

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 543**

This is to certify that:

LANCE FUNK FARMS  
PO BOX 310  
AMERICAN FALLS, ID 83211

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

**Summary of Water Rights or Portions Rented from the Bank**

| Water Right No.               | Priority Date | Source       | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC)   | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|-------------------------------|---------------|--------------|----------------------|-----------------------|--------------|------------------------|-------------------------|
| 35-7777                       | 1/24/1978     | GROUND WATER | 0.31                 | 72.0                  | 18.0         | 0.017                  | 4.0                     |
| 35-2391                       | 12/20/1954    | GROUND WATER | 3.44                 | 688                   | 172.0        | 0.020                  | 4.0                     |
| <b>Combined Rental Totals</b> |               |              | <b>3.75</b>          | <b>760</b>            | <b>190.0</b> | <b>0.020</b>           | <b>4.0</b>              |

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2021, whichever occurs last.

**Annual Rental Fee:**

2021: \$1,520.00

**SUPPORT DATA**

**IN FILE #** 35-2391

The full fee for the rental of the above-described right(s) is \$1,520.00 for 2021. The rental fee includes an administrative fee of \$1,520.00 for 2021. Note that the renter is obligated to pay only the administrative fees associated with water right(s): 35-777, 35-2391.

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use        | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC) | Rate/Acre (CFS/AC) | Volume/Acre (AF/AC) |
|-----------------------|----------------------|-----------------------|------------|--------------------|---------------------|
| IRRIGATION            | 1.90                 | 760                   | 190        | 0.01               | 4.0                 |
| <b>Combined Total</b> | <b>1.90</b>          | <b>760</b>            | <b>190</b> | <b>0.01</b>        | <b>4.0</b>          |

**\* The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns.**

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 543**

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 6-8-2021  
Signature of Renter Date  
Lance Fink Owner  
Printed Name Title

\*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 6/23/21  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR  Date 6/23/21

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 543**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SWNW              Sec. 20, Twp 06S, Rge 29E,                      POWER County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
3.75 CFS

**VOLUME**  
760 AF

**SEASON OF USE**

| Water Right No. | From | To   |          |
|-----------------|------|------|----------|
| 35-7777         | 4/1  | 11/1 | 1.77 CFS |
| 35-2391         | 4/1  | 11/1 | 3.44 CFS |

**RENTERS PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06S | 29E | 19  |    |    |    |    |    |    |    |    |    |    |    |    | 31 | 32 | 31 | 29 | 123.0  |
| 06S | 29E | 30  |    | 31 | 31 | 13 |    |    |    |    |    |    |    |    |    |    |    |    | 75.0   |

Total Acres: 198.0

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental does not authorize the construction of a well.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 543**

11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
12. 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.
13. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

MAR 22 2021

DEPARTMENT OF  
WATER RESOURCESAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Lance and/or Lisa Funk

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

## MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

## Department Use Only – Proposed Water Right(s)

35-7777

35-2391

2037

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

- A. Applicant Lance and/or Lisa Funk
- Mailing Address PO Box 310 American Falls, Idaho 83211
- Street City State Zip Code
- Email Address \_\_\_\_\_ Phone Number 208-226-5551
- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
- If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.
- Representative Greg Sullivan Professional Title Engineer
- Organization Brockway Engineering Relationship to Applicant Consultant
- Mailing Address 2016 North Washington Street, Suite 4 Twin Falls, Idaho 83301
- Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

**2. MAP**

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

**3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER**

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
- Existing well, mainline and delivery system.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 3.75 CFS                            | 760 AF                        | 3.75 CFS                             | 760 AF                         | 190.0 AC                         |

\* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

| Desired Start Date<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                               |                               |                               |                               | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 4/1/2021                               | 7/1/2021                                       | <input checked="" type="checkbox"/><br>1          | <input type="checkbox"/><br>2 | <input type="checkbox"/><br>3 | <input type="checkbox"/><br>4 | <input type="checkbox"/><br>5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> Return application to applicant |

\* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

\*\* Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):  
Existing well, mainline and delivery system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

| POD Description     | Water Source | Other Water Rights Diverted from this POD |
|---------------------|--------------|-------------------------------------------|
| 06S 29E Sec 20 SWNW | Ground Water | 35-13813 et al                            |
|                     |              |                                           |
|                     |              |                                           |
|                     |              |                                           |

*If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.*

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒  
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☒ No ☐  
*Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.*

- H. Has water modeling been provided with your rental request? Yes ☒ N/A ☐  
If yes, label modeling Attachment 3 H.  
*Rental applications that require modeling will be returned if modeling is not provided.*

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 190.00 (number of acres) Duration: Subject to IDWR standard seasons of use  
☐ Commercial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Stockwater from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Industrial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Other: \_\_\_\_\_ from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒  
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐  
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None.

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS**

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

**Important Information:** Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

| Water Right Elements Leased to Water Supply Bank                                                                                                                                         |               |                      |             |            | Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent | Water Supply Bank Rental Request |             |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------|-------------|------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------|------------|
| Water Right Number<br>(leave blank if sub-total of combined limits)                                                                                                                      | Nature of Use | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |                                                                                                                                | Diversion Rate (CFS)             | Volume (AF) | Acres (AC) |
| 35-7777                                                                                                                                                                                  | Irrigation    | 1.77                 | 416         | 104        |                                                                                                                                | 0.31                             | 72          | 18         |
| 35-2391                                                                                                                                                                                  | Irrigation    | 3.44                 | 688         | 172        |                                                                                                                                | 3.44                             | 688         | 172        |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank</b> |               |                      |             |            | <b>TOTAL</b>                                                                                                                   | 3.75                             | 688         | 190.0      |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                | <b>CFS</b>                       | <b>AF</b>   | <b>AC</b>  |

*\*Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒  
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:  
Previous attempts to secure permanent water has not been successful.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒  
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒  
If yes, describe the date and location of the NOV.

- D. Additional Information  
None

DECLARATION

I hereby assert that 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 rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant

*[Signature]*

Signature of Representative

via POA

*Lance Funk*

Printed Name of Applicant

*Greg Sullivan*

Printed Name of Representative

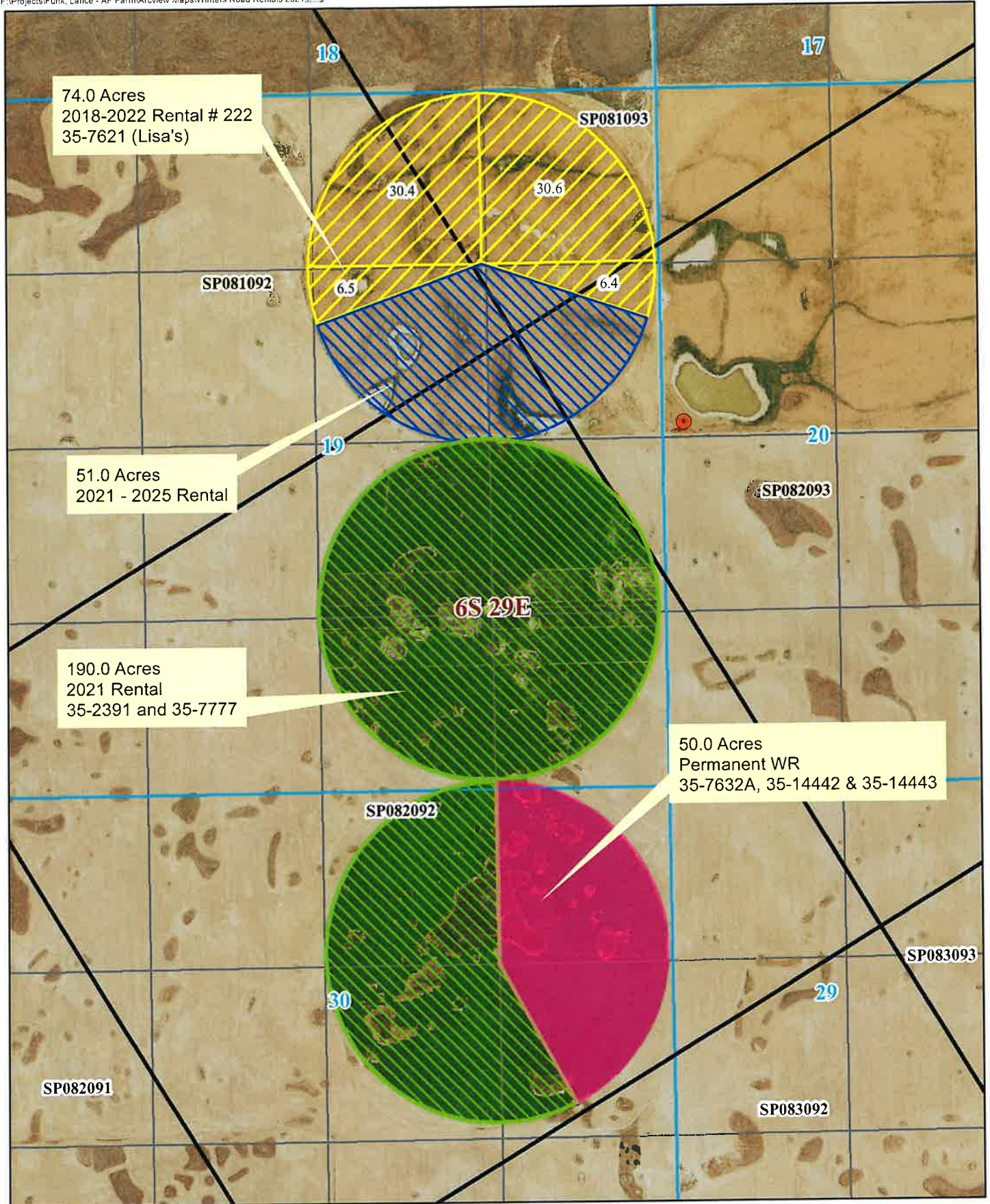
Date

*3/16/2021*

Date

Mail to:

Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098



## Mitigation Analysis Period

Trimester

## One-Way Analysis of Independent Transfers

## New Water Right (GModelo):

| WR No. | Div. Rate<br>(CFS) | Con. Vol.<br>(AFA) | No. of Irr.<br>Acres | Priority<br>Date | POD<br>Location | Dedicated Vol.<br>AFA/ AFT | Model<br>Node |
|--------|--------------------|--------------------|----------------------|------------------|-----------------|----------------------------|---------------|
|--------|--------------------|--------------------|----------------------|------------------|-----------------|----------------------------|---------------|

## Transfer 1: Proposed Steady State Impacts following Transfer

## Transfer 1: Worst Case Transient State Impacts following Transfer

Pre-SS 100% 190 acres  
Post-SS 100% 190 acres

## Impact by Reach (AF/Trimester)

| Ashton to<br>Rexburg | Heise to<br>Shelley | Shelley to<br>Nr Bickft | Nr Bickft To<br>Neeley | Neeley to<br>Minidoka | Dev. Wbl. To<br>Buhl | Buhl to<br>Kspr | Kspr | Kspr to<br>Malad | Malad | Malad to<br>Bancroft |
|----------------------|---------------------|-------------------------|------------------------|-----------------------|----------------------|-----------------|------|------------------|-------|----------------------|
|----------------------|---------------------|-------------------------|------------------------|-----------------------|----------------------|-----------------|------|------------------|-------|----------------------|

|         |     |      |      |       |     |     |     |     |     |     |     |
|---------|-----|------|------|-------|-----|-----|-----|-----|-----|-----|-----|
| Pre-SS  | 4.4 | 13.2 | 40.4 | 123.3 | 0.7 | 2.3 | 2.6 | 1.2 | 0.7 | 0.7 | 0.0 |
| Post-SS | 4.4 | 13.2 | 40.4 | 123.3 | 0.7 | 2.3 | 2.6 | 1.2 | 0.7 | 0.7 | 0.0 |
| Pre-TS  | 4.4 | 13.2 | 40.4 | 123.3 | 0.7 | 2.3 | 2.6 | 1.2 | 0.7 | 0.7 | 0.0 |
| Post-TS | 4.4 | 13.2 | 40.6 | 124.5 | 1.1 | 3.5 | 4.1 | 1.8 | 1.1 | 1.0 | 0.1 |

|                          |                                          |      |      |       |       |       |       |       |       |       |       |
|--------------------------|------------------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|
| Steady State Analysis    | Mitigation Check 1 - >10% of Historical: | 0.0% | 0.0% | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  |
|                          | Mitigation Check 2: > 2 AF/T:            | 0.0  | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
|                          | Mitigation Check 3 - >10% of Total:      | 2.3% | 7.0% | 21.3% | 65.1% | 0.4%  | 1.2%  | 1.4%  | 0.6%  | 0.4%  | 0.0%  |
|                          | Mitigation Required?:                    | NO   | NO   | NO    | NO    | NO    | NO    | NO    | NO    | NO    | NO    |
|                          | Mitigation Vol. Req'd (ac-ft):           | 0.0  | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
| Transient State Analysis | Mitigation Check 1 - >10% of Historical: | 0.0% | 0.0% | 0.6%  | 0.9%  | 46.5% | 53.2% | 57.2% | 55.5% | 54.9% | 47.7% |
|                          | Mitigation Check 2: > 2.01 AF/T:         | 0.0  | 0.0  | 0.2   | 1.14  | 0.3   | 1.2   | 1.5   | 0.6   | 0.4   | 0.0   |
|                          | Mitigation Required?:                    | NO   | NO   | NO    | NO    | NO    | NO    | NO    | NO    | NO    | NO    |
|                          | Mitigation Vol. Req'd (ac-ft):           | 0.0  | 0.0  | 0.2   | 1.14  | 0.3   | 1.2   | 1.5   | 0.6   | 0.4   | 0.0   |

Read Me

# ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE      IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

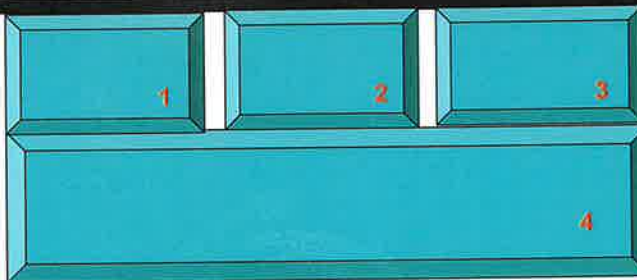
ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1950

SEASON: SPRING

TRANSFER NO: 190 Acre Rental

TRANSFER NAME: Lance Funk



ENTER CELL LOCATIONS:

|        | TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
|--------|----------|--------------|--------------|--------------|
| ROW    | 82       | 70           | 70           |              |
| COLUMN | 93       | 130          | 130          |              |

35-7777  
35-2391

18  
172  
190

54  
516

| TRIMESTER OF ACTIVITY | TO WELL                       | FROM1 WELL                    |                                  | FROM2 WELL                    |                                  | FROM3 WELL                    |                                  |
|-----------------------|-------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|
|                       | Projected Use<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER |
| SPR 1950              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SUM 1950              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| WIN 1950              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SPR 1951              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SUM 1951              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| WIN 1951              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SPR 1952              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SUM 1952              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| WIN 1952              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SPR 1953              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SUM 1953              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| WIN 1953              | 0.0                           | 0.0                           | 0.0                              | 0.0                           | 0.0                              | 0.0                           | 0.0                              |
| SPR 1954              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1954              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1954              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1955              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1955              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1955              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1956              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1956              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1956              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1957              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1957              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1957              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1958              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1958              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1958              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1959              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1959              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1959              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1960              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1960              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1960              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1961              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1961              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1961              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1962              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1962              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1962              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SPR 1963              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| SUM 1963              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |
| WIN 1963              | 0.0                           | 0.0                           | 0.0                              | 172.0                         | 172.0                            | 0.0                           | 0.0                              |

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

|          |     |      |      |       |       |     |     |
|----------|-----|------|------|-------|-------|-----|-----|
| SPR 2089 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2089 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2089 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2090 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2090 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2090 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2091 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2091 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2091 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2092 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2092 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2092 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2093 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2093 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2093 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2094 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2094 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2094 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2095 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2095 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2095 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2096 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2096 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2096 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2097 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2097 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2097 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2098 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2098 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2098 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SPR 2099 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| SUM 2099 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |
| WIN 2099 | 0.0 | 18.0 | 18.0 | 172.0 | 172.0 | 0.0 | 0.0 |

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lance Funk and/or Lisa Funk, hereby nominate and appoint  
Greg Sullivan of Brockway Engineering as my attorney-in-fact with full  
authority to act for and on my behalf to undertake any and all acts or matters pertaining to Idaho  
Water Supply Bank applications and water right transfers before the Idaho Department of Water  
Resources for the following water right transactions:

All water rights, applications and transactions pertaining to water rights in which I  
own, applied for or have a security interest in Water Basin 35 of the State of Idaho.

in Power, Bingham County, Idaho. Additionally, I hereby ratify and confirm any and  
all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said  
instruments of writing that may be necessary or proper to carry into execution and effect the  
applications, and transfers above-mentioned. Further, I hereby declare that each and every  
application, transfer, agreement, receipt, or payment which shall be by my said agent given,  
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had  
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at  
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or  
concerning the said premises by virtue of these present. This Limited Power of Attorney will  
become void upon my written request submitted to the Idaho Department of Water Resources.

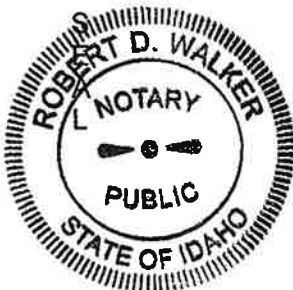
Dated this 21<sup>ST</sup> day of FEBRUARY 2013.

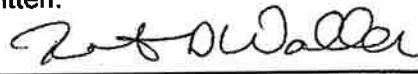
 Signature  
\_\_\_\_\_  
Signature

State of Idaho )  
County of POWER ) ss.

On this 21<sup>ST</sup> Day of FEBRUARY, 2013, before me, a Notary Public  
in and for said County and State, personally appeared LANCE FUNK,  
known or identified to me to be the individual whose name and subscription to the within  
instrument, and acknowledged to me that he 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.



  
Notary Public  
In and for said State and County

11-7-2017  
My Commission Expires



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 15, 2021

LANCE FUNK FARMS  
PO BOX 310  
AMERICAN FALLS ID 83211

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 35-23941 & 35-7777, AGREEMENT 543**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,520.00** in connection with the rental of 760.0 acre-feet of water for irrigation of 190 acres during 2021. Upon receipt of this letter, you are authorized to divert water in compliance with the conditions of water use described in your rental agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

*Jean Hersley*

FOR  
Water Supply Bank

Enclosure(s): Receipt No. C110509

c: Sascha Marston – Fiscal  
IDWR Eastern Region  
Water District No. 120  
Brockway Engineering PLLC



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 21 2021

DEPARTMENT OF  
WATER RESOURCES

June 16, 2021

Remington Buyer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: 35-2391 and 35-7777 Rental

Dear Mr. Buyer:

Lance Funk has submitted his signed rental agreement to the Water Bank with a check for \$1,520.00 to cover the administrative processing fee. Chris Pratt will be submitting his signed rental agreement to the Water Bank with a check for \$688.00 to cover the administrative processing fee. Brockway Engineering will be submitting a check to the Water Bank for \$14.35.

These three checks will provide a total administrative fee payment to the Water Bank of \$2,222.35 for the volume of 1,104.0 acre feet rented from Knudson.

The \$2,222.35 amount equates to 10% or 1/10ths of the total payments that will be made by Funk and Pratt to pay for the rental of 1,104.0 acre feet of water.

Knudson will be directly paid the 90% or 9/10ths of the total payment amount by Funk and Pratt. The total payment amount equates to the administrative fees paid to the Water Bank and Knudson's fee portion.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Lance Funk

Enc: Brockway Engineering Check # 116481 for \$14.35

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

## WATER RIGHTS LEASE

This Water Rights Lease ("Lease") is entered into between Knudsen Poor Farm, Inc., an Idaho corporation ("Lessor") and Lance Funk and Kris Pratt (collectively "Lessee"). Lessor and Lessee are referred to herein individually as a "party" and collectively as the "parties."

1. **Leased Property.** Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, all of Idaho water right nos. 35-2391 and 35-7777 (the "Water Rights").

2. **Term.** This Lease shall be for a term of one irrigation season, commencing April 1, 2021, and terminating November 1, 2021 ("Lease Term"). This Lease shall automatically terminate at the end of the Lease Term unless the parties agree in writing to extend this Lease.

3. **Rent.** Lessee shall pay rent to Lessor in the total amount of \$20,000. Rent shall be paid on or before November 15, 2021 ("Rent Due Date"). Rent paid under this Lease shall constitute all rent due under the application that Lessee files with the Idaho Water Supply Bank (the "Bank") under section 5 of this Lease.

4. **Non-Use by Lessor.** Lessor will not use the Water Rights during the Lease Term. Lessee will prepare, and Lessor will sign, an application to lease the Water Rights to the Bank during the Lease Term for use by Lessee. Lessee shall prepare the application and pay the application filing fee at Lessee's expense. Lessee shall provide to Lessor a copy of the filed application.

5. **Use by Lessee.**

5.1. Lessee shall use the Water Rights on land owned by Lessee by renting the Water Rights from the Bank. Lessee shall at its expense prepare and submit its rental application and pay all administrative fees charged by the Bank in connection therewith. Lessee assumes all risk that the Bank may deny the application or require Lessee to forfeit use of a portion of the Water Rights as mitigation as a condition of approval. Lessee shall provide to Lessor a copy of the filed application and any ensuing rental contract approved by the Bank.

5.2. Lessee shall comply with all applicable federal, state and local laws and all rules and regulations applicable to the Water Rights. Lessee shall do all things necessary to ensure that the Water Rights are not subject at any time to any claim or determination of forfeiture, abandonment, or reduction in transferable quantity based on Lessee's use or non-use of the Water Rights during such Lease Term.

5.3. Lessee has no right to farm or otherwise use or occupy the land of Lessor to which the Water Rights are appurtenant.

6. **Lessor Representations.** Lessor represents that it is the true and lawful owner of the Water Rights; that the Water Rights have not lapsed, been abandoned, or forfeited, either in whole or in part as a result of any action or inaction of Lessor; that nothing restricts or precludes Lessor from entering into this Lease; and Lessor has no knowledge of any reason why Lessee may not use the described Water Rights for the purposes contemplated by this Lease. Lessor makes no representation that the Bank will approve the applications filed under section 4 or section 5 of this Lease.

7. **Indemnification of Lessor.** Lessee agrees to indemnify and hold harmless Lessor from any and all claims and demands, including legal attorney fees and costs, which may arise directly or indirectly as a result of this Lease or the lease of the Water Rights pursuant to this Lease.

8. **Breach.** If either party breaches this Lease and such defaults are not cured within 30 days after receipt of written notice thereof, the non-breaching party, at their option, may elect to terminate this Lease and recover any damages or pursue any other remedy available under Idaho law by reason of such breach. In the event either party brings an action to enforce this Lease, the prevailing party shall be entitled to recover its reasonable attorney fees and costs.

9. **Assignment.** This Agreement may be assigned by Lessor but may not be assigned by Lessee without the express written consent of Lessor.

10. **Binding Effect.** This Lease shall be binding upon the parties and their respective heirs, successors, and assigns

11. **Notices.** Any notice required to be given hereunder by either party to the other shall be given in writing by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed communicated as of the date of personal delivery or three (3) days after the date of mailing. Notices shall be addressed as set forth below, but each party may change the address set forth below by written notice to the other party in accordance with this paragraph.

To Lessor:     Name  
                    Address

With copy to:   Name  
                         Address

To Lessee:     Bob Knudsen  
                    Knudsen Poor Farms, Inc.  
                    98 Fort Hall Avenue  
                    American Falls, Idaho 83211

With copy to:   Thomas J. Budge  
                         Racine Olson, PLLP  
                         201 East Center; P.O. Box 1391  
                         Pocatello, Idaho 83204-1391

12. **No Third-Party Beneficiaries.** This Lease is entered into by, and intended solely for the benefit of, Lessor and Lessee, and no other person or entity, public or private, shall have any right, title, interest or benefit in this Lease or the Water Rights leased hereby.

[End of Lease; Signature Pages Below]

Lessor: Knudsen Door Farms, Inc.

By:

Bob Knudsen, Jr., President

Date:

12 March 2021

Lessee:

Lance Funk

Date:

12 March 2021

Kris Pratt

Date:

12 March 2021

## Lance Funk

---

**From:** Greg Sullivan <greg.sullivan@brockwayeng.com>  
**Sent:** Wednesday, June 09, 2021 2:31 PM  
**To:** 'Lance Funk'  
**Subject:** FW: Funk Rental 543  
**Attachments:** Funk Rental 543.pdf

RECEIVED

JUN 11 2021

DEPARTMENT OF  
WATER RESOURCES

Lance,

Please sign the attached document and send in a check for \$1,520.00.

Email me a signed copy of the rental agreement and check.

Thanks,

Greg Sullivan  
Brockway Engineering  
2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301  
208-736-8543

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Veibell, Amanda [<mailto:Amanda.Veibell@idwr.idaho.gov>]  
**Sent:** Wednesday, June 09, 2021 2:05 PM  
**To:** Greg Sullivan <[greg.sullivan@brockwayeng.com](mailto:greg.sullivan@brockwayeng.com)>  
**Subject:** Funk Rental 543

Good Afternoon.

See the attached rental being mailed to your client.

If you have questions regarding the rental itself, please contact a representative in the bank at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov).

Thank you.

**Amanda Johnson-Veibell**

Technical Records Specialist I  
Idaho Dept Water Resources  
PO Box 83720 Boise ID 83720-0098  
208-287-4945



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 9, 2021

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

LANCE FUNK FARMS  
PO BOX 310  
AMERICAN FALLS, ID 83211

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 35-2391 & 35-7777, AGREEMENT 543

\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\*

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$15,200.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 760.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$15,200.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$15,200.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or (208) 287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

## Memorandum

**To:** Water Supply Bank Rental Application 2037  
**From:** Remington Buyer  
**Date:** April 23, 2021  
**Re:** Water Supply Bank Rental Applications for Lance Funk for 2021

**Purpose/Narrative:** On March 22, 2021, the Department received through Greg Sullivan of Brockway Engineering a rental applications for Lance Funk, requesting an authorization to irrigate approximately 247 acres in Power County. In past years, Mr. Funk has been irrigating these grounds under prior Water Supply Bank rental approvals, as the lands do not feature appurtenant irrigation water rights. Earlier this year, Mr. Funk submitted rental applications 1965, 1966 and 1967 to authorize irrigation of these same acres. However, only rental application 1967 was approvable. Rental application 2037 is thus being submitted to authorize the remaining balance of acreage that is not already authorized to be irrigated under Mr. Funk's water rights.

Per information provided by the applicant, the center-pivot irrigation system used by Mr. Funk to irrigate these lands can operate at a rate of 5.3 gallons per minute, per acre (5 gpm/ac), which is equivalent to 0.011 cfs/ac. This is an unconventionally low per-acre diversion rate. However, the applicant has provided irrigation system information that indicates this per-acre diversion rate is acceptable, and the 0.011 cfs/acre diversion rate will be considered as the basis for the water rights to be rented on this application.

**Authority to File:** The applicant owns the land where water will be diverted and used. No concerns about authority to file.

**Water Right Validity/Forfeiture Evaluation:** Water rights 35-7777 and 35-2391 are leased to the Bank and available for rental. No concerns about the validity of the water rights requested for rental.

**Injury Evaluation:** Eastern Snake River Plain Aquifer (ESPA) modeling was evaluated and no mitigation is required to rent water rights 35-7777 and 2391 at the rental place of use in 2021.

**Enlargement of Use:** No enlargement is apparent through a rental of water rights 35-7777 and 35-2391. See the table to the right for information on all water use authorized during 2021.

**Local Public Interest:** Staff are unaware of any local public interests that are averse to the rental.

### Beneficial Use/Conservation of Water

**Resources:** The rental appears consistent with the conservation of water resources in Idaho.

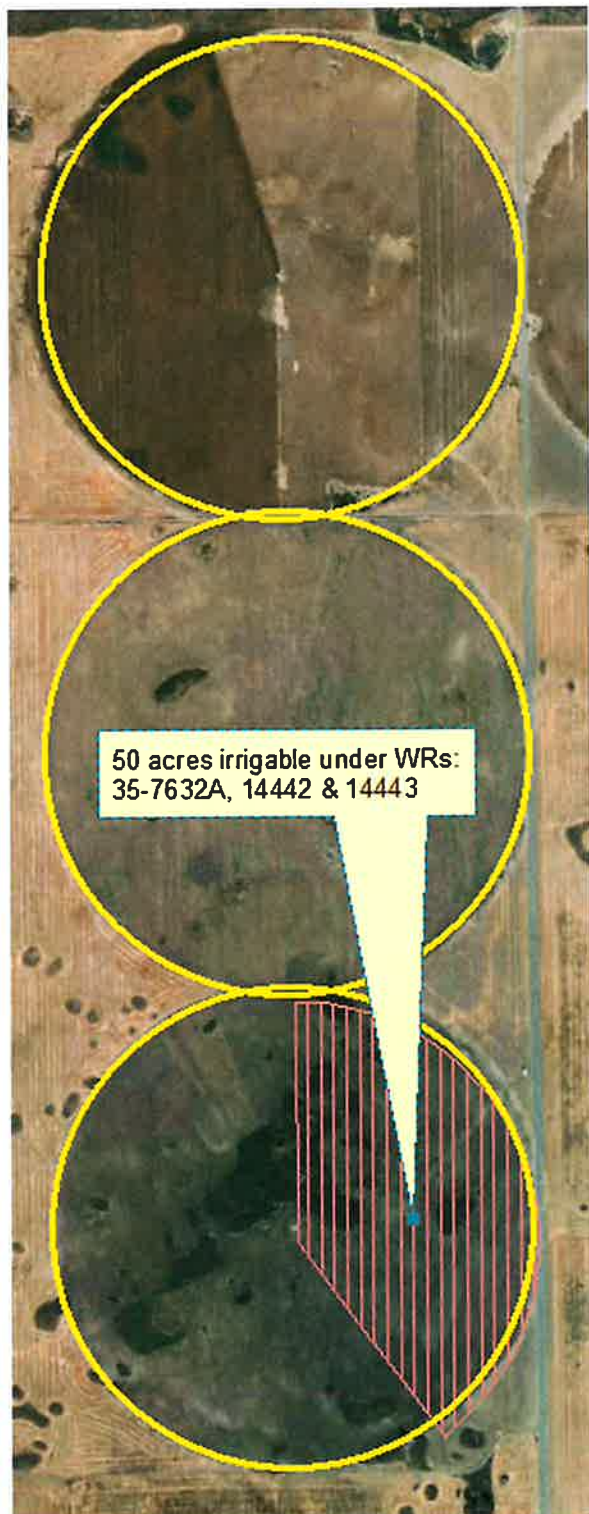
| Approval     | Water Right | Rate | Vol  | Acres | Rate/AC | Vol/AC |
|--------------|-------------|------|------|-------|---------|--------|
| Water Rights | 35-7632A    | 0.02 | 8    | 2     | 0.010   | 4.00   |
|              | 35-14442    | 0.39 | 156  | 39    | 0.010   | 4.00   |
|              | 35-14443    | 0.11 | 36   | 9     | 0.012   | 4.00   |
|              | combined    | 0.52 | 200  | 50    | 0.010   | 4.00   |
| Rental 222   | 35-7621     | 1.54 | 296  | 74    | 0.021   | 4.00   |
| Rental 505   | 43-13597    | 0.03 | 18.5 | 4.6   | 0.007   | 4.02   |
|              | 43-13595    | 0.16 | 38.7 | 9.7   | 0.016   | 3.99   |
|              | 35-7489     | 0.73 | 147  | 36.7  | 0.020   | 4.01   |
|              | combined    | 0.89 | 204  | 51    | 0.017   | 4.00   |
| Rental 543   | 35-2391     | 3.44 | 688  | 172   | 0.020   | 4.00   |
|              | 35-7777     | 0.31 | 72   | 18    | 0.017   | 4.00   |
|              | combined    | 3.75 | 760  | 190   | 0.020   | 4.00   |
| Overall      | combined    | 6.7  | 1460 | 365   | 0.018   | 4.00   |

**Department/Watermaster Comments:** Water district 120 and IDWR Eastern Region comments were requested on April 23, 2021.

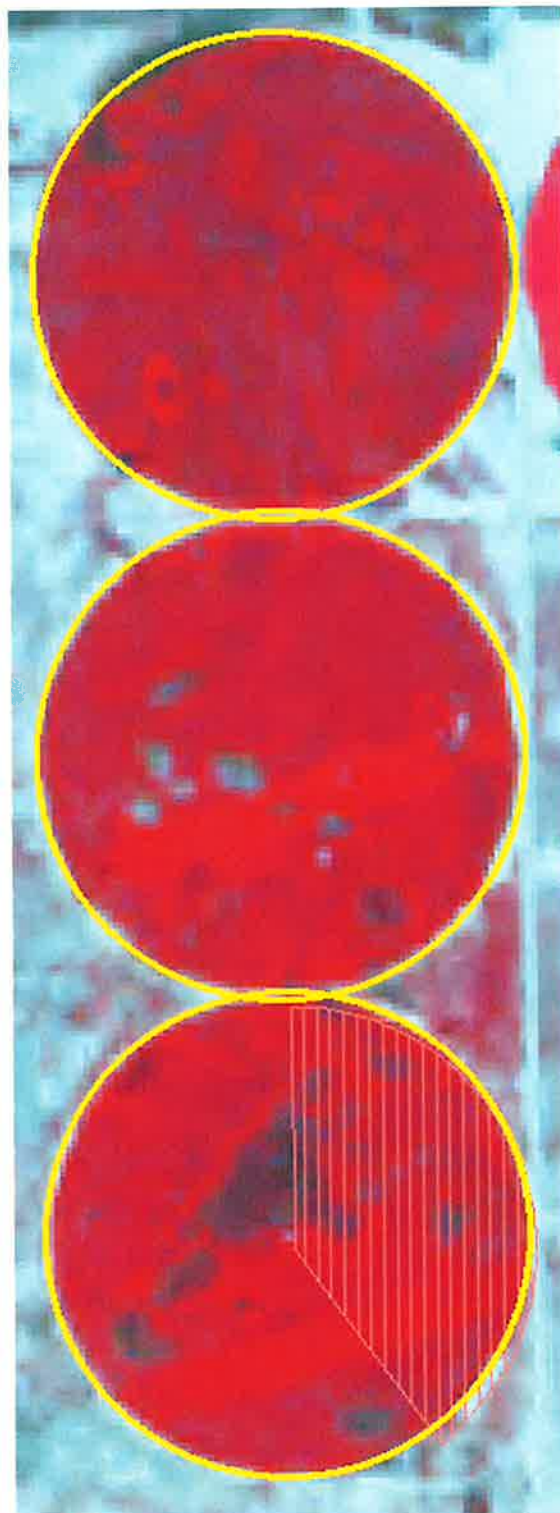
**Water Supply Bank Evaluation:** Bank staff recommend the approval of this application.

## Appendix A

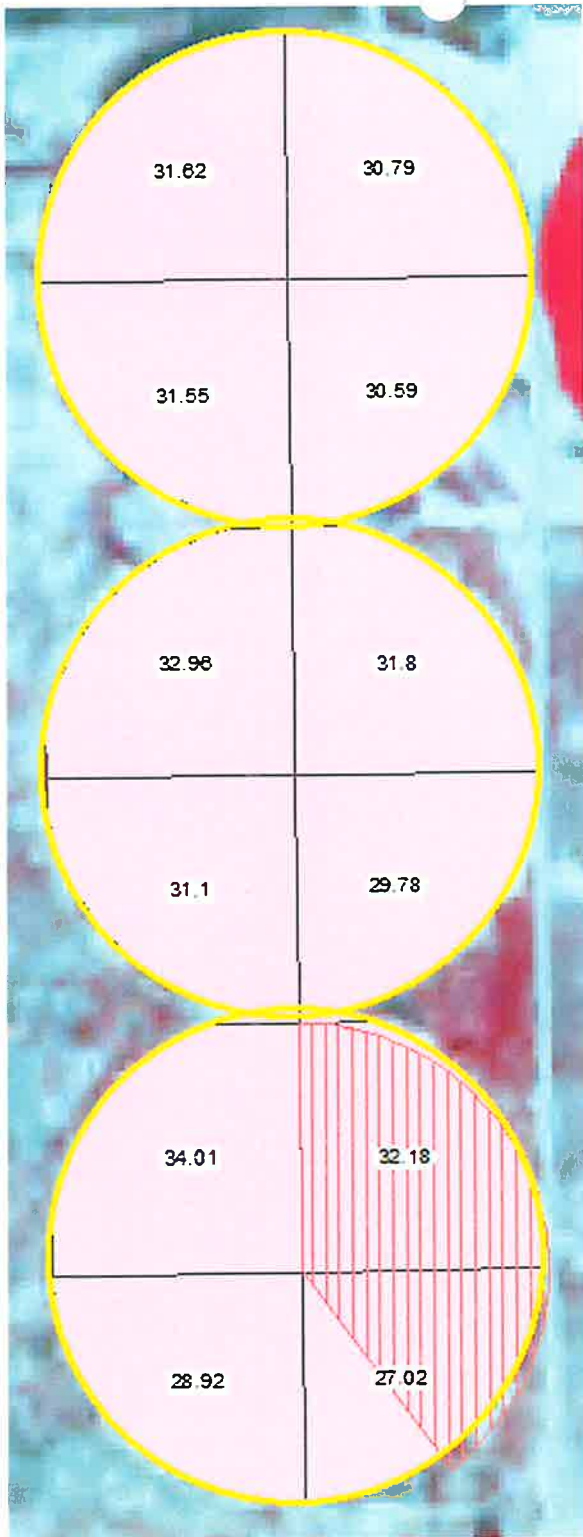
Review of past year irrigation of the rental place of use associated with rental application 2037



Satellite Imagery from 2020, Exact Date Unknown



Sentinel Satellite Imagery, July 4<sup>th</sup>, 2020



Sentinel Satellite Imagery, July 4<sup>th</sup>, 2020

Water rights 35-7362A, 35-14442 and 35-14443 authorize irrigation of 50 acres in the NE quarter of Section 30, Township 06S, Range 29E, as follows:

| WR          | Rate | Vol | Acres | Rate/AC | Vol/AC |
|-------------|------|-----|-------|---------|--------|
| 35-7362A    | 0.02 | 8   | 2.0   | 0.010   | 4.00   |
| 35-14442    | 0.39 | 156 | 39.0  | 0.010   | 4.00   |
| 35-14443    | 0.11 | 36  | 9.0   | 0.012   | 4.00   |
| combo limit | 0.52 | 200 | 50    | 0.010   | 4.00   |

| Authorized Irrigable Areas Under Water Rights 35-7362A, 35-14442 and 35-14443 |     |     |    |      |    |    |    |      |    |    |    |           |               |       |
|-------------------------------------------------------------------------------|-----|-----|----|------|----|----|----|------|----|----|----|-----------|---------------|-------|
| Water Right                                                                   | T   | R   | S  | NE   |    |    |    | SE   |    |    |    | Sub-Total | Section Total | Total |
|                                                                               |     |     |    | NE   | NW | SW | SE | NE   | NW | SW | SE |           |               |       |
| All Three                                                                     | 06S | 29E | 30 | 31.4 |    |    |    | 18.6 |    |    |    | 50.0      | 50.0          | 50.0  |

The areas observed irrigated as July 4, 2020 sum to 372.4 acres, of which 50 acres were authorized to be irrigated under water rights 35-7362A, 14442 and 14443, leaving a balance of 322.4 acres, which were authorized under prior Water Supply Bank rentals, as follows:

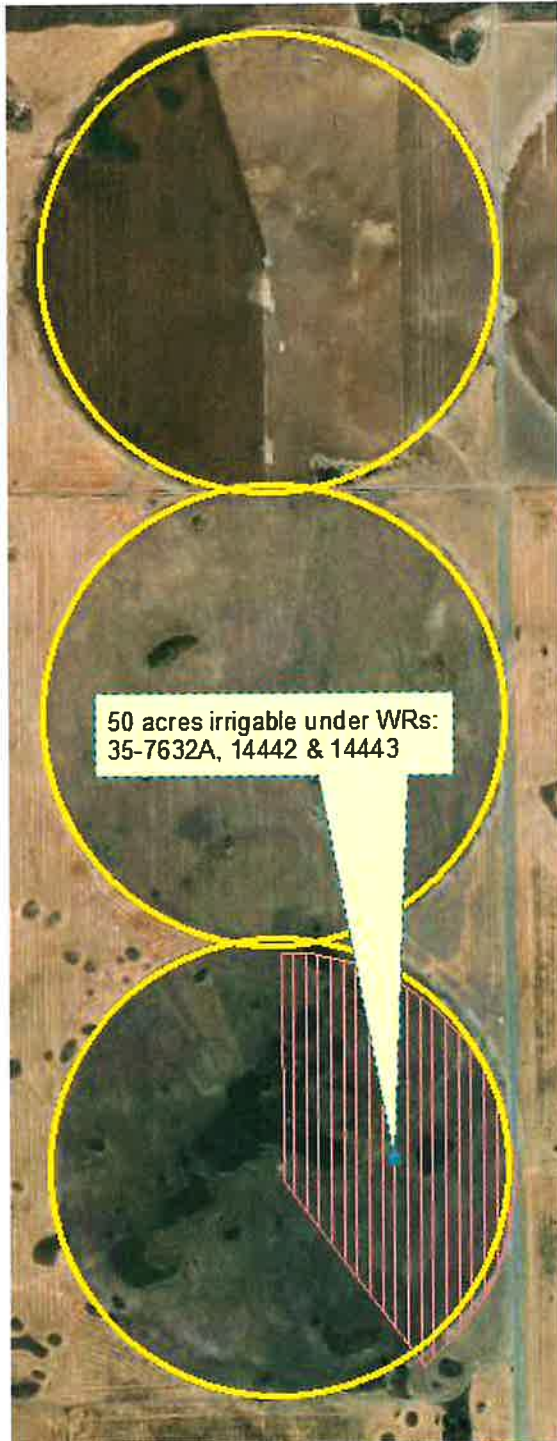
| Areas Observed Irrigated in 2020 |     |     |    |      |      |      |      |      |      |      |      |           |               |       |
|----------------------------------|-----|-----|----|------|------|------|------|------|------|------|------|-----------|---------------|-------|
| Water Right                      | T   | R   | S  | NE   |      |      |      | SE   |      |      |      | Sub-Total | Section Total | Total |
|                                  |     |     |    | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |           |               |       |
|                                  | 06S | 29E | 19 | 30.8 | 31.6 | 31.6 | 30.6 | 31.8 | 33.0 | 31.1 | 29.8 | 250.3     | 250.3         | 372.4 |
|                                  | 06S | 29E | 30 | 32.2 | 34.0 | 28.9 | 27.0 |      |      |      |      | 122.1     | 122.1         |       |

| Areas Observed Irrigated in 2020, Not Under Water Rights 35-7362A, 35-14442 and 35-14443 |     |     |    |      |      |      |      |      |      |      |      |           |               |       |
|------------------------------------------------------------------------------------------|-----|-----|----|------|------|------|------|------|------|------|------|-----------|---------------|-------|
| Water Right                                                                              | T   | R   | S  | NE   |      |      |      | SE   |      |      |      | Sub-Total | Section Total | Total |
|                                                                                          |     |     |    | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |           |               |       |
|                                                                                          | 06S | 29E | 19 | 30.8 | 31.6 | 31.6 | 30.6 | 31.8 | 33.0 | 31.1 | 29.8 | 250.3     | 250.3         | 322.4 |
|                                                                                          | 06S | 29E | 30 | 0.8  | 34.0 | 28.9 | 8.4  |      |      |      |      | 72.1      | 72.1          |       |

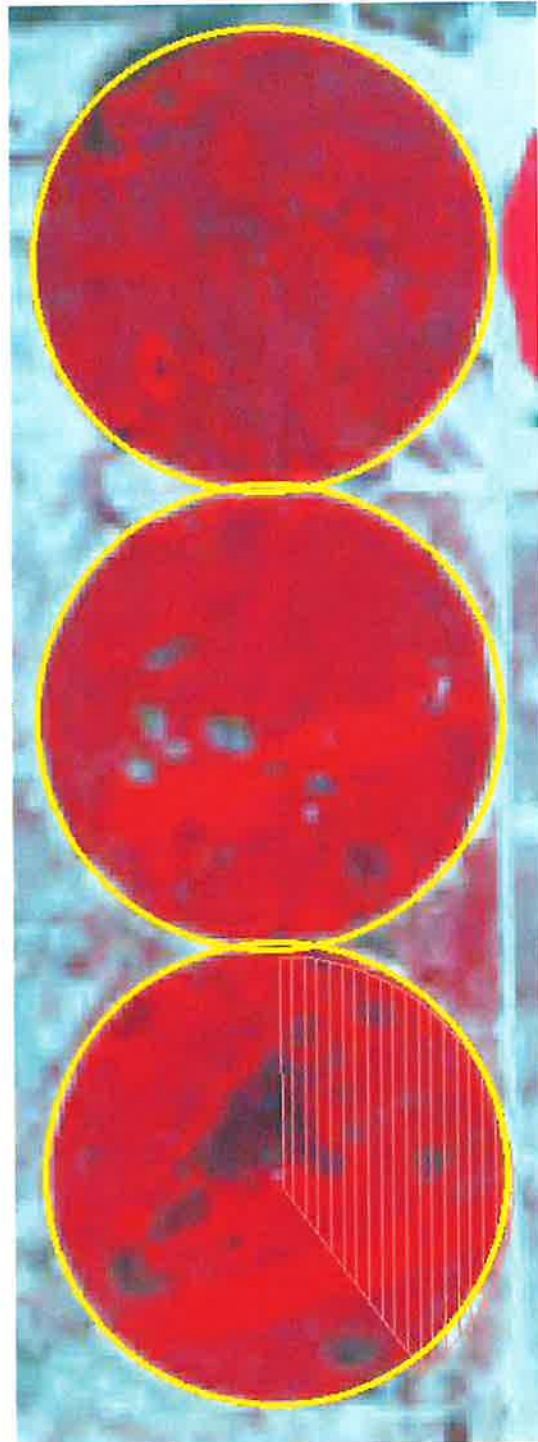
The approximately 322 acres observed as irrigated will be irrigated through application 2037/agreement 543, in conjunction with agreements 222 and 505, as follows:

| Maximum Irrigation Authorized Under Water Supply Bank Rental Approvals |     |     |    |      |      |      |      |      |      |      |      |           |                   |       |
|------------------------------------------------------------------------|-----|-----|----|------|------|------|------|------|------|------|------|-----------|-------------------|-------|
| WSB Approval                                                           | T   | R   | S  | NE   |      |      |      | SE   |      |      |      | Sub-Total | Section Sub-Total | Total |
|                                                                        |     |     |    | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |           |                   |       |
| Agmt 222                                                               | 06S | 29E | 19 | 30.6 | 30.5 | 6.5  | 6.4  |      |      |      |      | 74.0      | 248.0             | 323.0 |
| Agmt 505                                                               | 06S | 29E | 19 |      |      | 26.0 | 25.0 |      |      |      |      | 51.0      |                   |       |
|                                                                        | 06S | 29E | 19 |      |      |      |      | 31.0 | 32.0 | 31.0 | 29.0 | 123.0     |                   |       |
| Agmt 543                                                               | 06S | 29E | 30 |      |      | 31.0 | 31.0 | 13.0 |      |      |      | 75.0      | 75.0              |       |

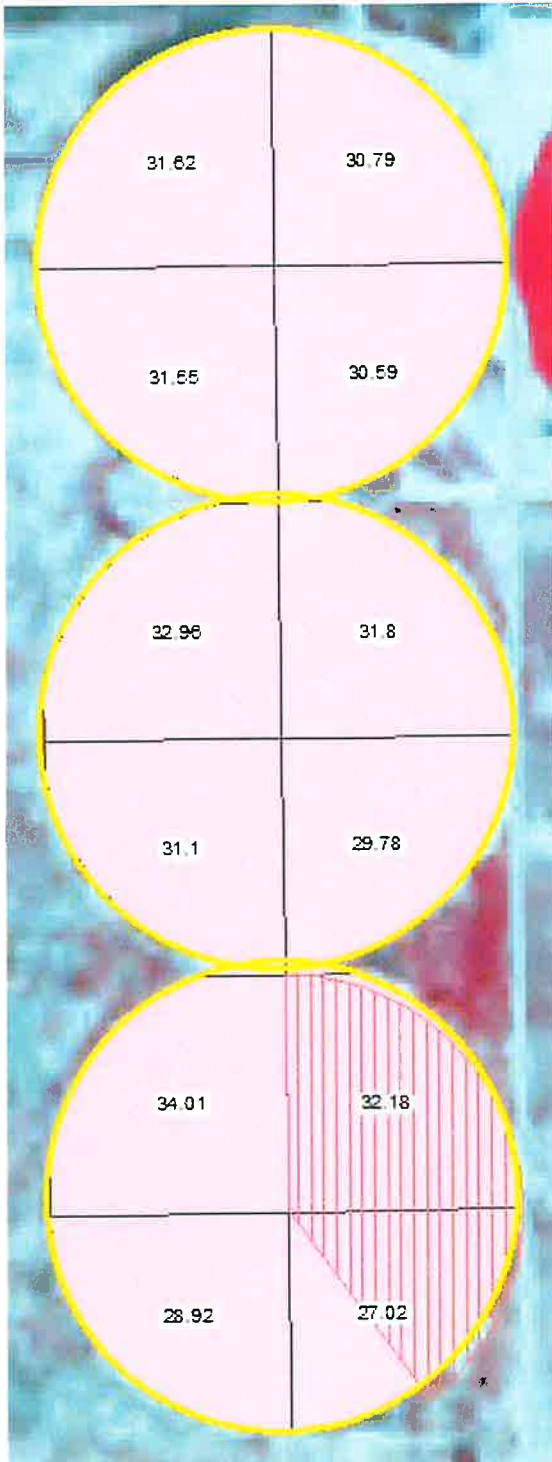
Review of rental place of use for applications 1946, 1947 and 1948



Satellite Imagery from 2020, Exact Date Unknown



Sentinel Satellite Imagery, July 4<sup>th</sup>, 2020



Sentinel Satellite Imagery, July 4<sup>th</sup>, 2020

Water rights 35-7362A, 35-14442 and 35-14443 authorize irrigation of 50 acres in the NE quarter of Section 30, Township 06S, Range 29E, as follows:

| WR          | Rate | Vol | Acres | Rate/AC | Vol/AC |
|-------------|------|-----|-------|---------|--------|
| 35-7362A    | 0.02 | 8   | 2.0   | 0.010   | 4.00   |
| 35-14442    | 0.39 | 156 | 39.0  | 0.010   | 4.00   |
| 35-14443    | 0.11 | 36  | 9.0   | 0.012   | 4.00   |
| combo limit | 0.52 | 200 | 50    | 0.010   | 4.00   |

| Authorized Irrigable Areas Under Water Rights 35-7362A, 35-14442 and 35-14443 |     |     |    |      |    |    |      |    |    |    |    |           |               |       |
|-------------------------------------------------------------------------------|-----|-----|----|------|----|----|------|----|----|----|----|-----------|---------------|-------|
| Water Right                                                                   | T   | R   | S  | NE   |    |    |      | SE |    |    |    | Sub-Total | Section Total | Total |
|                                                                               |     |     |    | NE   | NW | SW | SE   | NE | NW | SW | SE |           |               |       |
| All Three                                                                     | 06S | 29E | 30 | 31.4 |    |    | 18.6 |    |    |    |    | 50.0      | 50.0          | 50.0  |

The areas observed irrigated as July 4, 2020 sum to 372.4 acres, of which 50 acres were authorized to be irrigated under water rights 35-7362A, 14442 and 14443, leaving a balance of 322.4 acres, which were authorized under prior Water Supply Bank rentals, as follows:

| Areas Observed Irrigated in 2020 |     |     |    |      |      |      |      |      |      |      |      |           |               |       |
|----------------------------------|-----|-----|----|------|------|------|------|------|------|------|------|-----------|---------------|-------|
| Water Right                      | T   | R   | S  | NE   |      |      |      | SE   |      |      |      | Sub-Total | Section Total | Total |
|                                  |     |     |    | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |           |               |       |
|                                  | 06S | 29E | 19 | 30.8 | 31.6 | 31.6 | 30.6 | 31.8 | 33.0 | 31.1 | 29.8 | 250.3     | 250.3         | 372.4 |
|                                  | 06S | 29E | 30 | 32.2 | 34.0 | 28.9 | 27.0 |      |      |      |      | 122.1     | 122.1         |       |

| Areas Observed Irrigated in 2020, Not Under Water Rights 35-7632A, 35-14442 and 35-14443 |     |     |    |      |      |      |      |      |      |      |      |           |               |       |
|------------------------------------------------------------------------------------------|-----|-----|----|------|------|------|------|------|------|------|------|-----------|---------------|-------|
| Water Right                                                                              | T   | R   | S  | NE   |      |      |      | SE   |      |      |      | Sub-Total | Section Total | Total |
|                                                                                          |     |     |    | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |           |               |       |
|                                                                                          | 06S | 29E | 19 | 30.8 | 31.6 | 31.6 | 30.6 | 31.8 | 33.0 | 31.1 | 29.8 | 250.3     | 250.3         | 322.4 |
|                                                                                          | 06S | 29E | 30 | 0.8  | 34.0 | 28.9 | 8.4  |      |      |      |      | 72.1      | 72.1          |       |

Of the approximately 322 acres observed as irrigated, it appears that 321 acres can be irrigated under Water Supply Bank Agreement 222, and Applications 1965, 1966 and 1967, as follows:

| Areas Observed Irrigated in 2020, To Be Irrigated Under Rental Applications 1965, 1966 & 1967 |     |     |    |      |      |     |      |      |      |      |       |           |               |       |
|-----------------------------------------------------------------------------------------------|-----|-----|----|------|------|-----|------|------|------|------|-------|-----------|---------------|-------|
| WSB App                                                                                       | T   | R   | S  | NE   |      |     |      | SE   |      |      |       | Sub-Total | Section Total | Total |
|                                                                                               |     |     |    | NE   | NW   | SW  | SE   | NE   | NW   | SW   | SE    |           |               |       |
| Agmt 222                                                                                      | 06S | 29E | 19 | 30.6 | 30.5 | 6.5 | 6.4  |      |      |      |       | 74.0      | 250.0         | 320.9 |
| App 1965                                                                                      |     |     |    |      |      |     | 31.0 | 32.0 | 31.0 | 29.0 | 123.0 |           |               |       |
| App 1966                                                                                      |     |     |    |      |      |     |      | 3.0  |      |      |       | 3.0       |               |       |
| App 1967                                                                                      |     |     |    |      |      |     | 25.0 | 25.0 |      |      |       | 50.0      |               |       |
| App 1965                                                                                      | 06S | 29E | 30 | 31.0 | 31.0 | 8.9 |      |      |      |      | 70.9  | 70.9      |               |       |

| Areas Observed Irrigated in 2020, Not Addressed by Existing WRs or WSB Approvals |     |     |    |     |     |      |      |     |     |     |     |           |               |       |
|----------------------------------------------------------------------------------|-----|-----|----|-----|-----|------|------|-----|-----|-----|-----|-----------|---------------|-------|
| Water Right                                                                      | T   | R   | S  | NE  |     |      |      | SE  |     |     |     | Sub-Total | Section Total | Total |
|                                                                                  |     |     |    | NE  | NW  | SW   | SE   | NE  | NW  | SW  | SE  |           |               |       |
|                                                                                  | 06S | 29E | 19 | 0.2 | 1.1 | 0.1  | -3.8 | 0.8 | 1.0 | 0.1 | 0.8 | 0.3       | 0.3           | 1.5   |
|                                                                                  | 06S | 29E | 30 | 0.8 | 3.0 | -2.1 | -0.5 |     |     |     |     | 1.2       | 1.2           |       |

The approximately 1.5 acre difference between what was observed as irrigated, and what will be authorized for irrigation through WSB Applications 1965, 1966 and 1967, as well as ongoing Agreement 222, is negligible.

**Buyer, Remington**

---

**From:** Buyer, Remington  
**Sent:** Friday, April 23, 2021 4:21 PM  
**To:** Cefalo, James; Jordan, Blake  
**Subject:** Lance Funk Rental Application 2037  
**Attachments:** Rental Review Memo - Rental Application 2037.docx; Draft Rental Agreement 505.docx; Rental Agreement 505.pdf

Blake, James,

Lance Funk has requested to rent water rights 35-7777 and 35-2391, to authorize the irrigation of 276 acres of lands belonging to him in Power County. The review memo, map and draft agreement are attached.

Please advise if you have any questions, comments or concerns.

Thanks,

Remington