

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

This is to certify that: CLINTON D RICHENS
11574 HWY 20
MOUNTAIN HOME ID 83647
(208) 580-0787

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 Water Supply Bank ("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 Existing Water Right Record

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-12068	AJC/Decreed	05/01/1872	0.08 cfs	N/A	3.9	6.3 ac	Rattlesnake Creek

Summary of Water Rights or Portions Leased to the Bank

<u>Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
61-12068	0.08 cfs	N/A	3.9 ac
LEASE TOTALS	0.08 cfs	N/A	3.9 ac

TERM OF LEASE:

From: June 10, 2005
Expiration Date: Indefinite

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 8TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau

**WATER RIGHT NO. 61-12068
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: CLINTON D RICHENS
11574 HWY 20
MOUNTAIN HOME ID 83647
(208) 580-0787

Priority Date: 05/01/1872

Source: RATTLESNAKE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/01	0.08 CFS
			TOTAL: 0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

RATTLESNAKE CREEK	NWNW	Sec. 06	Twp 03S	Rge 08E	ELMORE County
RATTLESNAKE CREEK	NENE	Sec. 01	Twp 03S	Rge 07E	ELMORE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

WITHIN THE IRRIGATION DISTRICT PLACE OF USE BOUNDARY

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	07E	1	1.8	2.6	1.3	0.6													6.3

Total Acres: 3.9

Acre Limit within Place of Use described: 3.9

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
N/A	N/A	N/A	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.

**WATER RIGHT NO. 61-12068
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

3. While a right is in the bank, the owner of the right may not use the right 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.
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 the ongoing Snake River Basin Adjudication or any other department application process.
9. 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 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 8TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau