

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

This is to certify that: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

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>Acre Limit</u>	<u>Total Leased Acres</u>
	61-12141	1.63 CFS	338.5 AF	84.6 AC	114.1 AC
COMBINED LEASE TOTALS:		1.63 CFS	338.5 AF	84.6 AC	114.1 AC

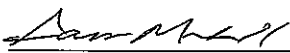
TERM OF LEASE: Lease Begin Date: October 1, 2009
Expiration Date: Indefinite

RENTAL AVAILABILITY: Season of Use: 04/01 to 10/31

MINIMUM PAYMENT ACCEPTABLE: Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 8TH day of OCTOBER, 2009



FOR GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 61-12141
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: IDAHO POWER CO
 PO BOX 70
 BOISE ID 83707

Priority Date: 09/15/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.63 CFS	338.5 AF
	Total: 1.63 CFS			338.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 23 Twp 02S Rge 06E ELMORE 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	
02S	06E	23		19.9	18.7		22.0			10.0	4.0			5.8		24.0	5.4		109.8
02S	06E	26	4.3																4.3

Total Acres: 114.1

Acre Limit within Place of Use described: 84.6

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. Use of rights 61-252B and 61-10146 are appurtenant to the permissible place of use described by leased rights 61-12140 and 61-12141 and are limited to the irrigation of 19.1 acres in a single irrigation season.
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.

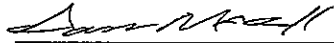
**WATER RIGHT NO. 61-12141
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CONDITIONS OF ACCEPTANCE

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 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.
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.

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 8TH day of OCTOBER, 2009



FOR GARY SPACKMAN, Interim Director
Department of Water Resources

10/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12141

WATER RIGHT NUMBER: 61-12141

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO POWER CO
	PO BOX 70
	BOISE, ID 83707
	208-388-2550

Priority Date: 09/15/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.630 CFS	338.50 AF
	<u>Total Diversion:</u>	1.630 CFS	338.50 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 23, Twp 02S, Rge 06E, B.M. ELMORE County

Place of Use

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	
02S	06E	23		19.9	18.7		22.0			10.0	4.0			5.8			24.0	5.4	109.8
02S	06E	26	4.3																4.3

Total Acres: 114.1

Conditions of Approval:

1. 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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 84.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
The use of water within the NWNE and SWNE, T02S, R06E, S23 is limited to the W-1/2 of those places of use.
The use of water within the NWSE T02S, R06E, S23 is limited to the W-1/2 and the SE-1/4 of that place of use.