

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90477**

This is to certify that: **DAVID L FUNK**
4211 E 3200 N
MURTAUGH, ID 83344

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-7570	WR/DECREED	6/28/1972	0.880 cfs	427.0 af	125.0	125.0	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>
47-7570	YES	YES	YES	YES	YES	YES

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>
47-7570	47-17791	0.430 cfs	202.5 af	N/A	N/A	47-7570	0.450 cfs	218.6 af	N/A	64.0
COMBINED TOTALS		0.430 cfs	202.5 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 16th day of July, 2026.



Southern Region Manager

SUPPORT DATA
IN FILE # 47-7570

Transfer No. 90477

WATER RIGHT NO. 47-7570

As Modified by Transfer No. 90477

In accordance with the approval of Transfer No. 90477, Water Right No. 47-7570 is now described as follows:

Right Holder: DAVID L FUNK
4211 E 3200 N
MURTAUGH, ID 83344

Priority Date: 6/28/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	0.450 cfs	218.6 af
			0.450 cfs	218.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENWNW Sec 26 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	22													25.9	12.9		25.2	64.0

POU Total Acres: 64.0

CONDITIONS OF APPROVAL

1. 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 below.
2. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
3. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 90477

WATER RIGHT NO. 47-17791
As Modified by Transfer No. 90477

In accordance with the approval of Transfer No. 90477, Water Right No. 47-17791 is now described as follows:

Right Holder: DAVID L FUNK
 4211 E 3200 N
 MURTAUGH, ID 83344

Priority Date: 6/28/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.430 cfs	202.5 af
STOCKWATER	1 /1	to 12/31	0.430 cfs	202.5 af
			0.430 cfs	202.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 35 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 35 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	35					X	X	X	X									0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	35					X	X	X	X									0.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Transfer No. 90477

WATER RIGHT NO. 47-17791
As Modified by Transfer No. 90477

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



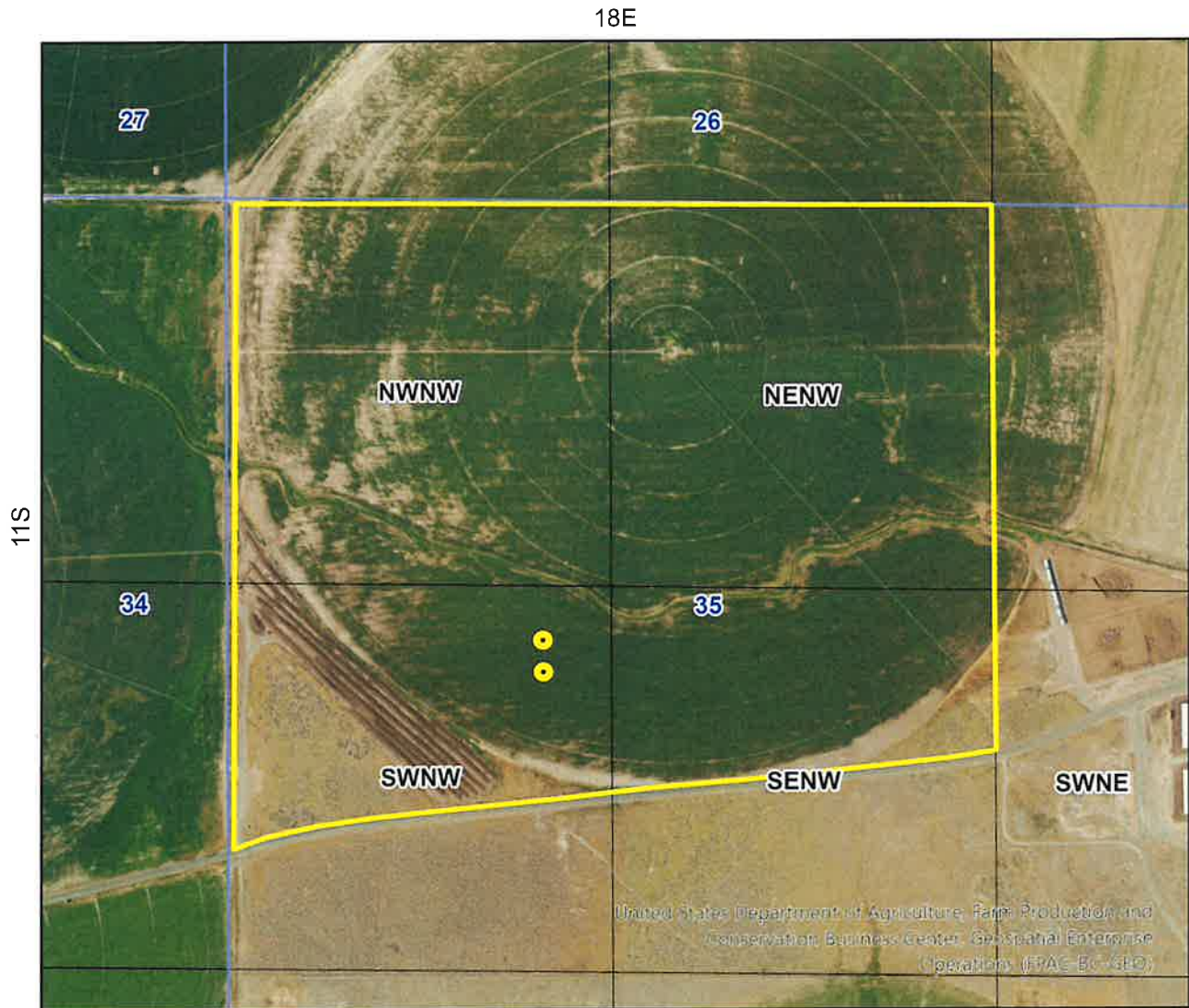
State of Idaho
Department of Water Resources

Attachment to Transfer # 90477

47-17791

(STOCKWATER & COMMERCIAL)

This map depicts the STOCKWATER & COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Townships
- Place Of Use Boundary
- Sections
- State Outline
- Quarter Quarters



0 0.1 0.2 0.3 0.4 Miles



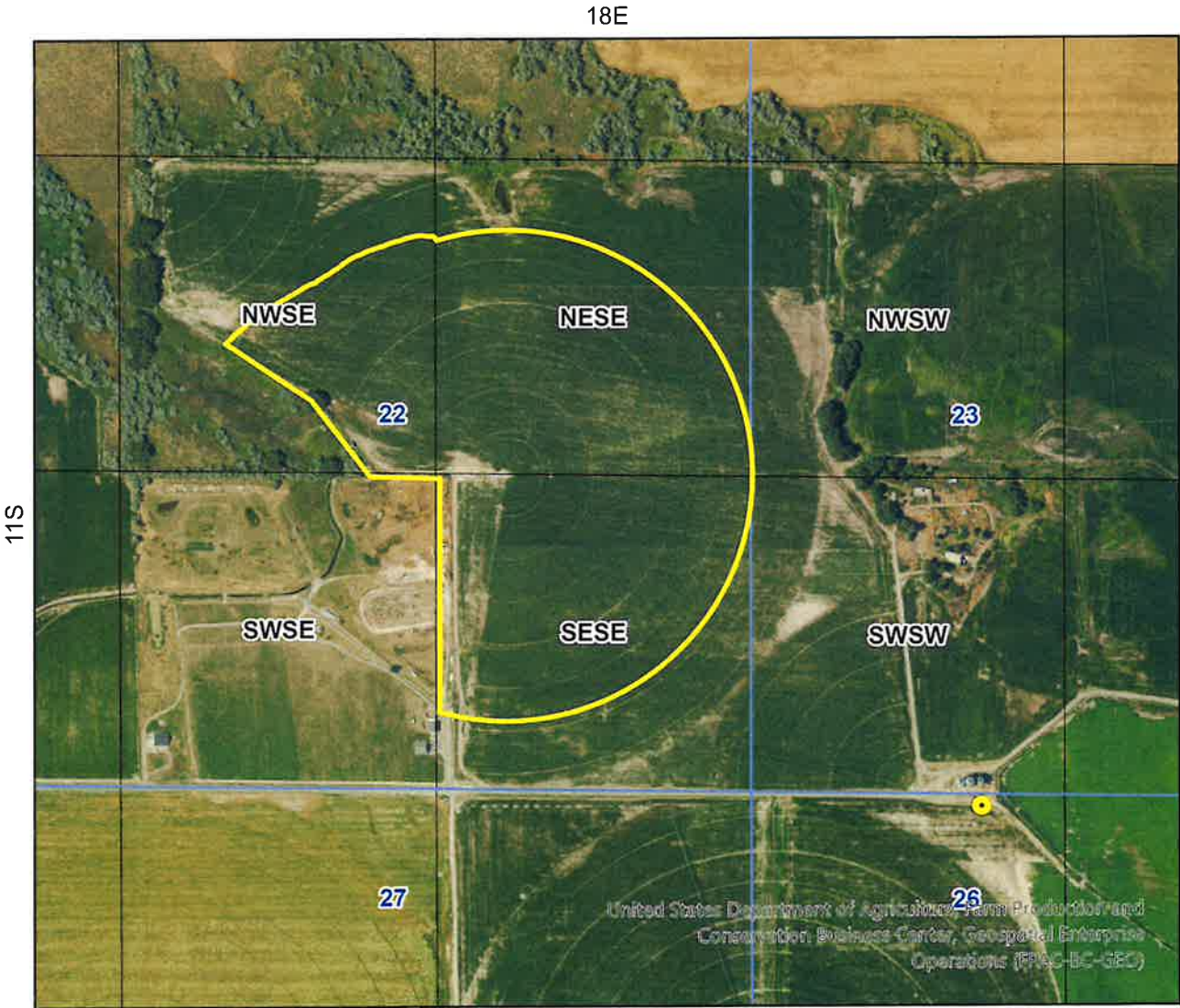
Imagery: 2023 Aerial Photography
Prepared By Skinner, Corey

State of Idaho
Department of Water Resources

Attachment to Transfer # 90477

47-7570
(IRRIGATION)

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- | | |
|---|--|
|  Point of Diversion |  Townships |
|  Place Of Use Boundary |  Sections |
|  State Outline |  Quarter Quarters |



0 0.1 0.2 0.3 0.4 Miles



Imagery: 2023 Aerial Photography
Prepared By Skinner, Corey



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 20, 2026

DAVID L FUNK
4211 E 3200 N
MURTAUGH ID 83344

Re: Transfer No: 90477
Water Right No(s): 47-7570, 47-17791

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

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

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2026 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 90477
Water Right No(s): 47-7570, 47-17791

DAVID L FUNK
4211 E 3200 N
MURTAUGH ID 83344

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.

MEMORANDUM

Date: June 24, 2026
To: Transfer 90477
From: Larry Hansen
Re: Evaluation of Sufficiency of Information Submitted

Application proposes converting a 0.43 cfs & 61-acre portion of a groundwater irrigation right to stockwater and commercial use for a new dairy facility. The irrigation right is associated with a farm located approximately 5.5 - 6.0 miles south and 0.8 – 1.4 miles west of the US Highway 30 & Rock Creek Road intersection in Hansen. Two new wells will be drilled at the proposed dairy site located approximately 7.0 – 7.5 miles south and 0.5 – 1.0 mile west of the US Highway 30 & Rock Creek Road intersection in Hansen.

- **Authority to File:** Applicant is the current owner of the water right being transferred according to IDWR.
- **Water Right Validity:** Water Right involved in the transfer was decreed in the SRBA on 06/01/2010. Recent aerial and satellite imagery indicate that the location is irrigated farmland.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** None anticipated.
- **Local Public Interest:** Application was advertised and no protests were received.
- **Beneficial Use/Conservation of Water Resources:** Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:** None Anticipated
- **Effect of the Agricultural Base of the Area:** None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

AFFIDAVIT OF PUBLICATION

Magic Valley Times-News
132 Fairfield ST W, Twin Falls, ID 83301
(208) 735-3253

State of New Jersey, County of Camden, ss:

I, Edmar Corachia, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Magic Valley Times-News, a newspaper printed and published at Twin Falls on Tuesday, Thursday and Saturday, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

Publication Dates:

- Jun 4, 2026
- Jun 11, 2026

Notice ID: DVX9mbiVfQL7744QMPYe

Notice Name: Legal Notice 90477

Publication Fee: \$93.39

Edmar Corachia

Agent

VERIFICATION

State of New Jersey
County of Camden

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

Signed or attested before me on this: 06/11/2026

Sharon E. Thomas-Pope

Notary Public

Notarized remotely online using communication technology via Proof.

✓ *SM* 6/16/2026

RECEIVED**JUN 11 2026**

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90477**

DAVID L FUNK, 4211 E 3200 N, MURTAUGH, ID 83344 has filed Application No. 90477 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7570; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers> . The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.43 cfs & 61-acre portion of a groundwater irrigation right to stockwater and commercial use for a new dairy facility. The irrigation right is associated with a farm located approximately 5.5 to 6.0 miles south and 0.8 to 1.4 miles west of the US Highway 30 & Rock Creek Road intersection in Hansen. Two new wells will be drilled at the proposed dairy site located approximately 7.0 to 7.5 miles south and 0.5 to 1.0 mile west of the US Highway 30 & Rock Creek Road intersection in Hansen.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 22, 2026** . The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: June 4, 11, 2026
COL-NV-4359

✓ *DM*