

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/6/2022

Water Right 35-7418 After Split

Owner Type **Name and Address**
Current Owner LANCE D FUNK
 PO BOX 310
 AMERICAN FALLS, ID 83211
 (208) 226-5551

Priority Date: 5/10/1974
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	3.020 CFS	604.0 AF
	Total Diversion		3.020 CFS	604.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NWSESE	Sec. 30, Twp 06S, Rge 30E, BINGHAM County
GROUND WATER	L4(NESWSW)	Sec. 30, Twp 06S, Rge 30E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	30E	30									40.0	34.0 L3	38.0 L4	39.0					151.0

POU Total Acres: 151.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NOS. 35-14196 & 35-14814 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.2 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1236.0 AF.
3. USE OF THIS RIGHT WITH RIGHT NOS. 35-14196 & 35-14814 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 309 ACRES IN A SINGLE IRRIGATION SEASON.

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DEC 08 2022

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12/6/2022

Comments:

- 1 MCCARTHY 12/16/1993 CHANGE OF OWNERSHIP
NAME CHANGED TO DIANE BENSON FUNK THIS DATE, NO OTHER CHANGES, CLAIM RE-
VERIFIED.
- 2 AJU10-EC 11/19/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
- 3 djudd 12/6/2022 Split Right
Split into 35-7418 & 35-14814 due to change in ownership.
- 4 djudd 12/6/2022 POU
Updated Shape

Dates and Other Information:

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
13.700	2,739.6	684.9	35-2620 ,35-2832 ,35-7418

SubCase:

SubCaseNumber: 35-7418
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

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DEC 08 2022

State of Idaho
Department of Water Resources
Water Right License

35-7418

After Split



- 29E 30E
- Place Of Use Boundary
 - Townships
 - PLS Sections
 - Quarter Quarters
 - Point of Diversion

0 0.1 0.2 0.4 Miles

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12/6/2022

Water Right 35-7418 Before Split

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANCE D FUNK PO BOX 310 AMERICAN FALLS, ID 83211 (208) 226-5551

Priority Date: 5/10/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	6.180 CFS	1,236.0 AF
	Total Diversion		6.180 CFS	1,236.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NWSESE	Sec. 30, Twp 06S, Rge 30E, BINGHAM County
GROUND WATER	L4(NESWSW)	Sec. 30, Twp 06S, Rge 30E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	30E	30									40.0	34.0 13	38.0 14	39.0	40.0	40.0	39.0	39.0	309.0

POU Total Acres: 309.0

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 2. | | USE OF THIS RIGHT WITH RIGHT NOS. 35-14196 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.2 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1236.0 AF. |
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NAME CHANGED TO DIANE BENSON FUNK THIS DATE, NO OTHER CHANGES, CLAIM RE-
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CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
13.700	2,739.6	684.9	35-2620 ,35-2832 ,35-7418

SubCase:

SubCaseNumber: 35-7418
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

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State of Idaho
Department of Water Resources
Water Right License

35-7418

Before Split



Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Point of Diversion

0 0.15 0.3 0.6 Miles

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DEC 18 2022



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 18 2022

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-7418	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-14814	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lance D. Funk and Lisa Funk,
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Monty M. Funk and Carolene Funk
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 360 American Falls ID 83211
Mailing address City State Zip
208-226-5207 monty@countylinefarms.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: see attached warranty deed
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Monty Funk Partner 11-15-2022
Signature of new owner/claimant Title, if applicable Date
Print name

Signature: Carolene Funk Partner 11/18/22
Signature of new owner/claimant Title, if applicable Date
Print name

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For IDWR Office Use Only:
Received by Ku Date 11.18.22 Receipt No. C114674 Receipt Amt. \$100-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by dj Date 12/6/22

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

Instrument # 740750

BINGHAM COUNTY, IDAHO
2021-12-22 03:19:52 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - POCATEL
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1003655-P (sw)**

Date: **December 16, 2021**

For Value Received, **Lance D. Funk and Lisa Funk, husband and wife**

, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Monty M. Funk and Carolene Funk, husband and wife**, hereinafter called the Grantee, whose current address is **P.O. Box 310, American Falls, ID 83211, American Falls, ID 83211**, the following described premises, situated in **Power County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

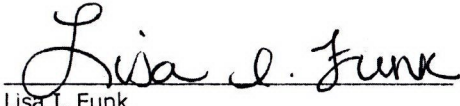
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DEC 18 2022

Date: 12/16/2021

Warranty Deed
- continued

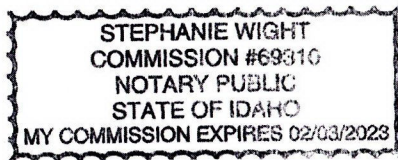
File No.: 1003655-P (sw)

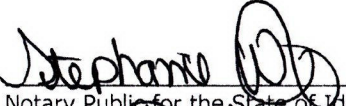

Lance D. Funk


Lisa I. Funk

STATE OF Idaho)
COUNTY OF Bannock) ss.
Power)

On this 20 day of December, 2021, before me, a Notary Public in and for said State, personally appeared **Lance D. Funk and Lisa I. Funk**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Bozeman
My Commission Expires: 2/3/2023

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DEC 18 2022

Exhibit A

PARCEL 3:

TOWNSHIP 6 SOUTH, TANGE 30 E.B.M. BINGHAM COUNTY, IDAHO SECTION 30:
SE1/4

SCANNED
DEC 8 2022



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 7, 2022

MONTY FUNK
CAROLENE FUNK
PO BOX 360
AMERICAN FLS ID 83211-0360

Re: Change in Water Right Ownership: 35-7418 (Split into 35-7418 and **35-14814**)

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd

Technical Records Specialist

Enclosures

c: LANCE D FUNK
WATER DISTRICT 120 – *via email*

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DEC 08 2022