

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

This is to certify that: SCOTT AND/OR BARBARA CARPENTER
2196 N 800 E
TERRETON ID 83450
(208) 657-2510

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
	31-7167A	0.10 CFS	17.5 AF	N/A	5.0 AC
COMBINED LEASE TOTALS:		0.10 CFS	17.5 AF	N/A	5.0 AC

TERM OF LEASE:

Lease Begin Date: April 7, 2010

Expiration Date: December 31, 2010

RENTAL AVAILABILITY:

Season of Use: 04/01 to 10/31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 11th day of August, 2010


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 31-7167A **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: SCOTT AND/OR BARBARA CARPENTER
 2196 N 800 E
 TERRETON ID 83450
 (208) 657-2510

Priority Date: 07/01/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.10 CFS	17.5 AF
	Total:		0.10 CFS	17.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NW¼ Sec. 14 Twp 07N Rge 33E JEFFERSON 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	
07N	33E	14						5.0											5.0

Total Acres: 5.0

Acre Limit within Place of Use described: N/A

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 section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
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.

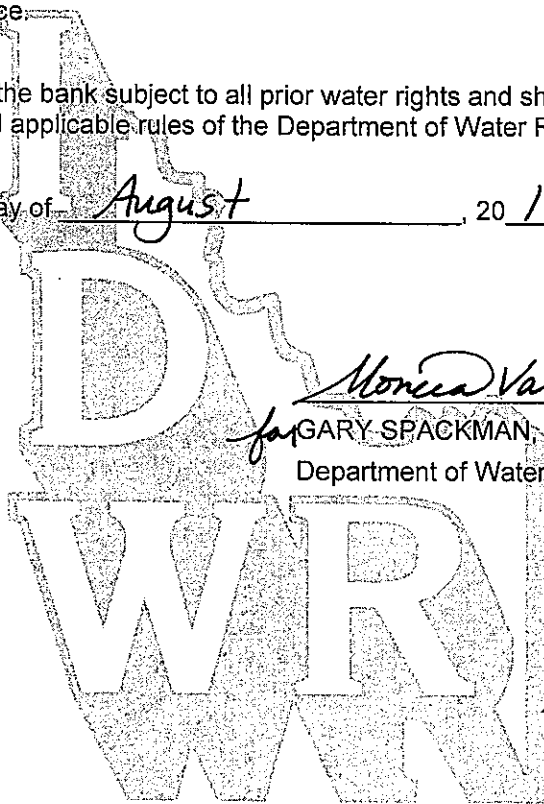
WATER RIGHT NO. 31-7167A
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

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 Sections 42-248 and 42-1409(6), Idaho Code, 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.

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 August, 20 10




for GARY SPACKMAN, Interim Director
Department of Water Resources

Water Supply Bank No. _____
(for Department use only)
Transfer No. _____

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

APR 07 2010

DEPARTMENT OF
WATER RESOURCES
(208) 657-2510

Name of Seller/Lessor Scott and/or Barbara Carpenter Phone _____

Mailing Address 2196 N 800 E, Terreton, ID 83450 Email _____

Prepared by: Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795

 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, Show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>31-7167A</u>	<u>0.10 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
			to _____
			to _____

Total: 0.10 cfs

2. Source of water Ground water tributary to _____

3. Point(s) of Diversion

Twp	Rge	Sec	Lot	¼	¼	¼	County
7N	33E	14		SE	NE	NW	Jefferson

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	33E	14						5.0											5.0

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 5.0

B. OWNERSHIP

- Are you currently listed in IDWR's Records as the owner of the water right being offered to the bank?
Yes ☒ No ☐ If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form with the required documentation and fee.
- Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages or contracts?
Yes ☐ No ☒ If yes, provide a notarized statement from the holder of the liens, deeds of trust, mortgages or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Center Pivots

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒ If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒ If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost though abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water involved in any other Department process such as an application for transfer or a mitigation plan?

Yes ☐ No ☒ If yes, describe.

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale or lease:

Sale ☐ Lease ☒

If Lease, for a period from April 1, 2010 to November 1, 2010 OR ☐ Indefinite

2. Show the minimum payment acceptable to the Sell/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authority necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Scott Carpenter
Signature of Applicant

Scott Carpenter owner
Printed Name and Title*

4/3/10
Date

Signature of Applicant

Printed Name and Title*

Date

* Please provide title of signatory if signing on behalf of a company or organization or the power of attorney

Owner Type **Name and Address**

Current Owner BARBARA CARPENTER

Current Owner Scott and/or Barbara Carpenter

2196 N 800 E, Terreton, ID 83450

(208)657-2510

Priority Date: 07/01/1975

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source **Tributary**

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 11/01 1.56 CFS 273 AFA

Total Diversion 1.56 CFS

Location of Point(s) of Diversion:

GROUND WATER SENENW Sec. 14 Township 07N Range 33E JEFFERSON County

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	33E	14		NENW 39			NWNW 39							

Total Acres: 78

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. RIGHT NO. 31-07167B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 02/22/2002

Water District Number: 110

Water Supply Bank:

Lessor Name(s): BARBARA CARPENTER
SCOTT CARPENTER

Lease Status: Active

Lease Amount: Part

Rental Availability: None

Date Received: 5/14/2007

Lease Begin Date: 5/14/2007

Expiration Date: 12/31/2009

