

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUL 08 2015

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("Lease") is effective January 1, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: K & K REAL ESTATE LLC
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

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.
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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
36-2087K	0.04 CFS	9.6 AF	1.9 AC	28.0 AC
36-2113K	0.03 CFS	3.9 AF	0.8 AC	28.0 AC
36-2161K	0.02 CFS	2.3 AF	0.5 AC	28.0 AC
36-2289M	0.01 CFS	1.3 AF	0.2 AC	28.0 AC
36-2311K	0.03 CFS	4.7 AF	0.9 AC	28.0 AC
36-2500K	0.01 CFS	4.8 AF	0.9 AC	28.0 AC
36-2614K	0.04 CFS	7.3 AF	1.4 AC	28.0 AC
36-7307K	0.03 CFS	4.9 AF	0.9 AC	28.0 AC
36-7362K	0.01 CFS	5.5 AF	9.4 AC	28.0 AC
36-7477K	0.02 CFS	2.5 AF	0.5 AC	28.0 AC
36-7606K	0.02 CFS	2.3 AF	0.5 AC	28.0 AC
36-7779K	0.05 CFS	7.6 AF	1.5 AC	28.0 AC
36-7832K	0.01 CFS	1.2 AF	0.2 AC	28.0 AC
36-10225K	0.02 CFS	2.3 AF	0.4 AC	28.0 AC
36-15169K	0.08 CFS	40.9 AF	8.0 AC	28.0 AC
Combined Lease Totals:	0.42 CFS*	101.1 AF	28.0 AC	28.0 AC

* limited to 0.404 cfs due to rounding and data entry standards

SUPPORT DATA

IN FILE # 36-2087K

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: April 1 to October 31

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:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
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.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

ADRIAN BOER
3751 S 2400 E
JEROME ID 83338

By Adrian Boer
Printed Name Adrian Boer

Date 7/6/15
Title owner

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise ID 83720-9098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date July 9, 2015

Lease approved by IDWR Chris Palmer

Date 7/9/2015

ATTACHMENT A
WATER RIGHT NO. 36-2087K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 01/23/1950

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	0.04 CFS	9.6 AF
	Total:		0.04 CFS	9.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 1.86 AC

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 124.3 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.25 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2113K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 03/12/1951

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	0.03 CFS	3.9 AF
	Total:		0.03 CFS	3.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.8 AC

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 50.5 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2161K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
 C/O ADRIAN BOER
 3751 S 2400 E
 JEROME ID 83338
 208-280-5048

Priority Date: 01/11/1952

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	0.02 CFS	2.3 AF
	Total:		0.02 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNSW	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.5

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2289M
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 12/02/1955

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	0.01 CFS	1.3 AF
	Total:		0.01 CFS	1.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.2

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 16.4 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2311K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 11/23/1956

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	0.03 CFS	4.7 AF
	Total:		0.03 CFS	4.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32															28.0		28.0

Total Acres: 32.2

Limited to acres within place of use described above: 0.9

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 61.1 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2500K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 07/18/1961

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	0.01 CFS	4.8 AF
	Total:		0.01 CFS	4.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32															28.0		28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.9

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 62.0 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-2614K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
 C/O ADRIAN BOER
 3751 S 2400 E
 JEROME ID 83338
 208-280-5048

Priority Date: 06/07/1965

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	0.04 CFS	7.3 AF
	Total:		0.04 CFS	7.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENEW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESEW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENEW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENEW	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 1.4

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 95.0 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7307K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 02/26/1973

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	0.03 CFS	4.9 AF
	Total:		0.03 CFS	4.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.9

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 63.3 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7362K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: K & K REAL ESTATE LLC
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 08/02/1973

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	0.01 CFS	5.5 AF
	Total:		0.01 CFS	5.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 9.4

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 629.9 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7477K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 05/28/1974

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	0.02 CFS	2.5 AF
	Total:		0.02 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.5

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 32.3 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7606K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 02/04/1976

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	0.02 CFS	2.3 AF
	Total:		0.02 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SEENW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SEENW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.5

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 30.5 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7779K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 02/22/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.05 CFS	7.6 AF
	Total:		0.05 CFS	7.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 1.5

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-7832K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 12/11/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.1 CFS	1.2 AF
	Total:		0.1 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.2

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-10225K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 05/01/1985

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	0.02 CFS	2.3 AF
	Total:		0.02 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENESE	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 0.4

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 29.7 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are note decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
18. 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. 130.

ATTACHMENT A
WATER RIGHT NO. 36-15169K
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **K & K REAL ESTATE LLC**
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338
208-280-5048

Priority Date: 12/11/1969

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	0.08 CFS	40.9 AF
	Total:		0.08 CFS	40.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SEWNNE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESW	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	NESESE	Sec. 32, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNW	Sec. 33, Twp 08S, Rge 15E, GOODING County
GROUND WATER	SENNSW	Sec. 33, Twp 08S, Rge 15E, GOODING County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	32														28.0			28.0

Total Acres: 28.0

Limited to acres within place of use described above: 8.0

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.

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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The unleased portion of this right is limited to the irrigation of 531.0 acres within the place of use described above in a single irrigation season.
13. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.23 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
14. 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.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15209K pursuant to Section 42-1426, Idaho Code.
17. 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. 130.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 14 2015

RECEIVED

DEC 10 2014

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Adrian, Kenneth & Kevin BoerWater Right No. 36-2087K

One water right per application

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☒ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☒ An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>Janh</u>	Date Received: <u>12-10-14</u>	Receipt # <u>C099683</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>multiple</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

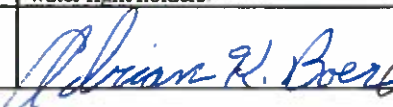
Complete this form if more than one applicant/water right holder.

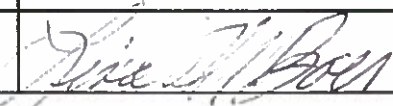
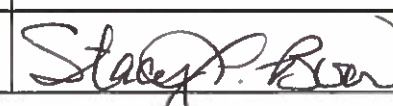
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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.

Water Right No. 36-2087K 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K,
36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K, 36-2113K,

	Designated Applicant	Applicant #2	Applicant #3
Name	Adrian K Boer	Kenneth W Boer	Kevin S Boer
Mailing Address	3751 S 2400 E JEROME IDAHO 83338	3751 S 2400 E JEROME IDAHO 83338	3751 S 2400 E JEROME IDAHO 83338
Phone Number	(208) 280-5048	(208) 280-1821	(208) 280-5586
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	Linda M Boer	Stacy L Boer	Jeanna J Boer
Mailing Address	3751 S 2400 E JEROME IDAHO 83338	3751 S 2400 E JEROME IDAHO 83338	3751 S 2400 E JEROME IDAHO 83338
Phone Number	(208) 280-5048	(208) 280-1821	(208) 280-5586
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			

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Adrian, Kenneth & Kevin Boer Email Address _____
Mailing Address 3751 S 2400 E JEROME IDAHO 83338 Phone Number 539-5948

☐ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- 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 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 1D).

- E. 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 1E).

Name of Representative Greg Sullivan Organization Brockway Engineering, PLLC
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 North Washington St. Suite 4 Twin Falls Id 83301 Phone Number 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

Water Right Number 36-2087K ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Connected ground water wells, pump and piping system within a PPU.

- B. 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.

Water rights 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K,
36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K, Combined PPU 1,009.6 Ac/19.65 CFS/4038.4 AFA

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. 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, for a period from 12/5/14 to 12/5/19 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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 provisions are stayed.
5. Acceptance of a water right into the bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Adrian Boer
Signature of Designated Applicant

Adrian Boer
Printed Name

12/8/2014
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

12/11/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	K & W DAIRY 3751 S 2400 E JEROME, ID 83338 (208)539-5948

Original Owner A N AMBROSE
PO BOX 247
WENDELL, ID 83355
(208)536-5332

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.990 CFS	504.8 AF
	Total Diversion		1.990 CFS	504.8 AF

GROUND WATER	SEWNWE	Sec. 32, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	SENEW	Sec. 32, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	SWNWSW	Sec. 32, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	NESEW	Sec. 32, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	NEESE	Sec. 32, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	SENEW	Sec. 33, Twp 08S, Rge 15E,	GOODING County
GROUND WATER	SENEW	Sec. 33, Twp 08S, Rge 15E,	GOODING County

IRRIGATION within GOODING County

[illegible]

POU Total Acres: 1,009.6

Page 1 of 30



BOER, DAIRY T8SR15E SEC.32.33
WATER SUPPLY BANK LEASE 2014
NAIP 2013 AERIAL



- Legend
- Boer_Dairy_PODs
 - WSB Lease
 - Boer_Dairy_PPU=1,009.6 Ac
 - first
 - township
 - ladesc

Water Right	Amount			Acre Limit	WSB lease Amount		Remaining Amount	
	cfs	AFA	Acres		cfs	AFA	cfs	AFA
36-2087K	1.99	504.8	126.2	1009.6	0.06	11.0	1.93	334.4
36-2113K	1.03	205.2	51.3		0.03	4.5	1.00	135.9
36-2161K	0.6	122	30.5		0.02	2.7	0.58	80.8
36-2289M	0.16	66.4	16.6		0.01	1.4	0.15	44.0
36-2311K	1.24	248	62		0.04	5.4	1.20	164.3
36-2500K	0.82	251.6	62.9		0.03	5.5	0.79	166.6
36-2614K	1.69	386.4	96.6		0.05	8.4	1.64	255.9
36-7307K	1.27	256.8	64.2		0.04	5.6	1.23	170.1
36-7362K	2.05	866.1	639.3		0.07	18.9	1.98	573.7
36-7477K	0.66	131.2	32.8		0.02	2.9	0.64	86.9
36-7606K	0.61	124	31		0.02	2.7	0.59	82.1
36-7779K	1.93	401.2	100.3		0.06	8.7	1.87	265.7
36-7832K	0.16	62.8	15.7		0.01	1.4	0.15	41.6
36-10225K	0.58	120.4	30.1		0.02	2.6	0.56	79.7
36-15169K	5.76	2156	539		0.18	47.0	5.58	1428.0
					0.00	0.0	0.00	0.0
Total	20.55	5902.9			0.65	128.6	19.90	3909.8
					Transferring		Remaining	
				Total Limits	0.63	CFS	19.02	CFS
					128.6	AFA	3909.8	AFA
					32.16	Acres	977.4	Acres



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

July 10, 2015

K & K REAL ESTATE
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169k

Dear Lessor:

The above mentioned water rights were leased into the Water Supply Bank on January 1, 2015 in accordance with the executed original Lease Contract enclosed. **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.**

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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 me at 287-4910.

Sincerely,

for 
Jean Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Brockway Engineering PLLC
Water District No. 130
IDWR Southern Region



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

July 1, 2015

GARY SPACKMAN

Director

K & K REAL ESTATE
C/O ADRIAN BOER
3751 S 2400 E
JEROME ID 83338

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169K TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right(s) to the Water Supply Bank. **I have enclosed two 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, 2019**, unless the rights are 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 rights may not be available for immediate release if they have 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 me at 287-4910.

Sincerely,

for 
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

c. Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 05, 2015 9:12 AM
To: Greg Sullivan
Cc: Webster, Clay
Subject: Boer Ownership change and WSB Lease
Attachments: Pages from APPROVAL DOCUMENT NO.pdf

I wanted to update you on the progress of the Boer ownership change and WSB Lease.

The ownership change has been completed . According to the quitclaim deeds, the water rights are now in the name of K & K Real Estate (which is Adrian and Linda Boer), Kevin & Jeanna Boer and Kenneth & Stacy Boer. There was a typographical error on one of the water rights on the quitclaim deed. Water right 36-2807D should have been 36-2087D. I updated the ownership, but this needs to be corrected. Please let me know when this has been fixed.

The WSB lease contract is being reviewed. I have attached a copy of the first page of the lease contract for your review. When the Department reviews lease applications, we solicit comments from the regions and water masters. The water master for these water rights is Cindy Yenter. One of the comments she had was that the portion of the pivot in question for these leases is limited to 28 acres, not 32. The outer 4 acres of that quarter were placed under compost in 2009. There are only 28 acres in that QQ eligible for the Bank at this time. The lease contract will show that reduction and place 28 acres in the Bank.

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

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Monday, June 01, 2015 12:40 PM
To: Webster, Clay
Subject: FW: WSB Lease Applications for K & K Real Estate, Boer's.

FOR THE Boer Lease

From: Yenter, Cindy
Sent: Monday, June 01, 2015 12:34 PM
To: Hersley, Jean
Subject: RE: WSB Lease Applications for K & K Real Estate, Boer's.

Jean – Two comments. First, you have omitted right no. 36-2161K from your list in the sufficiency memo. You also have a typo on 36-2087K. there's an extra number in there.

Second, the portion of the pivot in question which was irrigated in 2009 and which appears on the application is limited to 28 acres, not 32. The outer 4 acres of that quarter-swipe may have been irrigated in 2008, but in 2009 had already been placed under compost. Consequently there are only 28 acres under the rights in that QQ irrigated in 2009 and eligible for bank at this time.

Aside from the reduction in eligible acres I have no other objections.

Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033

From: Hersley, Jean
Sent: Thursday, May 28, 2015 9:40 AM
To: Yenter, Cindy
Subject: WSB Lease Applications for K & K Real Estate, Boer's.

You will find the applications, review memo and DRAFT Lease contract at
N:\WRDocs\WSB\WSB PROCESSING DOCUMENTS\2015 Lease-Rentals\2015 Leases\BOER 36-2087K, et al
The files are too big to email to you.

These water rights were in the name of K & W Dairy. A recent ownership change put them in the name of K & K Real Estate(Adrian and Linda Boer), Kenneth & Stacy Boer and Kevin and Jeanna Boer. K & W Dairy was in the name of the Boer's.

Please send any comments or concerns as soon as possible. Thanks.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

MEMORANDUM

To: Water Right No(s). 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169K

From: Jean Hersley

Date: May 14, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These application(s) were originally received on December 10, 2014. Ownership of these rights were an issue and the applications were returned in May then resubmitted May 14, 2015. The applicant wishes to place 32.16 acres in the bank. These water rights all overlap and are limited to the irrigation of 1009.6 acres

Email from Cindy Yenter stated the applicant was limited to 28 acres. The outer 4 acres were placed under compost around 2009. Contract was sent for 28 acres.

AUTHORITY TO FILE: Adrian Boer, member of K & K Real Estate, a current owner, signed the applications.

WATER RIGHT VALIDITY: The parents of these water rights were decreed in 2002. Irrigation took place in 2009 according to aerial photography. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 130. See email from Cindy Yenter.