

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

This is to certify that: AMERICAN FALLS-ABERDEEN GROUND WATER DISTRICT,
BINGHAM GROUND WATER DISTRICT,
BONNEVILLE-JEFFERSON GROUND WATER DISTRICT
C/O LYNN TOMINAGA, IGWA INC
PO BOX 2624
BOISE ID 83701-2624
(208) 890-4014

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>Total Leased Acres</u>
	29-2301	3.82 cfs	2765.6 af	N/A
COMBINED LEASE TOTALS		3.82 cfs	2765.6 af	N/A

TERM OF LEASE:

Lease Begin Date: April 15, 2005
Expiration Date: Indefinite

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE: Payment based negotiated agreement*

* Total rental rate is \$3.28 per acre-foot. Payment to lessor is \$2.95 per acre-foot based on price negotiated between the water right owner and the applicant. Rental rate includes administrative fee.

Detailed Lease Acceptance attached.

Dated this 15th day of November, 2006



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 29-2284

WATER RIGHT NO. 29-2301
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: AMERICAN FALLS-ABERDEEN GROUND WATER DISTRICT,
 BINGHAM GROUND WATER DISTRICT,
 BONNEVILLE-JEFFERSON GROUND WATER DISTRICT
 C/O LYNN TOMINAGA, IGWA INC
 PO BOX 2624
 BOISE ID 83701-2624
 (208) 890-4014

Priority Date: 04/24/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	3.82 CFS	2765.6 af
			Total: 3.82 CFS	2765.6 af

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NW1/4NW1/4	Sec. 13, Twp 06S, Rge 33E, B.M.
POWER County		
GROUND WATER	NW1/4NW1/4NE1/4	Sec. 13, Twp 06S, Rge 33E, B.M.
POWER County		

PLACE OF USE TO BE IDLED UNDER THIS LEASE: INDUSTRIAL

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	33E	12											X	X			X	X	
06S	33E	13	X	X	X	X	X	X	X	X					X	X			

Total Acres: N/A

Acre Limit within Place of Use described: N/A

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

**WATER RIGHT NO. 29-2301
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

1. The water right referenced above is will be rented from the bank at the rental rate described above.
2. 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.
3. 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.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
6. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
7. 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.

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 15th day of November, 20 06



Chief, Water Allocation Bureau