

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

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: 3/14/1975

Basis: License

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	1.830 CFS	364.6 AF
	<u>Total Diversion</u>		1.830 CFS	364.6 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 35-7489

6/5/2023

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: 91.10	
																			POU Total Acres: 1,550.5	

Conditions of Approval:

1. X27 This right is limited to the irrigation of 91.1 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

6/5/2023

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 35-7489 and 35-14834 due to change in ownership to Funk.

Dates and Other Information:

Licensed Date: 3/30/1993
Owner Name Connector: OR
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

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

SubCase:

N/A

Water Supply Bank:

Lease ID: 1361

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2021
Lease End Date: 12/31/2025

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.73	146.80	36.70	36.70

Lease ID: 2613

Lease Type: Application
Lease Status: On Hold
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

6/5/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	3.35	670.40		1550.50

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

4/24/2023

Before 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: 3/14/1975

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.350 CFS	670.4 AF
	Total Diversion		3.350 CFS	670.4 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	Totals
Twp	NE	NW	SW	SE	
Rng	NE	NW	SW	SE	
Sec	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

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: 167.60																				
POU Total Acres: 1,550.5																				

Conditions of Approval:

1. X27 This right is limited to the irrigation of 167.6 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

4/24/2023

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

Dates and Other Information:

Licensed Date: 3/30/1993
Owner Name Connector: OR
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
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

SubCase:

N/A

Water Supply Bank:

Lease ID: 1361

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2021
Lease End Date: 12/31/2025

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.73	146.80	36.70	36.70

Lease ID: 2613

Lease Type: Application
Lease Status: On Hold
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	3.35	670.40		1550.50

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 35-7489

4/24/2023

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
- Name connector ☒ and ☐ or
- PO Box 310 American Falls Idaho 83211
Mailing address City State Zip
- 208-201-1500 lance@lancefunkfarms.com
Telephone Email
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] Title, if applicable: _____ Date: _____
 Signature of new owner/claimant
- Print name: Lisa Funk
- Signature: _____ Title, if applicable: _____ Date: _____
 Signature of new owner/claimant
- 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

FEB 13 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department 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)

Steph N...

Title, if applicable

Investment Officer

For Office Use Only

Received by *JB*

Date *2/13/2023*

Receipt No. *E048897*

Fee *\$225*

Processed by AJ

Date

WR *JB*

Date *2/14/2023*

WIP/PORT/ DATA

IN FILE # *35-2210*



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 9, 2024

DWIGHT BAKER
206 N 150 W
BLACKFOOT ID 83221

RE: WATER SUPPLY BANK LEASE CONTRACT 1361, WATER RIGHT NO(S) 35-7489 & 35-14834

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

Dear Mr. Baker:

The Idaho Department of Water Resources ('Department') received your letter of inquiry and request on May 8, 2024 regarding payment to Grandview Ranch LLC in 2023 for the rental of water right 35-7489, as well as the change in ownership for a portion of the same water right in 2023. After reviewing warrant payments issued in 2023, we found that the owner payment was made by direct deposit to Grandview Ranch LLC on or about November 27, 2023, for \$3,038.76. The reference payment number is 260166438. I have also attached a copy of the warrant payment letter referencing the direct deposit for you records.

The lessor and applicant contact information of lease of 36.7 acres under Lease Contract 1361 was updated to Lance and Lisa Funk under the split water right number 35-14834. The date of sale provided with the Notice of Change in Ownership filed with the Department in 2023 was after the first day in 2023. Payment of rented rights goes to the person who owns the rented water right at the beginning of the year rented.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Condon".

Mary Condon
Water Supply Bank Coordinator

Enclosures: 2023 Warrant Payment Letter – Grandview Ranch~~es~~ LLC

c: Greg Sullivan – Brockway Engineering *via email*

DWIGHT E. BAKER

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

RECEIVED

MAY 08 2024

DEPARTMENT OF
WATER RESOURCES

Attn: Mary Condon
Water Supply Bank Coordinator

Re: Lease Contract 1361

Dear Ms. Condon

I am writing on behalf of Grandview Ranch, LLC, owner of all or a portion of what was originally Water Right 35-7489. Grandview Ranch, LLC is owned by my brother Jim and me.

There are two related issues I want to address.

First, I acknowledge receipt of a check in the sum of \$3,038.76 for the Owner Share of the rent paid for the 2023 crop year under the referenced Lease Contract. However, my wife and I were in Arizona from about December 8th, 2023 until early April, 2024, and in the confusion of the move and the second issue in this letter, managed to mis-place the check. Assuming it was not negotiated to date for some reason I do not presently recall, we are respectfully requesting that a check for the correct amount be reissued and mailed to me at the address listed below. Feel free to call if you have any question. I am prepared to execute any kind of document supporting the claim, or offering to reimburse or otherwise protect the Department if I am somehow mistaken about the transaction.

Secondly, Grandview Ranch, LLC, owns about 1000 acres of productive irrigated farm land, the majority of which is irrigated with circles. For a number of years the land has been leased to Lance Funk. Several years ago Mr. Funk decided irrigating the corners of the circles which had been irrigated was no longer cost effective, primarily due to the extra labor required. As a result, we quit irrigating the corners, and a couple of years ago leased about 36.7 acres to the water bank. Mr. Lance Funk then leased the water from the water bank. Subsequently, we sold our unused water to Mr. Funk, which transfer was completed within the last year or so, and which I believe included the 36.7 acres of water right leased to the water bank. Mr. Funk is therefore the current owner and lessor of the water, as well as the lessee. At a minimum, it would seem the portion of the rent payable by the water bank to the lessor should in the future be paid directly to him, rather than to Grandview. Alternatively, if possible, it would seem to be appropriate to cancel the lease, and to let Mr. Funk deal with the water right as he sees fit.

I am hopeful you can assist with both issues; feel free to call me when you have had an opportunity to understand and verify what I have stated above.

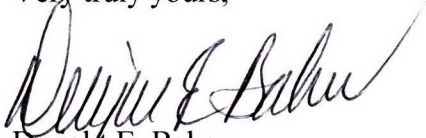
I look forward to your call.

DWIGHT E. BAKER

May 5, 2024

Page - 2

Very truly yours,



Dwight E. Baker

cc: Lance Funk

cc: Greg Sullivan

cc: Jim Baker



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 7, 2023

GRANDVIEW RANCH LLC
266 W BRIDGE
BLACKFOOT ID 83221

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 35-7489.**

The Department of Water Resources has issued a state warrant in the amount of **\$3,038.76** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank during 2023. Your payment is 90% of the total rental fee for the following transactions:

Lease Contract	Water Right(s)	Rental Agreement	Rental Volume (AF)	Rental Rate (\$/AF)	Total Rental Fee	Owner Share
1361	35-7489	505	146.8	\$23/AF	\$3,376.40	\$3,038.76

If you have questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: ACH – Direct Deposit 11/27/2023