

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71305

This is to certify that: DARRELL M FUNK
 3173 N 4900 E
 MURTAUGH ID 83344
 (208)432-5386

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-4102	AJC/Beneficial Use	03/15/1962	0.84 cfs	138 af	34.5	443.0	GROUND WATER
45-2249	AJC/License	03/08/1948	4.40 cfs	960 af	240.0	443.0	GROUND WATER
45-2443	AJC/License	04/24/1953	2.58 cfs	740 af	185.0	443.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-4102	NO	NO	NO	YES	NO	NO
45-2249	NO	NO	NO	YES	NO	NO
45-2443	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-4102	45-4102	0.84 cfs	138 af	34.5	443.0		N/A	N/A	N/A	N/A
45-2249	45-2249	4.40 cfs	960 af	240.0	443.0		N/A	N/A	N/A	N/A
45-2443	45-2443	2.58 cfs	740 af	185.0	443.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.82 cfs	1772 af	443.0	443.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of December, 2004


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 45-2249

WATER RIGHT NO. 45-2249
As Modified by Transfer No. 71305

In accordance with the approval of Transfer No. 71305, Water Right No. 45-2249 is now described as follows.

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

Priority Date: March 08, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.40 CFS	960.0 AF
			4.40 CFS	960.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSENW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 20E 22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-2249, 45-2443, and 45-4102 shall not exceed 7.82 cfs, nor a total combined annual volume of 1772.0 af for the irrigation of 443 acres.
3. Rights 45-2249, 45-2326, 45-2443, and 45-4102 when combined shall not exceed the irrigation of 443 acres.
4. 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.

WATER RIGHT NO. 45-2249
As Modified by Transfer No. 71305

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 22nd day of December, 20 04



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2443
As Modified by Transfer No. 71305

In accordance with the approval of Transfer No. 71305, Water Right No. 45-2443 is now described as follows.

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

Priority Date: April 24, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.58 CFS	740.0 AF
			2.58 CFS	740.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWSE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 20E 22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the place of use described above in a single irrigation season.
2. Rights 45-2443 and 45-2326 when combined shall not exceed the irrigation of 206 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 45-2249, 45-2443, and 45-4102 shall not exceed 7.82 cfs, nor a total combined annual volume of 1772.0 af for the irrigation of 443 acres.
4. Rights 45-2249, 45-2326, 45-2443, and 45-4102 when combined shall not exceed the irrigation of 443 acres.

WATER RIGHT NO. 45-2443
As Modified by Transfer No. 71305

CONDITIONS OF APPROVAL

5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. 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.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 22nd day of December, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-4102
As Modified by Transfer No. 71305

In accordance with the approval of Transfer No. 71305, Water Right No. 45-4102 is now described as follows.

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

Priority Date: March 15, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.84 CFS	138.0 AF
			0.84 CFS	138.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESWNE	Sec. 21 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWNE	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NWSESW	Sec. 22 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 20E 22			39.0	38.0			22.0	37.0	40.0	39.0	38.0	33.0	39.0	40.0	39.0	39.0	443.0

Total Acres: 443

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34.5 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-2249, 45-2443, and 45-4102 shall not exceed 7.82 cfs, nor a total combined annual volume of 1772.0 af for the irrigation of 443 acres.
3. Rights 45-2249, 45-2326, 45-2443, and 45-4102 when combined shall not exceed the irrigation of 443 acres.
4. 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.

WATER RIGHT NO. 45-4102
As Modified by Transfer No. 71305

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 22nd day of December, 2004


Chief, Water Allocation Bureau