

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

This is to certify that: PORTNEUF IRRIGATING CO
C/O CHRISTOPHER F ROBINSON
PO BOX 540478
NORTH SALT LAKE UT 84054
(801) 599-4397

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>
	29-51	10.5 CFS	NA	NA	600 AC
	29-11277	10.5 CFS	NA	NA	600 AC
COMBINED LEASE TOTALS:		10.5 CFS	NA	NA	600 AC

RELEASED
FEB 10 2015

TERM OF LEASE: Lease Begin Date: December 30, 2010

Expiration Date: December 31, 2015

RENTAL AVAILABILITY: Season of Use: Per the water right

MINIMUM PAYMENT ACCEPTABLE: The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at \$1 per year to Portneuf Irrigating Co. and 10% of the current rental rate paid to the Idaho Department of Water Resources.

Detailed Lease Acceptance attached.

Dated this 25th day of February, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources

SCANNED
MAR 01 2011

**WATER RIGHT NO. 29-51
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: PORTNEUF IRRIGATING CO
C/O CHRISTOPHER F ROBINSON
PO BOX 540478
NORTH SALT LAKE UT 84054
(801) 599-4397

Priority Date: 03/27/1889

Source: PORTNEUF RIVER **Tributary to:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/16	to 09/15	10.5 CFS	
	Total:		10.5 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PORTNEUF RIVER L3 (SE¼NW¼) Sec. 22 Twp 09S Rge 37E BANNOCK County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

600 acres within the digital boundary of Portneuf Irrigating Co. rights 29-51 and 29-11277.

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
29-51 and 29-11277	10.5 CFS	NA	600 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 other department application process.

**WATER RIGHT NO. 29-51
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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 boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference.
12. Right No. 29-11277 is also diverted through the point of diversion described above.
13. Place of use is within the area served by the Portneuf Irrigating Co.
14. Use of this right with right no. 29-11277 is limited to the irrigation of a combined total of 3117.6 acres in a single irrigation season.
15. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after September 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
16. The operation and administration of this water right is subject to the terms and conditions of the Portneuf River Settlement Agreement, Basin 29: Portneuf River filed with the SRBA District Court April 22, 2005.

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 29th day of February, 20 11


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 29-11277
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: PORTNEUF IRRIGATING CO
C/O CHRISTOPHER F ROBINSON
PO BOX 540478
NORTH SALT LAKE UT 84054
(801) 599-4397

Priority Date: 08/07/1932

Source: PORTNEUF RIVER **Tributary to:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 04/15	10.5 CFS	
IRRIGATION	09/16	to 10/31	10.5 CFS	
		Total:	10.5 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PORTNEUF RIVER L3 (SE¼NW¼) Sec. 22 Twp 09S Rge 37E BANNOCK County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

600 acres within the digital boundary of Portneuf Irrigating Co. rights 29-51 and 29-11277.

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
29-51 and 29-11277	10.5 CFS	NA	600 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 other department application process.

**WATER RIGHT NO. 29-11277
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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 boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference.
12. Right No. 29-51 is also diverted through the point of diversion described above.
13. Place of use is within the area served by the Portneuf Irrigating Co.
14. Use of this right with right no. 29-51 is limited to the irrigation of a combined total of 3117.6 acres in a single irrigation season.
15. Use of this right with right no. 29-51 is limited to a total combined diversion rate of 55 cfs.

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 25th day of February, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources