

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

This is to certify that: CLIFFORD SEARLE
500 E 500 S
BURLEY ID 83318
(208) 678-2615

KENT R SEARLE
476 E 600 S
BURLEY ID 83318
(208) 678-2913

KELLY SEARLE
739 S 50 W
BURLEY ID 83318

CRAIG SEARLE
522 E 600 S
BURLEY ID 83318
(208) 678-1599

CLOYD R SEARLE
474 E 550 S
BURLEY ID 83318
(208) 678-1289

RAYMOND C SEARLE
655 S 650TH E
BURLEY ID 83318
(208) 654-2755

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
45-7317	2.21 CFS	616.0 AF	NA	154.0 AC
45-13981	1.74 CFS	416.4 AF	104.1 AC	154.0 AC
45-13982	0.31 CFS	149.5 AF	49.9 AC	154.0 AC
COMBINED LEASE TOTALS:	2.49 CFS	616.0 AF	154.0 AC	154.0 AC

TERM OF LEASE:

Lease Begin Date: May 1, 2009

Expiration Date: December 31, 2014

**WATER RIGHT NO. 45-7317, 45-13981 AND 45-13982
WATER SUPPLY BANK LEASE ACCEPTANCE**

RENTAL AVAILABILITY:

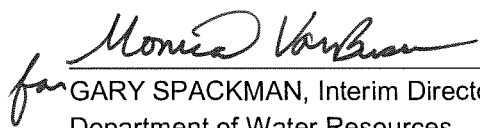
Season of Use: March 15 to November 15 annually

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 27th day of June, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 45-7317
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: CLIFFORD SEARLE
500 E 500 S
BURLEY ID 83318
(208) 678-2615

KENT R SEARLE
476 E 600 S
BURLEY ID 83318
(208) 678-2913

KELLY SEARLE
739 S 50 W
BURLEY ID 83318

CRAIG SEARLE
522 E 600 S
BURLEY ID 83318
(208) 678-1599

CLOYD R SEARLE
474 E 550 S
BURLEY ID 83318
(208) 678-1289

RAYMOND C SEARLE
655 S 650TH E
BURLEY ID 83318
(208) 654-2755

Priority Date: 07/11/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	2.21 CFS	616.0 AF
	Total:		2.21 CFS	616.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW¼NW¼NE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼NW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County

**WATER RIGHT NO. 45-7317
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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	
11S	23E	26																2.9	2.9
		35			23.3	24.8									40	40			128.1
11S	24E	28												2.0	7.0	1.0	2.0	7.0	19
		30		3.0	1.0														4.0

Total Acres: 154.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
45-7317, 45-13981 and 45-13982	2.49 CFS	616.0 AF	154.0 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.
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. 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.

**WATER RIGHT NO. 45-7317
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

12. Rights 45-7118, 45-7125 and 45-7317 shall not be used on 102.0 acres if the surface water rights appurtenant to the same 102.0 acres is sold, transferred, leased or used upon any other place of use.
13. Rights 45-7118, 45-7125 and 45-7317 and surface water rights appurtenant to 102.0 acres of the same land shall not exceed the combined irrigation of 630.0 acres unless additional rights or shares are obtained in the future.
14. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 45-7118, 45-7125 and 45-7317 on 102.0 acres and shall only divert groundwater under these rights on these 102.0 acres when water from the appurtenant surface water rights cannot be delivered to the right holder.
15. The leased portion of this right shall be considered primary.
16. Rights 45-2383, 45-7118, 45-7125 and 45-7317 when combined shall not exceed a total diversion rate of 20.51 cfs, a total annual maximum diversion volume of 5080 af at the field headgate, and the irrigation of 1270 acres.
17. Diversion of water from the four points of diversion located in Section 32, T11S, R23E, in the Oakley-Kenyon Critical Groundwater Area, shall not exceed a total annual diversion volume of 2560 af.
18. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
19. The leased portions of Right Nos. 45-7317, 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 616.0 af at the field headgate and the irrigation of 154.0 acres.

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.

**WATER RIGHT NO. 45-13981
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: CLIFFORD SEARLE
500 E 500 S
BURLEY ID 83318
(208) 678-2615

KENT R SEARLE
476 E 600 S
BURLEY ID 83318
(208) 678-2913

KELLY SEARLE
739 S 50 W
BURLEY ID 83318

CRAIG SEARLE
522 E 600 S
BURLEY ID 83318
(208) 678-1599

CLOYD R SEARLE
474 E 550 S
BURLEY ID 83318
(208) 678-1289

RAYMOND C SEARLE
655 S 650TH E
BURLEY ID 83318
(208) 654-2755

Priority Date: 05/04/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	1.74 CFS	416.4 AF
	Total:		1.74 CFS	416.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW¼NW¼NE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼NW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County

**WATER RIGHT NO. 45-13981
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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	
11S	23E	26																2.9	2.9
		35			23.3	24.8									40	40			128.1
11S	24E	28												2.0	7.0	1.0	2.0	7.0	19
		30		3.0	1.0														4.0

Total Acres: 154.0

Limited to acres within place of use described above: 104.1

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
45-7317, 45-13981 and 45-13982	2.49 CFS	616.0 AF	154.0 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.
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. 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.

**WATER RIGHT NO. 45-13981
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

12. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
13. Diversion of water from the four points of diversion located in Section 32, T11S, R23E, in the Oakley-Kenyon Critical Groundwater Area, shall not exceed a total annual diversion volume of 2560 af.
14. Rights 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 5.91 cfs, a total annual maximum diversion volume of 1919.5 af at the field headgate, and the irrigation of 522.4 acres.
15. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
16. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 26.42 cfs, a total annual maximum diversion volume of 6540.0 af at the field headgate, and the irrigation of 1635.0 acres.
17. The leased portion of this right is limited to 104.1 acres within the place of use described above in a single irrigation season.
18. The leased portions of Right Nos. 45-7317, 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 616.0 af at the field headgate and the irrigation of 154.0 acres.
19. Beginning on the date of approval of Transfer 71475, Rights 45-13981 and 45-13982 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought. If the lease term is extended, the leased volume will reflect the diversion volume schedule.

Years 2006 through 2020 the rights are limited to 5.91 cfs and 1919.5 afa.

Years 2021 through 2030 the rights are limited to 5.32 cfs and 1727.6 afa.

Years 2031 through 2040 the rights are limited to 4.73 cfs and 1535.6 afa

Years 2041 through 2050 the rights are limited to 4.14 cfs and 1343.7 afa

Years 2051 and beyond the rights are limited to 3.84 cfs and 1247.7 afa.

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.

**WATER RIGHT NO. 45-13982
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: CLIFFORD SEARLE
500 E 500 S
BURLEY ID 83318
(208) 678-2615

KENT R SEARLE
476 E 600 S
BURLEY ID 83318
(208) 678-2913

KELLY SEARLE
739 S 50 W
BURLEY ID 83318

CRAIG SEARLE
522 E 600 S
BURLEY ID 83318
(208) 678-1599

CLOYD R SEARLE
474 E 550 S
BURLEY ID 83318
(208) 678-1289

RAYMOND C SEARLE
655 S 650TH E
BURLEY ID 83318
(208) 654-2755

Priority Date: 05/23/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.31 CFS	149.5 AF
	Total:		0.31 CFS	149.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW¼NW¼NE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼NW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼NW¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SW¼SW¼SW¼	Sec. 28	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	SE¼SE¼SE¼	Sec. 32	Twp 11S	Rge 23E	CASSIA County
GROUND WATER	NE¼NE¼SE¼	Sec. 30	Twp 11S	Rge 23E	CASSIA County

WATER RIGHT NO. 45-13982
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

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	
11S	23E	26																2.9	2.9
		35			23.3	24.8									40	40			128.1
11S	24E	28												2.0	7.0	1.0	2.0	7.0	19
		30		3.0	1.0														4.0

Total Acres: 154.0

Limited to acres within place of use described above: 49.9

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
45-7317, 45-13981 and 45-13982	2.49 CFS	616.0 AF	154.0 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.
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. 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.

**WATER RIGHT NO. 45-13982
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

12. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
13. Diversion of water from the four points of diversion located in Section 32, T11S, R23E, in the Oakley-Kenyon Critical Groundwater Area, shall not exceed a total annual diversion volume of 2560 af.
14. Rights 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 5.91 cfs, a total annual maximum diversion volume of 1919.5 af at the field headgate, and the irrigation of 522.4 acres.
15. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
16. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 26.42 cfs, a total annual maximum diversion volume of 6540.0 af at the field headgate, and the irrigation of 1635.0 acres.
17. The leased portions of Right Nos. 45-7317, 45-13981 and 45-13982 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 616.0 af at the field headgate and the irrigation of 154.0 acres.
18. The leased portion of this right is limited to 49.9 acres within the place of use described above in a single irrigation season.
19. Beginning on the date of approval of Transfer 71475, Rights 45-13981 and 45-13982 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought. If the lease term is extended, the leased volume will reflect the diversion volume schedule.

Years 2006 through 2020 the rights are limited to 5.91 cfs and 1919.5 afa.

Years 2021 through 2030 the rights are limited to 5.32 cfs and 1727.6 afa.

Years 2031 through 2040 the rights are limited to 4.73 cfs and 1535.6 afa

Years 2041 through 2050 the rights are limited to 4.14 cfs and 1343.7 afa

Years 2051 and beyond the rights are limited to 3.84 cfs and 1247.7 afa.

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.