

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1361

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: GRANDVIEW RANCH LLC
266 W BRIDGE
BLACKFOOT, ID 83221

RECEIVED
MAY 07 2021
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 03, 2021.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
35-7489	3/14/1975	GROUND WATER	0.73	146.8	36.7
Combined Lease Totals			0.73	146.8	36.7

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1361

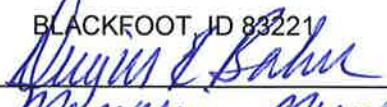
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1361

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: GRANDVIEW RANCH LLC
266 W BRIDGE
BLACKFOOT, ID 83221

By 
Title Managing Member
Date 5-4-21

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 5/7/21

Lease approved by IDWR



Date 5/7/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1361

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 35-7489

GROUND WATER	NENWSW	Sec. 36	Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36	Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	SWSNW	Sec. 31	Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NESESW	Sec. 25	Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENENW	Sec. 31	Twp 03S	Rge 32E	BINGHAM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-7489	IRRIGATION	04/01	to	10/31	0.73 cfs	146.8 AF
Totals:					0.73 cfs	146.8 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	
03S	31E	25									6.7					6.6			13.3
03S	31E	36			5.9	5.7									5.8	6.0			23.4

Total Acres: 36.7

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
- While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
- A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
- Acceptance of a right into 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1361

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The unleased extent of water right 35-7489 is limited to a diversion rate of 2.62 cfs and 523.6 af for the irrigation of 130.9 acres.
13. The unleased extent of water rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-14181 when combined shall not exceed a total diversion rate of 16.80 cfs, a total annual maximum diversion volume of 4,773.6 af at the field headgate, and the irrigation of 1,201.9 acres.
14. 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.
15. 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.
16. 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.
17. 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.

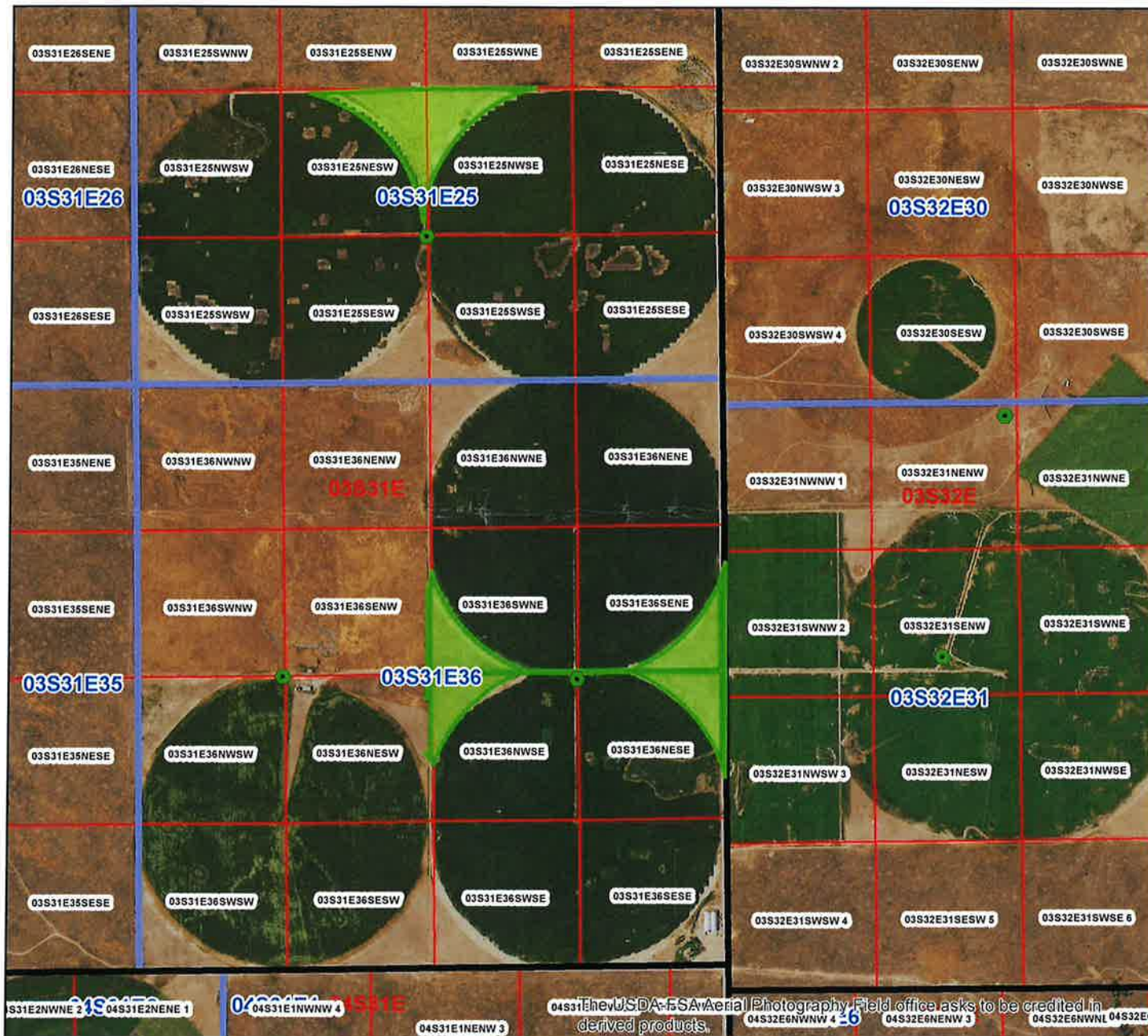
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1361

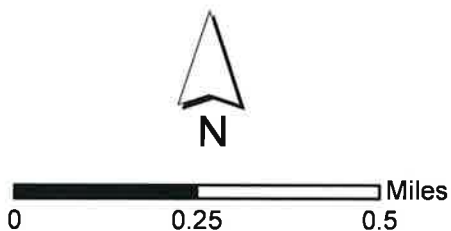
35-7489

Effective until December 31, 2025

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 03 2021

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant Grandview Ranch LLC

(Select one owner – see item 1A on the application)

Water Right No. 35-7489

(One water right per application)

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

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.☐ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

1A ☐ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.4A ☒ ☐ Written consent from irrigation district or water delivery company.4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ 250 -Received By: KuDate Received: 2.3.21Receipt # C109878W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Grandview Ranch LLC

1964

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Grandview Ranch LLC

Mailing Address 266 W Bridge Blackfoot, Idaho 83221

Street

City

State

Zip Code

Email Address debaker@bakerharrislaw.com

Phone Number 208-681-2611

☐ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
Existing wells, mainlines and delivery systems.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 35-7488, 35-2685, 35-13046, 35-2599, 35-14181

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Full irrigation occurred under these 36.7 acres in 2015. See the 2015 aerial map.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?
If lease, specify the years when the use of water will be suspended: 2021 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

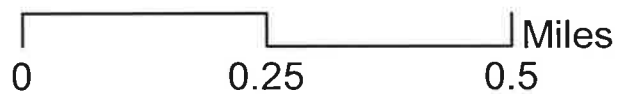
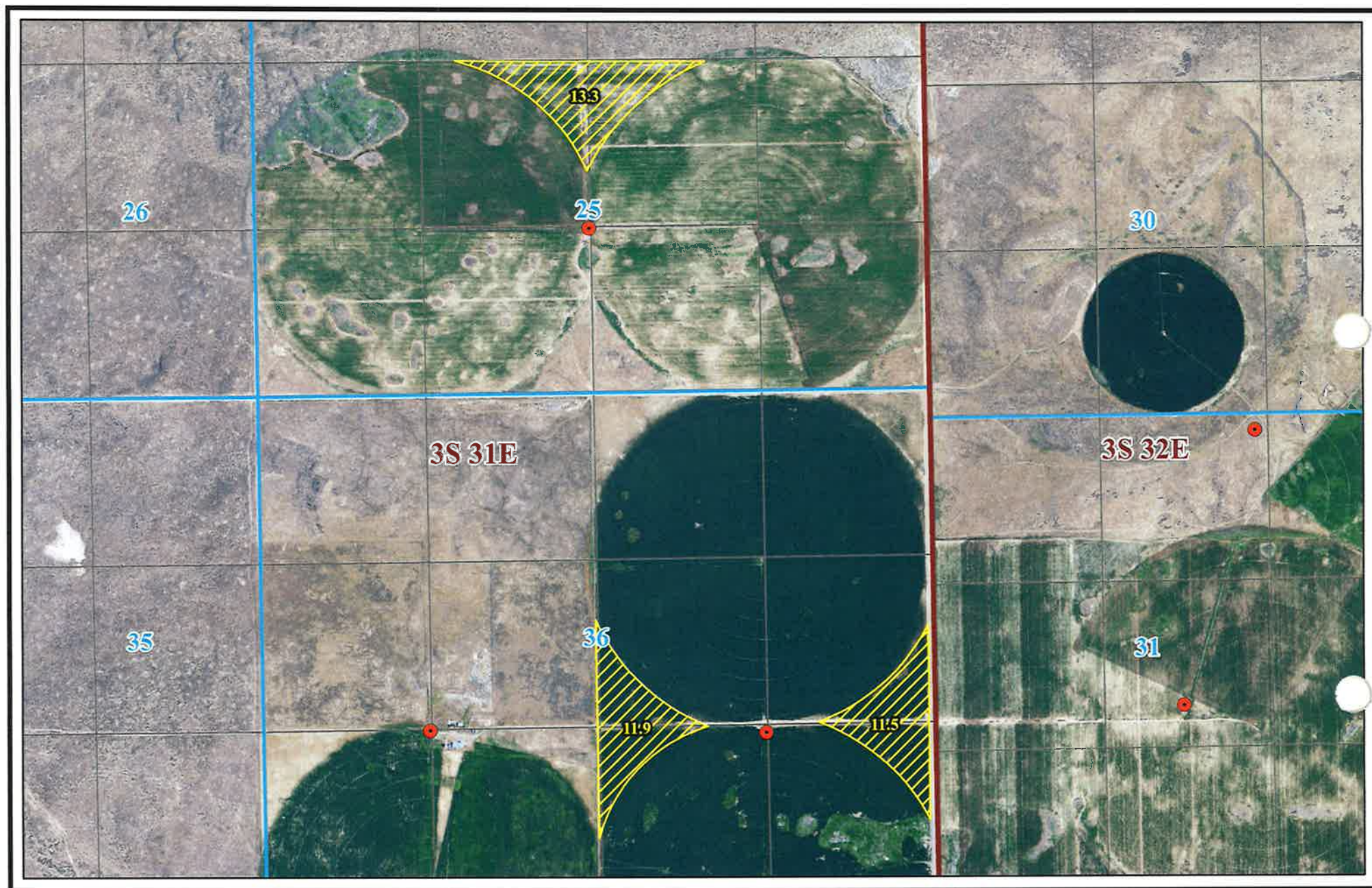
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
35-7489	Irrigation	0.73	146.8	36.7
	Total Amounts:	0.73	146.8	36.7

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
31E	03S	25		NE	SE	SW	Bingham
31E	03S	36		NE	NW	SW	Bingham
31E	03S	36		NE	NW	SE	Bingham
32E	03S	31		NE	NE	NW	Bingham
32E	03S	31		SW	SE	NW	Bingham



**GRANDVIEW RANCH LLC
LEASE ACRES
NAIP 2015 AERIAL**

Legend

- Wells
- Lease Acres



0003996775

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003996775

Date Filed: 9/4/2020 11:52:12 AM

Entity Name and Mailing Address:

Entity Name: GRANDVIEW RANCH, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000114980

Address: DWIGHT BAKER
266 W BRIDGE ST
BLACKFOOT, ID 83221-2109

Entity Details:

Entity Status: Active-Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W34089

The registered agent on record is:

Registered Agent: DWIGHT E BAKER
Registered Agent
Physical Address
266 W BRIDGE
BLACKFOOT, ID 83221
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Dwight E Baker	Manager	266 W BRIDGE STREET BLACKFOOT, ID 83221
James W Baker	Member	1055 SW ENGLEWOOD DRIVE LAKE OSWEGO, OR 97034

The annual report must be signed by an authorized signer of the entity.

Dwight E Baker

Sign Here

09/04/2020

Date

Job Title: Manager

B0537-6232 09/04/2020 11:52 AM Received by ID Secretary of State Lawrence Denney

**STATE OF IDAHO
WATER RESOURCE BOARD**

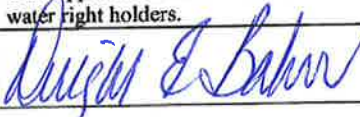
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 35-7489

	Designated Applicant	Applicant #2	Applicant #3
Name	Grandview Ranch LLC		
Mailing Address	266 W Bridge Blackfoot ID 83221		
Phone Number	208-681-2611		
Email Address	debaker@bakerharrisllaw.com		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			



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 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 13, 2021

GRANDVIEW RANCH LLC
266 W BRIDGE
BLACKFOOT, ID 83221

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1361
FOR WATER RIGHTS 35-7489**

Dear Lessor:

Water right **35-7489** were leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2025**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region
Greg Sullivan – Brockway Engineering



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 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 28, 2021

GRANDVIEW RANCH LLC
266 W BRIDGE
BLACKFOOT, ID 83221

RE: APPLICATION TO LEASE WATER RIGHT 35-7489 TO THE WATER SUPPLY BANK
CONTRACT 1361

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2021**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

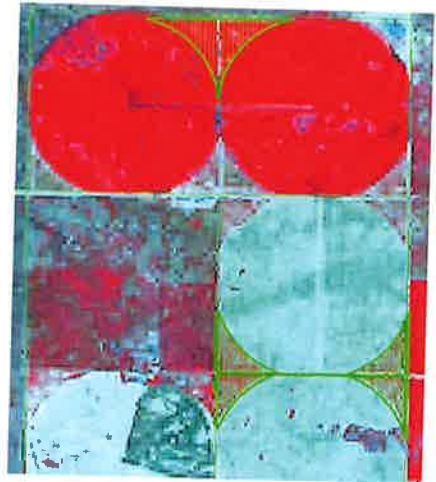
Memorandum

To: Water Right 35-7489
From: Remington Buyer
Date: March 22, 2021
Re: Water Supply Bank Lease Application 1964

Purpose/Narrative: The Department received an application to lease a portion of water right 35-7489 to the Water Supply Bank on February 2, 2021, submitted on behalf of Grandview Ranch LLC, by Greg Sullivan of Brockway Engineering. The lease is for 36.7 acres of irrigable land associated with water right 35-7489 and the purpose of the lease is to facilitate a rental by Lance Funk (rental application 1967).

Authority to File: The application was signed by Dwight E. Baker who is a registered agent and manager of Grandview Ranch LLC. The land under the water rights belong to Grandview Farms, and the farm has the same recorded mailing address as Grandview Ranch. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The acres proposed to be leased were vegetated in 2015 and 2016. The image immediately to the right depicts vegetation observed on June 5, 2016. The acres proposed for lease do not appear to have been actively irrigated since 2016, and a 2021 lease can protect them against forfeiture through non-use moving forward. No concerns about water right validity.



Sentinel Satellite Imagery, June 5, 2016

Injury Evaluation: No injury is apparent through the lease. Proper rental review should guard against enlargement.

Enlargement of Use: Water right 35-7489 is one of six water rights that collectively authorize the irrigation of 1,238.6 acres of land, within a 1,550.5 acres common permissible place of use (PPU), as follows:

Water Rights	Priority	Use	Rate	Vol	Acres	Rate/AC	Vol/AC
35-2599	7/26/1960	Irrigation	2.01	854	222	0.009	3.8
35-2685	8/14/1961	Irrigation	3.66	1104	276	0.013	4.0
35-7489	3/14/1975	Irrigation	3.35	670.4	167.6	0.020	4.0
35-7488	3/14/1975	Irrigation	4.24	1168	292	0.015	4.0
35-14181	8/12/1976	Irrigation	4.35	976	244	0.018	4.0
35-13046	5/1/1979	Irrigation	0.44	148	37	0.012	4.0
combined limited elements			17.61	4,920.4	1238.6	0.014	4.0
additive elements			18.05	4,920.4	1238.6	0.015	4.0
difference			-0.44	0	0		

The lease is for 36.7 acres of the entire PPU, and it is possible for the full 36.7 acres to be leased into the Bank under water right 35-7489, without causing enlargement, provided, the combined limited diversion rate and volume for the unleased water rights is limited to 16.88 cfs and 4,773.6 af, for the irrigation of a maximum of 1,201.9 acres, as follows:

Description	Rate	Vol	Acres	Rate/AC	Vol/AC
leased extent of 35-7489	0.730	146.8	36.7	0.020	4.0
unleased extent of 35-7490	2.620	523.6	130.9	0.020	4.0
unleased combined limit	16.880	4,773.6	1,201.9	0.014	4.0

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

Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Comments were requested on March 22, 2021.

Water Supply Bank Evaluation: Staff recommend the lease as proposed.

[Reply all](#) | [Delete](#) [Junk](#) | [...](#)

Re: Lance Funk Rental Application 1967

**Buyer, Remington**

Today, 4:12 PM

Jordan, Blake; Cefalo, James

[Reply all](#) | [...](#)

Sent Items

Draft Lease Contract.docx
243 KB**Lease Map.pdf**
1 MB**Lease Review M**
2 MB[Show all 3 attachments \(4 MB\)](#) [Download all](#)

Gentlemen,

Looks like I put the cart before the horse on my prior email to you. As part of the basis of rental application 1967, Mr. Funk is seeking a rental of a portion of water right 35-7489 from Grandview Ranch LLC. I neglected to include in my prior email to you the lease review memo, map and draft approval for a lease of water right 35-7489. Sorry about that.

Attached to this email are the records for the lease of a portion of 35-7489 from Grandview Ranch LLC through WSB lease application 1964. Please advise if you have any questions, comments or concerns about this lease proposal.

Thank you,

Remington

From: Buyer, Remington
Sent: Monday, March 22, 2021 2:48:49 PM
To: Jordan, Blake; Cefalo, James
Subject: Lance Funk Rental Application 1967

Blake, James,

Lance Funk has submitted three rental applications (1965, 1966 and 1967), to irrigate portions of three pivots near American Falls Reservoir. Due to problems with ESPA ground water modeling, two of the three rental applications are not yet processable. However, we can finalize rental application 1967. Attached to this email are my review memo, map and draft approval for application 1967.

Please advise if you have any questions, comments or concerns about this rental application.

Thank you,

Remington



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
FEB 03 2021
DEPARTMENT OF
WATER RESOURCES

January 28, 2021

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

Re: Water Right 35-7489

Dear Mr. Buyer:

Grandview Ranch LLC desires to lease 36.7 acres of 35-7489 into the Idaho Water Supply Bank for 2021, 2022, 2023, 2024 and 2025.

This 36.7 acres is to be leased to Lance Funk for the duration of the lease contract.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Dwight Baker

Enc: Lease Application, Aerial Map, Attachment 1A, W-9 Form, Brockway Engineering
Check # 116245 for \$250.00.

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

1964