

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

JUN 04 2012

DEPARTMENT OF
WATER RESOURCES

This is to certify that: ALONZO B LEAVELL
PO BOX 54
GOODING ID 83330
(208) 934-8598

filed an application to rent water from 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") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	37-22167	0.06 CFS	12.8 AF	3.2 AC
COMBINED RENTAL TOTALS:		0.06 CFS	12.8 AF	3.2 AC

TERM OF RENTAL:

April 1, 2012 to November 1, 2012
April 1, 2013 to November 1, 2013
April 1, 2014 to November 1, 2014
April 1, 2015 to November 1, 2015
April 1, 2016 to November 1, 2016

RENTAL FEE:

\$179.20 in 2012
\$217.60 from 2013 through 2016

The total fee for rental of the above-described water is \$179.20 in 2012 and \$217.60 every year thereafter. The undersigned renter is also the lessor under this agreement, and is therefore obligated to pay only the administrative fee of **\$17.92 in 2012 and \$21.76 every year thereafter.** An annual payment shall be received by the Department of Water Resources prior to April 1, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 1 day of June, 2012.

By: Alonzo B. Leavell
(Print Name)

Alonzo B. Leavell
(Signature)

Owner
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 5th day of June, 2012.

for Nicholas Van Dyke
GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 37-22167
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: ALONZO B LEAVELL
 PO BOX 54
 GOODING ID 83330
 (208) 934-8598

Priority Date: 09/20/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.12 CFS	24.0 AF
	Total: 0.12 CFS			24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	L3 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	L3 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	L3 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 31 Twp 05S 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	
05S	15E	31										6.0							6.0

Total Acres: 6.0

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 section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
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.

**WATER RIGHT NO. 37-22167
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

9. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, 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 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 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.
12. 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.
13. 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.

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.