



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 20, 2016

JEFF DUFFIN
CHANA DUFFIN
PO BOX 525
ABERDEEN ID 83210

RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 35-12912 TO THE WATER SUPPLY BANK

Dear Applicant:

Per your written request received on April 14, 2016 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications and the associated the Rental Applications for the rights listed above.

Diversion and use of water is not authorized under the returned rental application. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action. If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

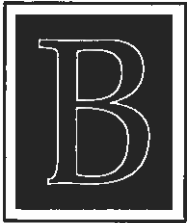
If you have any questions, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease Application(s)

C: Greg Sullivan – Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 14 2016

DEPARTMENT OF
WATER RESOURCES

April 13, 2016

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

Re: Lance Funk Rentals

Dear Mrs. Palmer:

Regarding water right rental application of 75.4 acres from 35-7618, 35-14014, 35-14015 and 35-7667.

Please see attached proposed rental POU map and ESPA model analysis regarding the rental of 35-7618, 35-14014, 35-14015 and 35-7667.

The field applicable to water right 35-7618 has not had any canal shares applied to this land in many years. In fact, at this time it is not physically possible for this land to receive water from the ASCC. Water right 35-7618 has historically been considered a primary water right by IDWR. Water right 35-7618 has been under lease contract with the Idaho Water Supply Bank for the irrigation seasons of 2013, 2014 and 2015 as a primary water right. Water right 35-7618 has been rented as a primary water right during the 2013, 2014 and 2015 irrigation seasons.

Regarding water right 35-2824 lease and rental application.

Attached to this letter is the proposed POU map and ESPA model analysis for 35-2824.

In 2013, notarized affidavits from Kip Hunter, Kyle Droghei and Geoffrey Steinmetz was provided to the Department regarding the crops grown under the allowed 121.0 acres of 35-2824 from the years 2002 through 2012. The affidavits indicate that alfalfa, pasture grass and grain crops were grown during that period.

There was an analysis performed by the Water Supply Bank in 2013 regarding the historical use of water right 35-2824. The analysis is based on the Water

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

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

2016 NORTH
WASHINGTON
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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

correctly identify the amount of acres that have historically been irrigated by 35-2824. The allowed rentable acres under 35-2824 should be adjusted to 104.9 acres.

Regarding water right 35-12912 lease and rental application.

It is recognized that 35-12912 and 35-7853B have overlapping POUs. The lease and rental of 35-12912 is formally requested to be withdrawn.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Lance Funk

Enc: Aerial Maps, ESPA Model Analysis, Affidavits, Jaxon Higgs Email Correspondence,
35-2824 Historical Water Use Analysis Spreadsheet, Water Right Information
pertaining to 35-13071, 35-7042 and 35-2308A

*Note pages 2+3 of this letter were not applicable to this file. Those pages were intentionally omitted when filed.

-CP

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 11 2015

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Jeff Duffin and Chana Duffin
(Select one owner - see item 1A on the application)

Water Right No. 35-12912
(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 \$ <u>250</u>	Received By: <u>D</u>	Date Received: <u>3/21/15</u>	Receipt # <u>C101710</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Jeff Duffin</u>	

**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 Jeff Duffin and Chana Duffin

Mailing Address PO Box 525 Aberdeen, Idaho 83210

Street City State Zip Code
Email Address Phone Number 208-221-1115

☒ 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 Wasghington St Ste 4 Twin Falls, Id 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 well, mainlines and delivery system.

- 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. 35-7853B

- 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. 35-7853B

- 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. A rate of 1.36 cfs and a volume of 312 acre feet per year have been used to provide irrigation water to the 78.0 acre place of use.

- 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: 2016 to 2016 (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.

A private agreement has been signed between the lessor and the renter of this water right. The renter will pay the \$1.70 per acre feet of volume rented.

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
Department of Water Resources

Water Right
35-7853B

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.075 0.15 0.3 Miles



**STATE OF IDAHO
WATER RESOURCE BOARD**

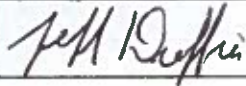
ATTACHMENT 1A

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). 35-12912

	Designated Applicant	Applicant #2	Applicant #3
Name	Jeff Duffin	Chana Duffin	
Mailing Address	PO Box 525 Aberdeen, Idaho 83210	PO Box 525 Aberdeen, Idaho 83210	
Phone Number	208-221-1115	208-221-1115	
Email Address			
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			

CONTRACT OF AGREEMENT

To Whom It May Concern,

Lance Funk and Jeff Duffin and Chana Duffin have entered into an agreement concerning water right 35-12912. Jeff Duffin and Chana Duffin will submit a lease application for 78.0 acres or 312.0 acre feet of irrigation water under 35-12912 for the 2016 irrigation season. Lance Funk intends to rent the 78.0 acres or 312.0 acre feet for the 2016 irrigation season.

Lance Funk has entered into a payment agreement with Jeff Duffin and Chana Duffin to utilize 35-12912 for the 2016 irrigation season. Therefore, Lance Funk will pay the 10% of the rental payment to the Idaho Water Supply Bank as a processing fee. Jeff Duffin and Chana Duffin will not receive any rental payment from the Idaho Water Supply Bank when 35-12912 is rented to Lance Funk during the 2016 irrigation season.

Jeff Duffin:



Date: 3-6-16

Chana Duffin:



Date: 3-6-16

Lance Funk:



Date: 3-7-16



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 8, 2016

JEFF AND CHANA DUFFIN
PO BOX 525
ABERDEEN ID 83210

RE: Water Supply Bank Lease Application – Additional Information Required 35-12912

Dear Applicant,

The Idaho Department of Water Resources received your application to lease water right 35-12912 to the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☒ Other: Water right 35-7853B overlaps the same lands covered by water right 35-12912. A review of licensing documentation for water right 35-7853 makes it clear that the two water rights are stacked and cannot be separated. To lease water right 35-12912 into the Bank, the owner of right 35-7853B must also lease it to the Bank.

The associated rental application submitted with this lease application will be placed on hold until the second lease application is submitted.

If the required information is not received within 30 days, the lease application will be returned without being processed. Additionally, the filing fee will not be refunded since the lease review has commenced.

Please contact me if you have questions regarding this matter at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau

c: Greg Sullivan-Brockway Engineering