

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

This is to certify that: J.R. SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707
(208) 336-2110

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>Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	61-7170	6.70 cfs	60.0 af	400.0 ac	1,166.0 ac
COMBINED LEASE TOTALS		6.70 cfs	60.0 af	400.0 ac	1,166.0 ac

TERM OF LEASE:

Lease Begin Date: June 1, 2005

Expiration Date: Indefinite

RENTAL AVAILABILITY:

Season of Use: March 01 to November 15

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 7th day of September, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7170
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: J.R. SIMPLOT COMPANY
 PO BOX 27
 BOISE ID 83707
 (208) 336-2110

Priority Date: 10/24/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	6.70 CFS	60.0 AF
	Total: 6.70 CFS			60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENW	Sec. 05	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec. 05	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec. 04	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	NESE	Sec. 05	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	NESE	Sec. 05	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	SESE	Sec. 31	Twp 04S	Rge 04E	ELMORE County
GROUND WATER	SENW	Sec. 05	Twp 05S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec. 05	Twp 05S	Rge 04E	ELMORE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S 04E 31															39.0	40.0	79.0
05S 04E 4									40.0								40.0
05S 04E 5						38.0	40.0	35.0	39.0	40.0	39.0	40.0	40.0	37.0	40.0	39.0	427.0
05S 04E 6	39.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	319.0
05S 04E 7	40.0			40.0													80.0
05S 04E 8	40.0	21.0			40.0	40.0	40.0	40.0									221.0

Total Acres: 1,166.0

Acre Limit within Place of Use described: 400.0

**WATER RIGHT NO. 61-7170
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COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
61-2162, 61-2163, 61-2165, 61-7170, 61-12039	16.36 CFS	N/A	1,166.0 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 owner of the right 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. Use of rights 61-2162, 61-2163, 61-2165, 61-7170 and 61-12039 are limited when combined to one or more of the following in accordance with the conditions of approval on the water rights: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. 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.
10. 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.
11. 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.

WATER RIGHT NO. 61-7170
WATER SUPPLY BANK LEASE 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 7th day of September, 2006



Chief, Water Allocation Bureau