

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

This is to certify that: SV HOMEOWNERS ASSN INC
C/O AMI
PO BOX 5714
BOISE ID 83705
(208) 921-8973

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
63-161BN	0.50 CFS	112.5 AF	NA	25.0 AC
63-2932	0.18 CFS	2.5 AF	NA	25.0 AC
COMBINED LEASE TOTALS:	0.50 CFS	112.5 AF	NA	25.0 AC

TERM OF LEASE: Lease Begin Date: September 1, 2009

Expiration Date: December 31, 2014

RENTAL AVAILABILITY: Season of Use: March 1 to November 15 annually

MINIMUM PAYMENT ACCEPTABLE: Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 3rd day of May, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 63-161BN
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: SV HOMEOWNERS ASSN INC
C/O AMI
PO BOX 5714
BOISE ID 83705
(208) 921-8973

Priority Date: 05/01/1866

Source: BOISE 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	0.50 CFS	112.5 AF
	Total:			0.50 CFS
				112.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NW¼NE¼) Sec. 4 Twp 02N Rge 03E ADA 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	
02N	03E	4		11 (L7)			19 (L3)	4.0 (L4)											34
03N	03E	32		1.0 (L2)	29	3.0 (L1)	32	4.0		16					35	12		8.0	140
03N	03E	33										16	35	21					72

Total Acres: 246

Limited to acres within place of use described above: 25.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
63-161BN AND 63-2932	0.50 CFS	112.5 AF	25.0 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.

**WATER RIGHT NO. 63-161BN
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. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 63-161BN and 63-2932 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 634.5 af at the field headgate, and the irrigation of 141 acres.
14. This lease is limited to the irrigation of 25.0 acres within the authorized place of use in a single irrigation season.
15. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from ground water via Water Right No. 63-2932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN (this right) is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 shall not exceed 14.0 acre feet.
16. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
17. Diversion under this right and Right No. 63-2932 is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
18. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-2932, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

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19. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via this water right . This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

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. 63-2932
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: SV HOMEOWNERS ASSN INC
C/O AMI
PO BOX 5714
BOISE ID 83705
(208) 921-8973

Priority Date: 03/16/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.18 CFS	2.5 AF
	Total:		0.18 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 Twp 03N Rge 03E ADA 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	
02N	03E	4		11 (L7)			19 (L3)	4.0 (L4)											34
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Total Acres: 246

Limited to acres within place of use described above: 25.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
63-161BN AND 63-2932	0.50 CFS	112.5 AF	25.0 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.
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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 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-161BN and 63-2932 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 634.5 af at the field headgate, and the irrigation of 141 acres.
13. This lease is limited to the irrigation of 25.0 acres within the authorized place of use in a single irrigation season.
14. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from ground water via Water Right No. 63-2932 (this right). This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 (this right) shall not exceed 14.0 acre feet.
15. Diversion under this right and Right No. 63-161BN is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
16. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-161BN, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.
17. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
18. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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20. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via this water right. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

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