

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70288**

This is to certify that: BRENT A FUNK
2911 N 4000 E
HANSEN ID 83334
(208)731-4102

And

CHALET FUNK
2911 N 4000 E
HANSEN ID 83334
(208)423-4100

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>
45-2633	AJC/License	02/12/1961	1.30 cfs	316 af	N/A	79.0	GROUND WATER
45-2174A	AJC/License	06/17/1929	1.60 cfs	320 af	N/A	383.0	GROUND WATER
45-12432	AJC/License	07/15/1949	5.60 cfs	1120 af	280.0	383.0	GROUND WATER
45-510	AJC/Decreed	04/02/1916	0.80 cfs	N/A	N/A	109.0	DRY CREEK
45-2671	AJC/License	10/13/1961	3.03 cfs	624 af	156.0	269.0	GROUND WATER
45-12878	AJC/Beneficial Use	06/30/1985	1.30 cfs	N/A	113.0	269.0	GROUND WATER
45-13431	AJC/License	07/15/1910	1.22 cfs	244 af	N/A	61.0	GROUNDWATER

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>
45-2633	NO	NO	YES	YES	NO	NO
45-2174A	NO	NO	YES	YES	NO	NO
45-12432	NO	NO	YES	YES	NO	NO
45-510	NO	NO	YES	NO	NO	NO
45-2671	NO	NO	YES	YES	NO	NO
45-12878	NO	NO	YES	YES	NO	NO
45-13431	NO	NO	YES	YES	NO	NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70288

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-2633	45-2633	1.30 cfs	316 af	79.0	713.0		N/A	N/A	N/A	N/A
45-2174A	45-2174A	1.60 cfs	320 af	80.0	713.0		N/A	N/A	N/A	N/A
45-12432	45-12432	5.60 cfs	1120 af	280.0	713.0		N/A	N/A	N/A	N/A
45-510	45-510	0.80 cfs	N/A	109.0	713.0		N/A	N/A	N/A	N/A
45-2671	45-2671	3.03 cfs	624 af	156.0	713.0		N/A	N/A	N/A	N/A
45-12878	45-12878	1.30 cfs	N/A	113.0	713.0		N/A	N/A	N/A	N/A
45-13431	45-13431	1.22 cfs	244 af	61.0	713.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		11.91 cfs	2400 af	713.0	713.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2671
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-2671 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

And

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: October 13, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.03 CFS	624.0 AF
			3.03 CFS	624.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S	Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S	Rge 20E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S 20E 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0	23.0								330.0
	L1	L2			L3	L4											

Total Acres: 713

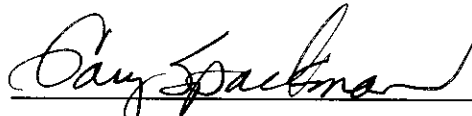
WATER RIGHT NO. 45-2671
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 156 acres within the place of use described above in a single irrigation season.
2. Right No. 45-12878 is an expansion of this right pursuant to Section 42-1416B of the Idaho Code.
3. Rights 45-2671 and 45-12878 when combined shall not exceed a total diversion rate of 3.03 cfs, and a total annual maximum diversion volume of 624 af at the field headgate.
4. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 acres.
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 measure the diversion 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12878
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-12878 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

AND

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	1.30 CFS
			1.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S	Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S	Rge 20E	CASSIA 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 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0		23.0							330.0
	L1	L2			L3	L4											

Total Acres: 713

WATER RIGHT NO. 45-12878

As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
2. This right is an expansion of Right No. 45-2671 pursuant to Section 42-1416B of the Idaho Code.
3. Rights 45-2671 and 45-12878 when combined shall not exceed a total diversion rate of 3.03 cfs, and a total annual maximum diversion volume of 624 af at the field headgate.
4. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 acres.
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 measure the diversion 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13431
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-13431 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

And

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: July 15, 1910

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.22 CFS	244.0 AF
			1.22 CFS	244.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S	Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S	Rge 20E	CASSIA 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 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0		23.0							330.0
	L1	L2			L3	L4											

Total Acres: 713

WATER RIGHT NO. 45-13431
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 61 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 45-510 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 acres.
3. 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.
4. 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.
5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2174A
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-2174A is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

And

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: June 17, 1929

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.60 CFS	320.0 AF
			1.60 CFS	320.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S Rge 20E	CASSIA 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	31													40.0			38.0	78.0
11S	20E	32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S	20E	5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0					23.0				330.0
			L 1	L 2			L 3	L 4											

Total Acres: 713

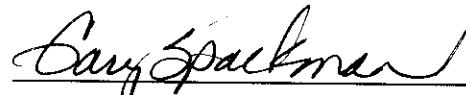
WATER RIGHT NO. 45-2174A
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 45-2174A, 45-2633, 45-12432 and 45-510 when combined shall not exceed a total diversion rate of 7.66 cfs, a total annual maximum diversion volume of 1532 af at the field headgate, and the irrigation of 383 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 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.
5. 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.
6. If the surface water right 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. 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.
8. After specific notification by the Department, the right holder shall measure the diversion 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.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2633
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-2633 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

AND/OR

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: February 12, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.30 CFS	316.0 AF
			1.30 CFS	316.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S Rge 20E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S 20E 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0	23.0								330.0
	L1	L2			L3	L4											

Total Acres: 713

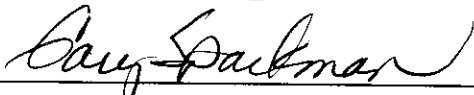
WATER RIGHT NO. 45-2633
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.
2. Rights 45-2174A, 45-2633, 45-12432 and 45-510 when combined shall not exceed a total diversion rate of 7.66 cfs, a total annual maximum diversion volume of 1532 af at the field headgate, and the irrigation of 383 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 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.
5. 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.
6. If the surface water right 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. 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.
8. After specific notification by the Department, the right holder shall measure the diversion 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.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12432
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-12432 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

AND/OR

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: July 15, 1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	5.60 CFS	1,120.0 AF
			5.60 CFS	1,120.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSESE	Sec. 31 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENENW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SENESW	Sec. 32 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	L4 (SWNWNW)	Sec. 4 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec. 5 Twp 12S Rge 20E	CASSIA 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 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0									330.0
	L1	L2			L3	L4											

Total Acres: 713

WATER RIGHT NO. 45-12432
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.
2. Rights 45-2174A, 45-2633, 45-12432 and 45-510 when combined shall not exceed a total diversion rate of 7.66 cfs, a total annual maximum diversion volume of 1532 af at the field headgate, and the irrigation of 383 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400.0 af, nor the irrigation of 713 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.
5. 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.
6. If the surface water right 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. 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.
8. After specific notification by the Department, the right holder shall measure the diversion 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.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-510
As Modified by Transfer No. 70288

In accordance with the approval of Transfer No. 70288, Water Right No. 45-510 is now described as follows.

Right Holder: BRENT A FUNK
 2911 N 4000 E
 HANSEN ID 83334

AND/OR

CHALET FUNK
 2911 N 4000 E
 HANSEN ID 83334

Priority Date: April 02, 1916

Source: DRY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.80 CFS
			0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NENENW Sec. 13 Twp 12S Rge 19E CASSIA 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 31													40.0			38.0	78.0
11S 20E 32					40.0	39.0	35.0	40.0	40.0	40.0	32.0	39.0					305.0
12S 20E 5	39.0	39.0	38.0	37.0	39.0	39.0	39.0	37.0	23.0								330.0
	L 1	L 2			L 3	L 4											

Total Acres: 713

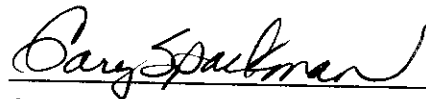
WATER RIGHT NO. 45-510
As Modified by Transfer No. 70288

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109 acres within the place of use described above in a single irrigation season.
2. Rights 45-2174A, 45-2633, 45-12432 and 45-510 when combined shall not exceed a total diversion rate of 7.66 cfs, a total annual maximum diversion volume of 1532 af at the field headgate, and the irrigation of 383 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 45-510, 45-2174A, 45-2633, 45-12432, 45-2671, 45-12878 and 45-13431 shall not exceed 11.91 cfs, nor total combined annual volume of 2400 af, nor the irrigation of 713 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.
5. After specific notification by the Department, the right holder shall install suitable measuring devices 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.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 31st day of December, 2003



Chief, Water Allocation Bureau