

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

This is to certify that: JOHN D MC GONIGAL
ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338
(208) 731-8830

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>
	37-655A	1.06 CFS	NA	NA	68.8 AC
	37-21477	1.15 CFS	NA	NA	68.8 AC
COMBINED LEASE TOTALS:		2.21 CFS	NA	NA	68.8 AC

TERM OF LEASE:

Lease Begin Date: September 24, 2010

Expiration Date: December 31, 2015

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31 annually

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 11th day of March, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 37-655A
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: JOHN D MC GONIGAL
 ROSEMARY MC GONIGAL
 PO BOX 102
 JEROME ID 83338
 (208) 731-8830

Priority Date: 07/01/1888

Source: UNNAMED STREAM **Tributary to:** WILLOW CREEK
 WILLOW CREEK BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 09/15	1.06 CFS	
STOCKWATER	01/01	to 12/31	0.02 CFS	
Total:			1.06 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WILLOW CREEK	SW¼SW¼SW¼ Sec. 13 Twp 01S	Rge 18E	BLAINE County
UNNAMED STREAM	NW¼NE¼SW¼ Sec. 13 Twp 01S	Rge 18E	BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: 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	
01S	18E	14													X	X	X	X	
01S	18E	23	X																X

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	
01S	18E	14													2.3	22	14	4.5	42.8
01S	18E	23	26																26

Total Acres: 68.8 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-655A AND 37-21477			68.8 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.

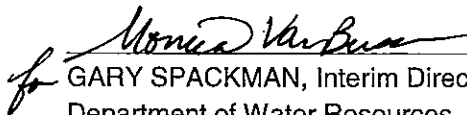
**WATER RIGHT NO. 37-655A
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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 for this right for stockwater use shall not exceed 13,000 gallons per day.

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.

Dated this 11th day of March, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 37-21477
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: JOHN D MC GONIGAL
 ROSEMARY MC GONIGAL
 PO BOX 102
 JEROME ID 83338
 (208) 731-8830

Priority Date: 05/15/1881

Source: UNNAMED STREAM **Tributary to:** WILLOW CREEK
 WILLOW CREEK BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to	09/15	1.15 CFS	
STOCKWATER	01/01 to	12/31	0.02 CFS	
	Total:		1.15 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WILLOW CREEK SW¼SW¼SW¼ Sec. 13 Twp 01S Rge 18E BLAINE County
 UNNAMED STREAM NW¼NE¼SW¼ Sec. 13 Twp 01S Rge 18E BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: 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	
01S	18E	14													X	X	X	X	
01S	18E	23	X																X

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	
01S	18E	14													2.3	22	14	4.5	42.8
01S	18E	23	26																26

Total Acres: 68.8 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-655A AND 37-21477			68.8 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.

**WATER RIGHT NO. 37-21477
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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 for this right for stockwater use shall not exceed 13,000 gallons per day.

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.

Dated this 11th day of March, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources