

WATER SUPPLY BANK LEASE CONTRACT No. 1870

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

LESSOR: LISA FUNK

PO BOX 310

AMERICAN FLS, ID 83211-0310

LESSOR: LANCE D FUNK

PO BOX 310

AMERICAN FLS, ID 83211-0310

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 March 07, 2024.
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 (Limited) (AC) |
|------------------------------|---------------|--------------|----------------------|-----------------------|----------------------|
| 35-14828 | 7/26/1960 | GROUND WATER | 0.350 | 148.8 | 38.7 |
| 35-14833 | 3/14/1975 | GROUND WATER | 0.330 | 90.0 | 22.5 |
| 35-14834 | 3/14/1975 | GROUND WATER | 0.790 | 159.1 | 39.8 |
| 35-14836 | 8/12/1976 | GROUND WATER | 0.500 | 111.5 | 27.9 |
| Combined Lease Totals | | | 1.970 | 509.0 | 128.9 |

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

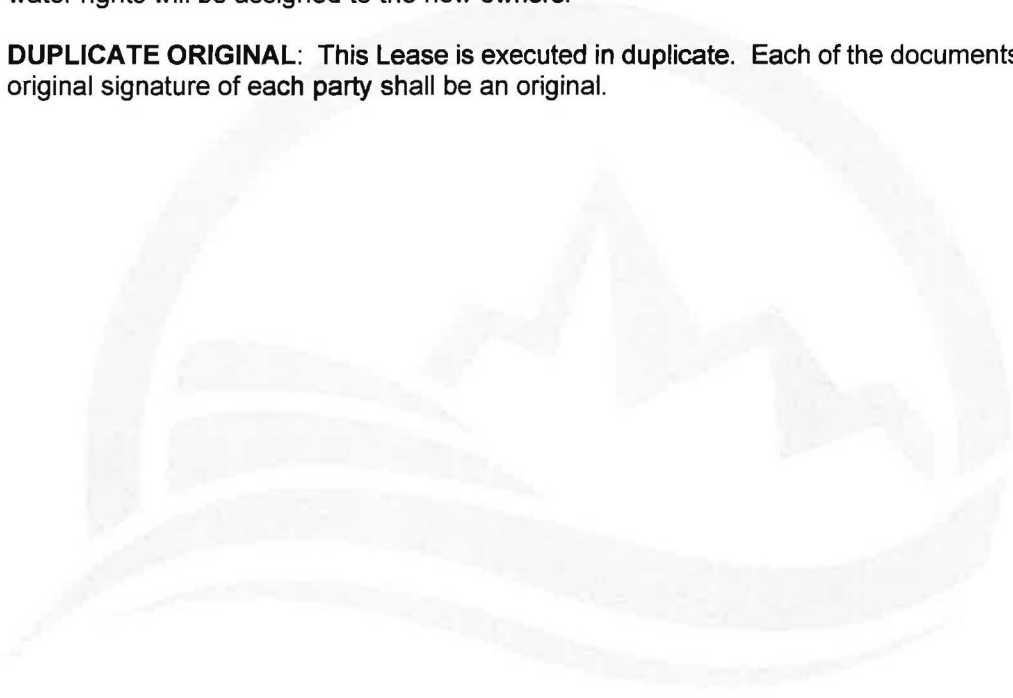
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

SUPPORT DATA

IN FILE # 35-14828

WATER SUPPLY BANK LEASE CONTRACT No. 1870

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. 1870

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

LESSOR: LISA FUNK
PO BOX 310
AMERICAN FLS, ID 83211-0310

By *Lisa Funk*
Title owner
Date 10-7-24

LESSOR: LANCE D FUNK
PO BOX 310
AMERICAN FLS, ID 83211-0310

By *Lance D Funk*
Title owner
Date 10-7-24

IDAHO WATER RESOURCE BOARD

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

By *Brian Patton*
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 10/28/24

Lease approved by IDWR *AP*

Date 10/28/24

WATER SUPPLY BANK LEASE CONTRACT No. 1870

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): 35-14828, 35-14833, 35-14834, 35-14836

| | | | | | |
|--------------|--------|---------|---------|---------|----------------|
| GROUND WATER | NENWSW | Sec. 36 | Twp 03S | Rge 31E | BINGHAM County |
| GROUND WATER | NENWSE | Sec. 36 | Twp 03S | Rge 31E | BINGHAM County |
| GROUND WATER | SWSENW | 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 | | |
| 35-14828 | IRRIGATION | 04/01 | to | 10/31 | 0.35 cfs | 148.8 AF |
| 35-14833 | IRRIGATION | 04/01 | to | 10/31 | 0.33 cfs | 90.0 AF |
| 35-14834 | IRRIGATION | 04/01 | to | 10/31 | 0.79 cfs | 159.1 AF |
| 35-14836 | IRRIGATION | 04/01 | to | 10/31 | 0.50 cfs | 111.5 AF |
| Totals: | | | | | 1.97 cfs | 509.0 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 | | | | | | | | | | | | | | | | | 0.0 |
| 03S | 31E | 36 | | | | | 5.0 | 25.0 | | | | | | | | | | | 30.0 |
| 03S | 32E | 30 | | | | | | | | | 11.2 | 25.0 | 30.0 | 10.0 | | 1.8 | 11.9 | | 89.9 |
| 03S | 32E | 31 | | | | | 7.0 | 2.0 | | | | | | | | | | | 9.0 |

Total Acres: 128.9

ADDITIONAL 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 Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. 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.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1870

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.
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. Use of water under rights 35-14828, 35-14833, 35-14834, & 14836 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.
13. 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.
14. The unleased portion of right 34-14828 is limited to the irrigation of 14.0 acres within the authorized place of use in a single irrigation season.
15. The unleased portion of right 34-14833 is limited to the irrigation of 46.8 acres within the authorized place of use in a single irrigation season.
16. Right Nos 35-14828, 35-14833, 35-14834, & 14836 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.
17. The unleased portions of rights 35-14828, 35-14833, 35-14834, & 14836 when combined with rights 35-14832 & 35-14835 shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 538 af at the field headgate, and the irrigation of 135.1 acres.
18. Water Right No 35-14833 is for water held in trust by the state and is subject to review to determine availability of water for the use and to reevaluate the public interest on or after February 5, 2010.
19. Water Right No 35-14833 enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

Idaho Water Resource Board

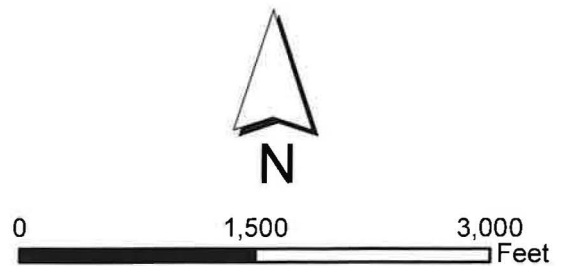
Water Supply Bank Lease Contract No. 1870

35-14828, 35-14833, 35-14834, 35-14836
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 POD
- Approved Lease POU
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 07 2024

DEPT. OF WATER RESOURCES

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

Designated Applicant Lance Funk and Lisa Funk Water Right No. 35-14836
(Select one owner – see item 1A on the application) (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.**

| MIMUMUM REQUIREMENT CHECKLIST | | |
|--|---|---|
| All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i> | | |
| | Yes | |
| | <input checked="" type="checkbox"/> | Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> . |
| | <input checked="" type="checkbox"/> | 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. |
| | <input checked="" type="checkbox"/> | Confirmation this form has been printed single sided , per requirement of the Water Supply Bank. |
| Attachment | N/A | Yes |
| 1A | <input type="checkbox"/> | <input checked="" type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | <input checked="" type="checkbox"/> | <input type="checkbox"/> An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | <input type="checkbox"/> | <input checked="" type="checkbox"/> 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> Description of a water right portion offered to the Water Supply Bank. |
| 3 | <input type="checkbox"/> | <input checked="" type="checkbox"/> 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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> Written consent from irrigation district or water delivery company. |
| 4G | <input type="checkbox"/> | <input checked="" type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |
| Department Use Only | | |
| Fee Amount \$ | <u>500.00</u> | Received By: <u>KM</u> |
| | | Date Received: <u>3.7.24</u> |
| | | Receipt # <u>C117903</u> |
| W-9 received? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | (Route W-9 to Fiscal) |
| | | Name on W-9: |

2953

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 Lance Funk and Lisa Funk
Mailing Address P.O. Box 310 American Falls, ID 83211
Street City State Zip Code
Email Address lance@lancefunkfarms.com Phone Number (208) 201-1500

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 well and mainlines.

- 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, 35-7489, 35-14181, 35-14828, 35-14832, 35-14833, 35-14834, 35-14835, 35-14836

- 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. This portion of water right was leased into the Idaho Water Supply Bank for 2023.

- 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. CRP CONTRACTS

- 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
A 30.0 acre portion of 35-14836 is being transferred to a different POU and POD. The 30.0 acres involved in the transfer have not been identified to be lease or rented.

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: 2024 to 2024 (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

Lorale Funk
Printed Name

2-28-24
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> <small>(cfs)</small> | <u>Leased Volume</u> <small>(af)</small> | <u>Leased Acres</u> <small>(ac)</small> |
| 35-14836 | Irrigation | 0.50 | 111.6 | 27.9 |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| | Total Amounts: | 0.50 | 111.6 | 27.9 |

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

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



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

November 6, 2024

LANCE D FUNK
LISA FUNK
PO BOX 310
AMERICAN FLS ID 83211-0310

**RE: WATER SUPPLY BANK LEASE CONTRACT 1862 & 1870
FOR WATER RIGHTS 35-2210, 35-7594, 35-14828, 35-14833, 35-14834, 35-14836**

Dear Lessor:

Water rights **35-2210, 35-7594, 35-14828, 35-14833, 35-14834, 35-14836** are leased into the Water Supply Bank (Bank) as of January 2024 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 right(s) will automatically be released from the Bank on **December 31, 2025**, unless the rights are released earlier by the Water Resource Board (Board). 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 are rented.**

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

Sincerely,

Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Representative
Water District No. 120

Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, November 5, 2024 11:39 AM
To: Cefalo, James; Jordan, Blake; greg.sullivan@brockwayeng.com
Cc: Bank
Subject: Executed WSB Lease Contracts 1862 & 1870
Attachments: Executed WSB Lease Contracts 1862 & 1870 Funk 2024-2025.pdf

Hello,

Please see the attached copies of Executed WSB Lease Contracts 1862 & 1870, in the names of Lance D Funk & Lisa Funk, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov



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

October 4, 2024

LANCE D FUNK
LISA FUNK
PO BOX 310
AMERICAN FLS ID 83211-0310

RE: APPLICATION TO LEASE WATER RIGHTS 35-2210, 35-7594, 35-14828, 35-14833, 35-14834, 35-14836 TO THE WATER SUPPLY BANK CONTRACTS 1862 & 1870

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed four 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 rights will automatically be released from the Bank on **December 31, 2025**, 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,

Debra Mansfield

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Consultant (via email)

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, October 4, 2024 8:00 AM
To: greg.sullivan@brockwayeng.com
Cc: Bank
Subject: Proposed WSB Lease Contracts 1862 & 1870
Attachments: Proposed WSB Lease Contracts 1862 & 1870, Lance D Funk 2024-2025.pdf

Hello,

Please see the attached proposed WSB Lease Contracts 1862 & 1870, in the name of Lance D funk, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

| WATER SUPPLY BANK | | Quick Tools | |
|---|---|-------------------------------------|---|
| Lease Review Checklist | | Decreed Year | No Forfeiture Concerns Thru: |
| Applicant(s) Name: Lance Funk and Lisa Funk | | 2011 | 2017 |
| Memo Date: 05/23/2024 | | 2012 | 2018 |
| Water Right Number(s): 35-14828, 35-14833, 35-14834 & 35-14836 | | 2013 | 2019 |
| | | 2014 | 2020 |
| | | 2015 | 2021 |
| Reviewers Name: Dustin White | | | |
| | | Check box | COMMENTS/CONCERNS: |
| 1 | Fill out WSB Data Entry Checklist for Leases (Front of File) | <input checked="" type="checkbox"/> | |
| 2 | Reason for lease of water rights (Brief description of lease proposal in narrative) | | |
| | Portion of right | <input checked="" type="checkbox"/> | 128.9 of 300.7 Total Acres |
| | All of right | | |
| 3 | Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments) | | WD120 & ESPA GWMA |
| | | Yes | No |
| 4 | Rentable? (If no explain in comments or narrative) | <input checked="" type="checkbox"/> | |
| 5 | Authority to file | | |
| | Current owner or designated applicant | <input checked="" type="checkbox"/> | |
| | SOS Web site checked for business entity | <input checked="" type="checkbox"/> | |
| | Other (explain in comments) | | |
| 6 | Water Right validity | | |
| | Decreed/Licensed/Statutory claim date (write in comments section) | | 35-14828(Decreed 1/31/2002), 35-14833(Licensed 2/16/1993), 35-14834(Licensed 3/30/1993) & 35- |
| | Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.) | | 14835(Licensed 3/30/1993) & 35- |
| | Has this right previously been leased to the bank or in CREP? | <input checked="" type="checkbox"/> | WSB 2023; Previous ANTD contract |
| 7 | Injury to other water rights | | |
| | If the POD is through a delivery entity, was consent provided? | | na |
| | If the POD is through a delivery entity, was holdback required? (percentage in comments) | | % |
| | Any other concerns | | Alberdeen-American Falls GWD |
| 8 | Enlargement concerns | Check box | |
| | Complete a POU comparison overlap analysis | <input checked="" type="checkbox"/> | |
| | Complete a combined limits review | <input checked="" type="checkbox"/> | |
| | Complete POD overlap analysis (if there is an overlap add condition to lease) | <input checked="" type="checkbox"/> | |
| | | Yes | No |
| | Are there overlapping rights that need to be placed in the bank also? | | <input checked="" type="checkbox"/> |
| | Will the place of use continue to receive water? (if yes explain in comments) | | <input checked="" type="checkbox"/> |
| 9 | Local Public Interest | | |
| | Does the processor know of any problems this action will cause for the local public? | | <input checked="" type="checkbox"/> |
| 10 | Have you contacted regional office and watermaster for comment/concerns? | | |
| | Send the watermaster comment request form or e-mail request | <input checked="" type="checkbox"/> | |
| 11 | Area Headgate requirement (write in Comments) | | SOU 4/1-10-31; HG 4 acre-ft/acre-yr Consumptive Use 3 acre-ft/acre-yr |
| 12 | Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments | | <input checked="" type="checkbox"/> |
| 13 | Narrative: Lance and Lisa Funk submitted an application on March 7, 2024, to lease water rights for the 2024 and 2025 irrigation seasons into the Water Supply Bank (Bank). This application includes a companion rental request and is a renewal of prior lease application #2613 for WR 35-14828, 35-14833, 35-14834, and 35-14836. The proposed lease acreage (128.9) differs from last year's (142.9) due to the removal of 14 irrigated acres that were placed into the Bank in 2023. Sentinel-2 and aerial imagery confirms that these 14 acres were NOT idled in 2023, are still in use for the 2024 irrigation season. These findings were varified with the farm manager. Historically, all 300.7 acres were irrigated until 2006, prior to their enrollment in an Agreement Not to Divert (ANTD) contract through 2022. This review found that only 128.9 of the 164 acres offered to the Bank could be accepted. The lease Points of Diversion (PODs) are within WD120, Aberdeen-American Falls GWD, and the ESPA groundwater measurement area. The five authorized PODs for these water rights (WR 35-14828, 35-14833, 35-14834, and 35-14836), along with two additional rights (WR 35-14832 and 35-14835) that are additive but do not affect the overall combined limit for the lease, have been transferred and processed for Lance and Lisa Funk. These rights were previously owned by Grandview Ranch LLC. | | |

White, Dustin

From: White, Dustin
Sent: Tuesday, July 9, 2024 1:26 PM
To: Jordan, Blake; Cefalo, James
Cc: Condon, Mary
Subject: RE: Lease Application 2953
Attachments: Lease App2953 Checklist ReviewUpdate20240709.xls; WSB_Lease2953_Update_20240709.pdf

Dear James and Blake,

Mary identified an error in the original lease concerning the current usage of 14 acres. In summary, there are 14 acres of irrigated land that were in use for 2023 and is still in use (irrigation season 2024) according to the farm manager. These acres were omitted from the current proposed lease (2953); however, the same 14 acres were irrigated last year while in the Bank. They double dipped.

Attached, you will find the updated checklist review and map for lease application 2953. This application proposes a total of 128.9 acres out of the total 300.7 acres of groundwater in ESPA GWMA.

Please review our findings and provide your comments or concerns within 10 days.

Best regards,

Dustin White

Water Resource Agent

(208) 287-4971

dustin.white@idwr.idaho.gov



**Department of Water
Resources
322 E Front Street
Boise, ID. 83720**

From: White, Dustin
Sent: Thursday, June 6, 2024 10:38 AM
To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Lease Application 2953

Hello James and Blake,

Please see the attached review and map to lease application 2953 for 142.9 of 300.7 acres total groundwater in ESPA GWMA, and kindly reply with comments or concerns within 10 days.

Beck, Catalina

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, March 25, 2024 8:57 AM
To: Beck, Catalina
Subject: RE: Lease Contract 2953 and 2954

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Catalina,

Yes, Lance and Lisa Funk want Lease Contracts #2953 and #2954 to be for the 2024 and 2025 irrigation seasons.

Thank you,

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Beck, Catalina [mailto:Catalina.Beck@idwr.idaho.gov]
Sent: Monday, March 25, 2024 8:47 AM
To: greg.sullivan@brockwayeng.com
Subject: Lease Contract 2953 and 2954

Good Morning Greg,

Thanks for talking to me this morning. Just confirming that you want to add 2025 for the lease contracts 2953 and 2954



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.Idaho.gov

Idaho Dept. of Water Resources
[322 E FRONT ST STE 648, BOISE ID 83702-7371](https://www.idwr.idaho.gov)