

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

This is to certify that: JOHN D PRUDDEN
KRISTINE S PIGEON
MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333
(208) 788-9636

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
51-60	0.90 CFS	NA	NA	91.1 AC
51-61	0.40 CFS	NA	NA	91.1 AC
51-62	0.30 CFS	NA	NA	91.1 AC
COMBINED LEASE TOTALS:	1.60 CFS	NA	NA	91.1 AC

TERM OF LEASE:

Lease Begin Date: June 17, 2009

Expiration Date: December 31, 2014

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 3rd day of May, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 51-60
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: JOHN D PRUDDEN
KRISTINE S PIGEON
MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333
(208) 788-9636

Priority Date: 04/01/1876

Source: BRUNEAU RIVER **Tributary to:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.90 CFS	
STOCKWATER	01/01	to 12/31	0.05 CFS	
Total:			0.90 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER SE¼SE¼NE¼ Sec. 8 Twp 07S Rge 06E OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION & 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	
07S	06E	5												0.9			3.1		4.0
07S	06E	8	9.0	36	14	23	5.1												87.1

Total Acres: 91.1

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
51-60, 51-61 AND 51-62	1.6 CFS		91.1 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.

**WATER RIGHT NO. 51-60
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
13. Use of this right is combined with water from Hot Springs Ditch Co.
14. Use of this right with Right Nos. 51-61 and 51-62 is limited to a total combined diversion rate of 1.60 cfs.
15. Use of this right with the rights listed below is limited to the irrigation of a combined total of 91.1 acres in a single irrigation season. Combined Right Nos.: 51-61 and 51-62.
16. The following rights are also diverted through point of diversion described above: 51-61 and 51-62.
17. Stockwater use is for 600 range cattle.

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. 51-61
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: JOHN D PRUDDEN
KRISTINE S PIGEON
MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333
(208) 788-9636

Priority Date: 04/01/1897

Source: BRUNEAU RIVER **Tributary to:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.40 CFS	
	Total:			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER SE¼SE¼NE¼ Sec. 8 Twp 07S Rge 06E OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION & 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	
07S	06E	5												0.9			3.1		4.0
07S	06E	8	9.0	36	14	23	5.1												87.1

Total Acres: 91.1

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
51-60, 51-61 AND 51-62	1.6 CFS		91.1 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.

**WATER RIGHT NO. 51-61
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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.
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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. Use of this right is combined with water from Hot Springs Ditch Co.
12. Use of this right with Right Nos. 51-60 and 51-62 is limited to a total combined diversion rate of 1.60 cfs.
13. Use of this right with the rights listed below is limited to the irrigation of a combined total of 91.1 acres in a single irrigation season. Combined Right Nos.: 51-60 and 51-62.
14. The following rights are also diverted through point of diversion described above: 51-60 and 51-62.

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. 51-62
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: JOHN D PRUDDEN
KRISTINE S PIGEON
MATHER CAPITAL CORP
109 GREENHORN RD
HAILEY ID 83333
(208) 788-9636

Priority Date: 04/01/1905

Source: BRUNEAU RIVER **Tributary to:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.30 CFS	
	Total:			0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER SE¼SE¼NE¼ Sec. 8 Twp 07S Rge 06E OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION & STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
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Total Acres: 91.1

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
51-60, 51-61 AND 51-62	1.6 CFS		91.1 AC

CONDITIONS OF ACCEPTANCE

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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. Use of this right is combined with water from Hot Springs Ditch Co.
12. Use of this right with Right Nos. 51-60 and 51-61 is limited to a total combined diversion rate of 1.60 cfs.
13. Use of this right with the rights listed below is limited to the irrigation of a combined total of 91.1 acres in a single irrigation season. Combined Right Nos.: 51-60 and 51-61.
14. The following rights are also diverted through point of diversion described above: 51-60 and 51-61.

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.