

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

This is to certify that: JAY D THOMAS
29282 CATTLE DRIVE RD
BRUNEAU ID 83604
(208) 845-2991

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
	51-7027	6.42 CFS	1601.2 AF	NA	320 AC
COMBINED LEASE TOTALS:		6.42 CFS	1601.2 AF	NA	320 AC

TERM OF LEASE:

Lease Begin Date: March 1, 2010

Expiration Date: December 31, 2015

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 24th day of January, 2010


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 51-7027
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: JAY D THOMAS
 29282 CATTLE DRIVE RD
 BRUNEAU ID 83604
 (208) 845-2991

Priority Date: 10/18/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01 to	11/01	6.40 CFS	1600.0 AF
DOMESTIC	01/01 to	12/31	0.02 CFS	1.2 AF
	Total:		6.42 CFS	1601.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SE¼NE¼ Sec. 35 Twp 06S Rge 04E OWYHEE County
 GROUND WATER SE¼SE¼NE¼ Sec. 35 Twp 06S Rge 04E OWYHEE County

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	35	40	40	40	40,D	40	40	40	40									320

Total Acres: 320

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. 51-7027
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 quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
12. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
13. Domestic use is for 1 home and 600 range cattle.
14. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after November 1 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.

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 24th day of January, 2011


for GARY SPACKMAN, Interim Director
Department of Water Resources