

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

This is to certify that: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098
(208) 287-4800

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

	<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	73-12206	0.07 CFS	NA	NA	103.6 AC
	73-12210	0.30 CFS	NA	NA	103.6 AC
COMBINED LEASE TOTALS:		0.37 CFS	NA	17.4 AC	103.6 AC
	73-12207	0.11 CFS	NA	NA	103.6 AC
	73-12208	0.11 CFS	NA	NA	103.6 AC
COMBINED LEASE TOTALS:		0.22 CFS	NA	8.7 AC	103.6 AC
	73-12209	0.13 CFS	NA	6.5 AC	103.6 AC
	73-12211	0.35 CFS	NA	17.4 AC	103.6 AC
OVERALL LEASE TOTALS:		1.07 CFS	NA	50.0 AC	103.6 AC

TERM OF LEASE:

Lease Begin Date: January 1, 2013

Expiration Date: Indefinite

RENTAL AVAILABILITY:


Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Negotiated Rental Rate: See conditions of approval

Detailed Lease Acceptance attached.

Dated this 28th day of November, 20 12


GARY SPACKMAN, Director
Department of Water Resources

WATER RIGHT NO. 73-12206
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: IDAHO WATER RESOURCE BOARD
 PO BOX 83720
 BOISE ID 83720-0098
 (208) 287-4800

Priority Date: 05/01/1884

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.07 CFS	
	Total:			0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12206 AND 73-12210	NA	NA	17.4 AC
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12206
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. Right Nos. 73-12206 and 73-12210 are limited to the irrigation of a combined total of 17.4 acres in a single irrigation season.
14. The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.

**WATER RIGHT NO. 73-12207
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098
(208) 287-4800

Priority Date: 07/20/1915

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.11 CFS	
	Total:			0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12207 AND 73-12208	NA	NA	8.7 AC
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12207
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. Right Nos. 73-12207 and 73-12208 are limited to the irrigation of a combined total of 8.7 acres in a single irrigation season.
14. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.

**WATER RIGHT NO. 73-12208
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098
(208) 287-4800

Priority Date: 09/16/1912

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.11 CFS	
	Total:			0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12207 AND 73-12208	NA	NA	8.7 AC
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12208
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. Right Nos. 73-12207 and 73-12208 are limited to the irrigation of a combined total of 8.7 acres in a single irrigation season.
14. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.

**WATER RIGHT NO. 73-12209
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098
(208) 287-4800

Priority Date: 01/20/1910

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.13 CFS	
	Total:			0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

Limited to acres within place of use described above: 6.5

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12209
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. This right is limited to the irrigation of 6.5 acres within the place of use described above in a single irrigation season.
14. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.

**WATER RIGHT NO. 73-12210
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098
(208) 287-4800

Priority Date: 05/11/1911

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.30 CFS	
	Total:			0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12206 AND 73-12210	NA	NA	17.4 AC
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12210
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. Right Nos. 73-12206 and 73-12210 are limited to the irrigation of a combined total of 17.4 acres in a single irrigation season.
14. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.

WATER RIGHT NO. 73-12211
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: IDAHO WATER RESOURCE BOARD
 PO BOX 83720
 BOISE ID 83720-0098
 (208) 287-4800

Priority Date: 12/15/1894

Source: SULPHUR CREEK **Tributary to:** PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.35 CFS	
Total:			0.35 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SULPHUR CREEK	SW¼SW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER County
SULPHUR CREEK	SE¼NW¼	Sec. 24	Twp 14N	Rge 21E	CUSTER 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	
14N	21E	13															38.6		38.6
14N	21E	24					20			9.0	36								65

Total Acres: 103.6

Limited to acres within place of use described above: 17.4

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12206, 73-12207, 73-12208, 73-12209, 73-12210, 73-12211	NA	NA	103.6 AC

CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. These leased rights were donated to the Idaho Water Resource Board for the purpose of restoring stream flow in Sulphur Creek and the Pahsimeroi River. The IWRB approved \$12,305 for administration through WD 73, of which 10%, or \$1,230.50, can go to the Bank.
2. Under this negotiated lease and rental agreement, there is no payment to the lessor.
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. 73-12211
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. The rights listed below are limited to the irrigation of a combined total of 103.6 acres in a single irrigation season. Combined Right Nos.: 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
13. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
14. This right is limited to the irrigation of 17.4 acres within the place of use described above in a single irrigation season.
15. After the deduction of this lease, the rights listed below are limited to the irrigation of a combined total of 901.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, and 73-7000.