

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

6/5/2023

After Split

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	BAKER & HARRIS C/O DWIGHT E BAKER 266 W BRIDGE BLACKFOOT, ID 83221 (208) 785-2310
Current Owner	GRANDVIEW RANCH LLC 266 W BRIDGE BLACKFOOT, ID 83221 (208) 785-2310
Previous Owner	JAMES W BAKER C/O DWIGHT E BAKER 266 W BRIDGE BLACKFOOT, ID 83221-2109 (208) 785-2310
Security Interest	EQUITABLE FINANCIAL LIFE INSURANCE CO C/O AXA EQUITABLE AGRIFINANCE LLC 6300 C ST SW CEDAR RAPIDS, IA 52404-7470 (319) 355-8063

Priority Date: 5/1/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.340 CFS	112.9 AF
	<u>Total Diversion</u>		0.340 CFS	112.9 AF

Source and Point(s) of Diversion:

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

Place Of Use:

IRRIGATION within BINGHAM County

			NE					NW					SW					SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals

IDAHO DEPARTMENT OF WATER RESOURCES
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03S	31E	25											39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	318.0
03S	31E	36	39.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	39.6	40.0	39.0	40.0	40.0	37.7	631.3		
03S	32E	30											40.0	40.3	40.3	40.0		40.0	40.0	240.6	
03S	32E	31		40.0	40.0		40.0	40.2	40.2	40.0	40.0	40.2					40.0			360.6	
Right Acre Limit: 28.20																					
POU Total Acres: 1,550.5																					

Conditions of Approval:

1. K09 This right is for an enlargement of 28.2 acres within the place of use described for this right.
2. X35 Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 2.79 cfs, a total annual maximum diversion volume of 955.0 af at the field headgate, and the irrigation of 238.7 acres.
3. X35 Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-14181 when combined shall not exceed a total diversion rate of 12.72 cfs, a total annual maximum diversion volume of 3606.4 af at the field headgate, and the irrigation of 907.9 acres.
4. 206 Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-14181 are limited to the irrigation of a specific 907.9 acres within the 1550.5 acre place of use authorized by this right in a single irrigation season. The specific 907.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1238.6 acres to be irrigated within the 1550.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. R05 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.
6. R02 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.
7. 214 Prior to the diversion and use of water under Transfer approval 77526, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 213 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.
9. R64 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.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

6/5/2023

- pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
- | | | |
|-----|-----|--|
| 12. | K02 | This right is based upon an enlargement of Right No. 35-2685 pursuant to Section 42-1426, Idaho Code. |
| 13. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 14. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 15. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Comments:

- | | | | |
|---|------|------------|-------------------|
| 1 | scox | 10/27/2011 | Transferred Right |
|---|------|------------|-------------------|
- This is now an approved transfer, transfer number = 77526
- | | | | |
|---|-----------|------------|-----|
| 2 | mholliday | 11/18/2022 | POU |
|---|-----------|------------|-----|
- Updated Shape
- | | | | |
|---|----------|-----------|-------------|
| 3 | jhersley | 5/18/2023 | Split Right |
|---|----------|-----------|-------------|
- Split into 35-13046 & 35-14835 due to a change in ownership to Funk.

Dates and Other Information:

Decreed Date: 1/31/2002
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Swan Falls Trust or Nontrust: T
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
3.660	1,252.0	313.0	35-2685 ,35-13046
12.720	3,606.4	907.0	35-2599 ,35-2685 ,35-7488 ,35-7489 ,35-14181 ,35-13046

SubCase:

SubCaseNumber: 35-13046

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

6/5/2023

Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 11/20/1998
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

4/24/2023

Balance Split

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	BAKER & HARRIS C/O DWIGHT E BAKER 266 W BRIDGE BLACKFOOT, ID 83221 (208) 785-2310
Current Owner	GRANDVIEW RANCH LLC 266 W BRIDGE BLACKFOOT, ID 83221 (208) 785-2310
Previous Owner	JAMES W BAKER C/O DWIGHT E BAKER 266 W BRIDGE BLACKFOOT, ID 83221-2109 (208) 785-2310
Security Interest	EQUITABLE FINANCIAL LIFE INSURANCE CO C/O AXA EQUITABLE AGRIFINANCE LLC 6300 C ST SW CEDAR RAPIDS, IA 52404-7470 (319) 355-8063

Priority Date: 5/1/1979

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	0.440 CFS
<u>Total Diversion</u>		0.440 CFS

Volume

148.0 AF
148.0 AF

Source and Point(s) of Diversion:

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

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

4/24/2023

03S	31E	25									39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	318.0
03S	31E	36	39.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	39.6	40.0	39.0	40.0	40.0	37.7	631.3
03S	32E	30									40.0	40.3	40.3	40.0		40.0	40.0		240.6
03S	32E	31		40.0	40.0		40.0	40.2	40.2	40.0	40.0	40.2				40.0			360.6

Right Acre Limit: 37.00
POU Total Acres: 1,550.5

Conditions of Approval:

1. K09 This right is for an enlargement of 37.0 acres within the place of use described for this right.
2. X35 Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 3.66 cfs, a total annual maximum diversion volume of 1252.0 af at the field headgate, and the irrigation of 313.0 acres.
3. X35 Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-14181 when combined shall not exceed a total diversion rate of 17.61 cfs, a total annual maximum diversion volume of 4920.4 af at the field headgate, and the irrigation of 1238.6 acres.
4. 206 Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-14181 are limited to the irrigation of a specific 1238.6 acres within the 1550.5 acre place of use authorized by this right in a single irrigation season. The specific 1238.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1238.6 acres to be irrigated within the 1550.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. R05 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.
6. R02 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.
7. 214 Prior to the diversion and use of water under Transfer approval 77526, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 213 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.
9. R64 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.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

4/24/2023

- pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
- | | | |
|-----|-----|--|
| 12. | K02 | This right is based upon an enlargement of Right No. 35-2685 pursuant to Section 42-1426, Idaho Code. |
| 13. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 14. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 15. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Comments:

1	scox	10/27/2011	Transferred Right
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This is now an approved transfer, transfer number = 77526

2	mholliday	11/18/2022	POU
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Updated Shape

Dates and Other Information:

Decreed Date: 1/31/2002
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Swan Falls Trust or Nontrust: T
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
17.610	4,920.4	1,238.6	35-2599 ,35-2685 ,35-7488 ,35-7489 ,35-14181 ,35-13046
3.660	1,252.0	313.0	35-2685 ,35-13046

SubCase:

SubCaseNumber: 35-13046
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-13046

4/24/2023

Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 11/20/1998
Objection Status: Active

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 13 2023

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2599	Yes ☒	Yes ☒	35-14181	Yes ☒	Yes ☒
35-2685	Yes ☒	Yes ☐	35-2210	Yes ☐	Yes ☒
35-7488	Yes ☒	Yes ☒	35-7594	Yes ☐	Yes ☒
35-7489	Yes ☒	Yes ☒	35-2599 Split into 35-2599 & 35-14828 35-2685 Split into 35-2685 & 35-14832 35-7488 Split into 35-7488 & 35-14833 35-7489 Split into 35-7489 & 35-14834 35-13046 Split into 35-13046 & 35-14835 35-14181 Split into 35-14181 & 35-14836		
35-13046	Yes ☒	Yes ☐			

2. Previous Owner's Name: Grandview Ranch LLC
 Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Lance Funk and Lisa Funk
 New owner(s) as listed on the conveyance document
- PO Box 310
 Mailing address
 208-201-1500
 Telephone
- American Falls
 City
 lance@lancefunkfarms.com
 Email
- Name connector ☒ and ☐ or
 Idaho 83211
 State Zip
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: January 4, 2023
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per undivided water right.
 o \$100 per split water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☒ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 35-2210

8. Signature: [Signature]
 Signature of new owner/claimant Title, if applicable Date
 Print name
- Signature: _____
 Signature of new owner/claimant Title, if applicable Date
 Print name

Received by KU Date 4.13.23 For IDWR Office Use Only: Receipt No. C115873 Receipt Amt. 650

Active in the Water Supply Bank? Yes ☒ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

Name on W-9 _____ Approved by _____ Processed by [Signature] Date 6-6-23

RECEIVED

FEB 13 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region**Notice of Security Interest in a Water Right**
and a request to be notified of a change in ownership or any proposed
or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1. Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
35-2210 <i>OK</i>	Portion of 35-7488 <i>OK</i>		
35-7594 <i>OK</i>	Portion of 35-7489 <i>OK</i>		
35-13121 <i>OK</i>	Portion of 35-13046 <i>OK</i>		
Portion of 35-2599 <i>OK</i>	Portion of 14181 <i>OK</i>		
Portion of 35-2685 <i>OK</i>			

2. The following **REQUIRED** information must be submitted with this form:A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**B) A **FEE of \$25.00 per** water right or adjudication claim.

3. Name and Mailing Address of Person or Company Holding Security Interest

Equitable Financial Life Insurance Company

c/o Equitable AgriFinance, LLC

6300 C Street SW, 3B-CR

Cedar Rapids, Iowa 52499

Phone 319-355-8063

Email awmartin@aegonam.com

4. Name of Water Right Owner/Claimant(s)

Lance Funk and Lisa Funk

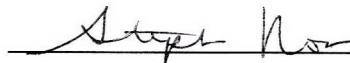
5. Expiration Date of Notification Period

01/01/2043

6. Is this a Renewal of Request for Notification?

☐ YES☒ NO

7. Signature(s) of Security Interest Holder(s)



Title, if applicable

Investment Officer

For Office Use OnlyReceived by *JB*Date *2/13/2023*Receipt No. *E048897*Fee *\$225.-*

Processed by AJ

Date

WR *JB*Date *2/14/2023*

SUPPORT DATA

IN FILE # *35-2210*