

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: **H ALAN FUNK**  
2065 S 2800 W  
ABERDEEN ID 83210  
(208) 397-4820

has requested to lease the water right(s) listed below to 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") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

**Summary of Water Rights or Portions Leased to the Bank**

|                                   | <u>Water<br/>Right</u> | <u>Lease<br/>Rate</u> | <u>Lease<br/>Volume</u> | <u>Acre<br/>Limit</u> | <u>Total Leased<br/>Acres</u> |
|-----------------------------------|------------------------|-----------------------|-------------------------|-----------------------|-------------------------------|
|                                   | 35-8362                | 1.97 CFS              | 606.0 AF                | 151.5 AC              | 152.0 AC                      |
| <b>COMBINED<br/>LEASE TOTALS:</b> |                        | <b>1.97 CFS</b>       | <b>606.0 AF</b>         | <b>151.5 AC</b>       | <b>152.0 AC</b>               |

**TERM OF LEASE:**

Lease Begin Date: April 25, 2008

Expiration Date: October 31, 2012

**RENTAL AVAILABILITY:**

Season of Use: 04/01 to 10/31

**MINIMUM PAYMENT ACCEPTABLE:**

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 28TH day of JANUARY, 20 09

  
\_\_\_\_\_  
FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**REINSTATED**  
DEC 31 2012

**RELEASED**  
DEC 31 2015

**SCANNED**  
JAN 29 2009

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Detailed Lease Acceptance attached.

Dated this 28<sup>TH</sup> day of JANUARY, 2009

  
\_\_\_\_\_  
FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**WATER RIGHT NO. 35-8362**  
**WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

**Lessor:** H ALAN FUNK  
 2065 S 2800 W  
 ABERDEEN ID 83210  
 (208) 397-4820

**Priority Date:** 10/23/1984

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|-------------|-----------|-----------------------|-----------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.97 CFS              | 606.0 AF        |
| <b>Total:</b>         |             |           | <b>1.97 CFS</b>       | <b>606.0 AF</b> |

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

GROUND WATER    NW¼NW¼    Sec. 6    Twp 04S    Rge 31E    BINGHAM County

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** IRRIGATION

| Twp | Rge | Sec | NE |      |      |    | NW   |      |      |      | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|------|------|----|------|------|------|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 04S | 31E | 6   |    | 23.0 | 29.0 |    | 36.0 | 12.0 | 23.0 | 29.0 |    |    |    |    |    |    |    |    | 152.0  |
|     |     |     |    | L2   |      |    | L3   | L4   |      |      |    |    |    |    |    |    |    |    |        |

Total Acres: 152.0

Acre Limit within Place of Use described: 151.5

**CONDITIONS OF ACCEPTANCE**

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. 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.
3. 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 section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. 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.

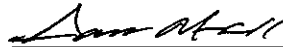
**WATER RIGHT NO. 35-8362  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

9. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, 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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. Use of water under this right will 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.

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.

Dated this 28<sup>TH</sup> day of JANUARY, 2009



FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources