



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 24, 2010

KORTNY L ALBERTSON
579 N 2850 E
ROBERTS ID 83444

**RE: WATER SUPPLY BANK APPLICATIONS TO LEASE AND RENT
WATER RIGHT NO. 35-2389**

Dear Mr. Albertson:

The Department of Water Resources ("Department") has completed its review of your applications to lease water right no. 35-2389 to the Water Supply Bank ("Bank") and rent this right from the Bank. This right is accepted into the Bank in accordance with the enclosed Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water right from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

Also enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A total rental fee of was calculated based on the current rental rate of \$14.00 per acre-foot for each of the three years rented, times a diversion volume of 234.8 acre-feet. Ten percent (10%) of the total rental fee is retained by the Department for administrative fees in accordance with Water Supply Bank Rules (IDAPA 37.02.03). The remaining ninety percent (90%) is issued back to the lessor of the rented water right in the form of a warrant. Since you are the lessor and the renter under this agreement, the Department requires that you submit only the portion of the total payment to be retained for administrative fees. Please send a check for **\$986.16** made payable to the Idaho Department of Water Resources along with the original signed agreement within fourteen (14) days so I can complete the processing.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

Michele Edl
Associate Engineer

Enclosure(s)

c: Lyle Swank – IDWR Eastern Regional Office
James Cefalo – Watermaster 120
Tim Luke – IDWR Water Distribution Sec Mgr

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

This is to certify that: KORTNY L ALBERTSON
579 N 2850 E
ROBERTS ID 83444
(208) 521-8506

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>Total Leased Acres</u>
	35-2389	0.73 CFS	234.8 AF	58.7 AC
COMBINED LEASE TOTALS:		0.73 CFS	234.8 AF	58.7 AC

TERM OF LEASE:

Lease Begin Date: May 14, 2009

Expiration Date: October 31, 2011

RENTAL AVAILABILITY:

Season of Use: 04/01 to 10/31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this _____ day of _____, 20____

GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 35-2389 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: KORTNY L ALBERTSON
 579 N 2850 E
 ROBERTS ID 83444
 (208) 521-8506

Priority Date: 12/02/1954

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.73 CFS	234.8 AF
	Total:		0.73 CFS	234.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 Twp 05N Rge 36E 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	
5N	36E	33		0.4	3.8		0.8		16.0			1.1	17.0	4.2		0.4	15.0		58.7

Total Acres: 58.7

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. 35-2389
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.

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 _____ day of _____, 20_____

GARY SPACKMAN, Interim Director
Department of Water Resources