT/DENIED - 05-19-1980 PROTESTED -
PROOF MADE - P FLD EXAM - COND. OF APPROVAL - 01C HEARING - OLD NO. -
DIVERSION MEANS - WELL, PUMP & PIPELINE.

WATER RIGHT
DATA ENTRY LOG

[illegible]

April 8, 1980

RE: Application for Permit No. 35-7894

H. Alan Funk
Rt. 1, Box 48
Aberdeen, ID 83210

Dear Mr. Funk:

Attached herewith is Departmental Receipt No. 13897 in the amount of \$45.00
for the above referenced application.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

S T A O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

FUNK, H. ALAN
RT. 1, BOX 48
ABERDEEN, ID 83210

MAY 27, 1980

RE: PERMIT NO. 35-7894

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

THE EXERCISE OF THIS PERMIT MAY ALSO BE AFFECTED BY THE COURT'S DETERMINATION OF WATER RIGHTS IN THE CASE OF IDAHO POWER COMPANY V. STATE OF IDAHO, ET AL., CIVIC NO. 62237, CURRENTLY PENDING BEFORE THE DISTRICT COURT OF ADA COUNTY. SINCE THE USE OF WATER UNDER YOUR PERMIT MAY AFFECT THE FLOWS IN THE SNAKE RIVER BETWEEN MILNER DAM AND HELLS CANYON, THE FINAL DECISION IN THIS CASE MAY DETERMINE TO WHAT EXTENT THE EXERCISE OF YOUR PERMIT IS SUBJECT TO WATER RIGHTS OF IDAHO POWER. WHILE THE ADA COUNTY COURT IS EXAMINING THIS QUESTION, IDAHO POWER COMPANY HAS NOT FILED A SPECIFIC PROTEST TO YOUR PERMIT. HOWEVER, THE DEPARTMENT OF WATER RESOURCES HAS BEEN ADVISED THAT THE POWER COMPANY IS NOT WAIVING ANY OF ITS RIGHTS TO CONTEST OR LIMIT THE EXERCISE OF YOUR PERMIT OR SUBSEQUENT LICENSE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

35 7894

INITIAL REVIEW BY: JC

APPLICATION NUMBER: Fun
35-7894

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other _____

PROCESSING:

- ☒ Yes ☐ No Platted by: JC Map No. 35-65312
☐ Yes ☒ No Other rights on same place of use. 1/2 overlap with 35-7897
☒ Yes ☐ No* In form for advertising.
☐ Yes ☒ No Final date for protests: April 28
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: April 18, 1980.
☒ 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? _____
3/31/1980. Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Emmet Carlson Date: May 1, 1980

STATE OFFICE REVIEW:

OIC
I.P.L. w/ore canal

- ☐ See attached sheet for more information.

By: Jin Date: 5/13/80

MICROFILMED

FUNK, H. ALAN

RT. 1, BOX 48, ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed: 03/31/1980

Amount: 2.00 CFS

Diversion Point: NENW Sec 21 T 06S R 31E, BINGHAM Co.

Use: IRRIGATION (2.00 CFS) from 04/01 to 10/15

Place of Use: NESW NWSW SWSW Sec 16 T 06S R 31E FOR 100 ACRES

Diversion Means: WELL, PUMP & PIPELINE.

MICROFILMED