

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

This is to certify that: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

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

Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
37-368A	2.66 CFS	NA	110.3 AC	513.9 AC
37-409A	2.85 CFS	NA	94.3 AC	513.9 AC
37-2076A	6.10 CFS	NA	224.0 AC	513.9 AC
37-2157	0.80 CFS	NA	40.0 AC	513.9 AC
37-2455	3.00 CFS	NA	45.3 AC	513.9 AC
<b>COMBINED LEASE TOTALS:</b>	<b>15.41 CFS</b>	<b>36.0 AF</b>	<b>513.9 AC</b>	<b>513.9 AC</b>

**TERM OF LEASE:**

Lease Begin Date: April 1, 2013

Expiration Date: December 31, 2017

**RENTAL AVAILABILITY:**

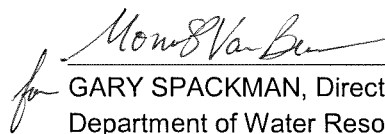
Season of Use: January 1 to December 31

**MINIMUM PAYMENT ACCEPTABLE:**

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 29th day of November, 2012

  
GARY SPACKMAN, Director  
Department of Water Resources

SUPPORT DATA

IN FILE # 37-368A

**WATER RIGHT NO. 37-368A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

**Priority Date:** 06/15/1884

**Source:** WEST FORK THREEMILE CREEK      **Tributary to:** THREEMILE CREEK

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Volume</u></b>
IRRIGATION	04/15 to	10/31	2.66 CFS	
	<b>Total:</b>		<b>2.66 CFS</b>	

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

EAST FORK THREEMILE CREEK SE¼SE¼SW¼ Sec. 14 Twp 01N Rge 13E CAMAS 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	
01N	13E	22	14	9.4	22	40									40	12		37	174.4
01N	13E	23					22	10.0	40	20	20	40	40	28					220
01N	13E	26					4.2	33	17										54.2
01N	13E	27	37			30													67

Total Acres: 515.6

Limited to acres within place of use described above: 110.3

**COMBINED LIMITS OF LEASED RIGHT:**

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-368A, 37-409A, 37-2076A, 37-2157, AND 37-2455	NA	NA	513.9 AC

**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.
5. While a water right is in the bank, forfeiture provisions are stayed.

**WATER RIGHT NO. 37-368A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. 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. This right is limited to the irrigation of 110.3 acres within the place of use described above in a single irrigation season.
13. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

**WATER RIGHT NO. 37-409A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

**Priority Date:** 04/01/1907

**Source:** EAST FORK THREEMILE CREEK      **Tributary to:** CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	04/15 to	10/31	2.85 CFS	
	<b>Total:</b>		<b>2.85 CFS</b>	

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

EAST FORK THREEMILE CREEK NE¼NW¼NE¼ Sec. 23 Twp 01N Rge 13E CAMAS County

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01N	13E	22	X	X	X	X									X	X			X	NA
01N	13E	23					X	X	X	X	X	X	X	X						NA
01N	13E	26					X	X	X											NA
01N	13E	27	X		X															NA

Total Acres: NA

**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		
01N	13E	22	14	9.4	22	40									40	12			37	174.4
01N	13E	23					22	10.0	40	20	20	40	40	28						220
01N	13E	26					4.2	33	17											54.2
01N	13E	27	37			30														67

Total Acres: 515.6

Limited to acres within place of use described above: 94.3

**COMBINED LIMITS OF LEASED RIGHT:**

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-368A, 37-409A, 37-2076A, 37-2157, AND 37-2455	NA	NA	513.9 AC

**CONDITIONS OF ACCEPTANCE**

- The water rights referenced above will be rented from the bank at the current rental rate.

**WATER RIGHT NO. 37-409A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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.
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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. 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. This right is limited to the irrigation of 94.3 acres within the place of use described above in a single irrigation season.
13. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

**WATER RIGHT NO. 37-2076A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

**Priority Date:** 05/17/1907

**Source:** WEST FORK THREEMILE CREEK      **Tributary to:** THREEMILE CREEK  
MC MAHAN CREEK                                      **Tributary to:** THREEMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	04/15 to	10/31	6.10 CFS	
	<b>Total:</b>		<b>6.10 CFS</b>	

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

WEST FORK THREEMILE CREEK NE¼NE¼NW¼ Sec. 23 Twp 01N Rge 13E CAMAS County  
MA MAHAN CREEK NE¼SW¼NE¼ Sec. 22 Twp 01N Rge 13E CAMAS County

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	22	X	X	X	X									X	X		X	NA
01N	13E	23					X	X	X	X	X	X	X						NA
01N	13E	26					X	X	X										NA
01N	13E	27	X		X														NA

Total Acres: NA

**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	
01N	13E	22	14	9.4	22	40									40	12		37	174.4
01N	13E	23					22	10.0	40	20	20	40	40	28					220
01N	13E	26					4.2	33	17										54.2
01N	13E	27	37																67

Total Acres: 515.6

Limited to acres within place of use described above: 224.0

**COMBINED LIMITS OF LEASED RIGHT:**

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-368A, 37-409A, 37-2076A, 37-2157, AND 37-2455	NA	NA	513.9 AC

**WATER RIGHT NO. 37-2076A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**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.
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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. 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. This right is limited to the irrigation of 224 acres within the place of use described above in a single irrigation season.
13. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

**WATER RIGHT NO. 37-2157  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

**Priority Date:** 10/14/1909

**Source:** UNNAMED STREAM **Tributary to:** MC MAHAN CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	04/15 to	10/31	0.80 CFS	
	<b>Total:</b>		<b>0.80 CFS</b>	

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

UNNAMED STREAM SE¼SE¼SE¼ Sec. 15 Twp 01N Rge 13E CAMAS County

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01N	13E	22	X	X	X	X										X	X		X	NA
01N	13E	23					X	X	X	X	X	X	X	X						NA
01N	13E	26					X	X	X											NA
01N	13E	27	X		X															NA

Total Acres: NA

**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		
01N	13E	22	14	9.4	22	40										40	12		37	174.4
01N	13E	23					22	10.0	40	20	20	40	40	28						220
01N	13E	26					4.2	33	17											54.2
01N	13E	27	37																	67

Total Acres: 515.6

Limited to acres within place of use described above: 40.0

**COMBINED LIMITS OF LEASED RIGHT:**

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-368A, 37-409A, 37-2076A, 37-2157, AND 37-2455	NA	NA	513.9 AC

**CONDITIONS OF ACCEPTANCE**

- The water rights referenced above will be rented from the bank at the current rental rate.

**WATER RIGHT NO. 37-2157  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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.
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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. 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. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
13. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

**WATER RIGHT NO. 37-2455  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE WA 98009  
(425) 460-2542  
GREGV@PISTOLCREEK.COM

**Priority Date:** 03/12/1940

**Source:** MC MAHAN CREEK **Tributary to:** THREEMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	04/15 to	10/31	3.00 CFS	
	<b>Total:</b>			<b>3.00 CFS</b>

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

MC MAHAN CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 22 Twp 01N Rge 13E CAMAS County

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	22	X	X	X	X									X	X		X	NA
01N	13E	23					X	X	X	X	X	X	X						NA
01N	13E	26					X	X	X										NA
01N	13E	27	X		X														NA

Total Acres: NA

**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	
01N	13E	22	14	9.4	22	40									40	12		37	174.4
01N	13E	23					22	10.0	40	20	20	40	40	28					220
01N	13E	26					4.2	33	17										54.2
01N	13E	27	37				30												67

Total Acres: 515.6

Limited to acres within place of use described above: 45.3

**COMBINED LIMITS OF LEASED RIGHT:**

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-368A, 37-409A, 37-2076A, 37-2157, AND 37-2455	NA	NA	513.9 AC

**CONDITIONS OF ACCEPTANCE**

- The water rights referenced above will be rented from the bank at the current rental rate.

**WATER RIGHT NO. 37-2455  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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.
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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. 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. This right is limited to the irrigation of 45.3 acres within the place of use described above in a single irrigation season.
13. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.