

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

This is to certify that: UNITED STATES BUREAU OF RECLAMATION  
PN-3100, 1150 N CURTIS ROAD STE 100  
BOISE ID 83706-1234

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(s) to the bank as follows:

**Summary of Water Rights or Portions Leased to the Bank**

| <u>Right</u>                     | <u>Lease<br/>Rate</u> | <u>Lease<br/>Volume</u> | <u>Total Leased<br/>Acres</u> |
|----------------------------------|-----------------------|-------------------------|-------------------------------|
| 85-02146                         | N/A                   | up to 789.0 AF          | N/A                           |
| 85-04483                         | up to 2.6 CFS         | up to 789.0 AF          | N/A                           |
| 85-15424                         | N/A                   | up to 789.0 AF          | N/A                           |
| <b>COMBINED<br/>LEASE TOTALS</b> | <b>up to 2.6 CFS</b>  | <b>up to 789.0 AF</b>   | <b>N/A</b>                    |

**TERM OF LEASE:**

Lease Begin Date: June 1, 2009

Expiration Date: October 31, 2009

**RENTAL AVAILABILITY:**

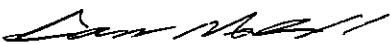
Season of Use: June 1 to October 31

**MINIMUM PAYMENT ACCEPTABLE:**

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 22ND day of JUNE, 2009

  
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FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**WATER RIGHT NO. 85-02146  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** UNITED STATES BUREAU OF RECLAMATION  
PN-3100, 1150 N CURTIS ROAD STE 100  
BOISE ID 83706-1234

**Priority Date:** 05/24/1922

**Source:** WEBB CREEK

| <u>BENEFICIAL USE</u>   | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>         |
|-------------------------|---------------|-----------|-----------------------|-----------------------|
| IRRIGATION FROM STORAGE | 06/01         | to 10/31  | N/A                   | up to 789.0 AF        |
| IRRIGATION STORAGE      | 06/01         | to 10/31  | N/A                   | up to 789.0 AF        |
|                         | <b>Total:</b> |           | <b>N/A</b>            | <b>up to 789.0 AF</b> |

**LOCATION OF POINT(S) OF DIVERSION:**

|            |                  |         |         |               |                                |
|------------|------------------|---------|---------|---------------|--------------------------------|
| WEBB CREEK | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Rediversion) |
| WEBB CREEK | SE1/4SW1/4       | Sec. 29 | Twp 33N | Rge 03W, B.M. | NEZ PERCE County               |
| WEBB CREEK | SE1/4SW1/4       | Sec. 29 | Twp 33N | Rge 03W, B.M. | NEZ PERCE County (Injection)   |
| WEBB CREEK | L2 (NW1/4NE1/4)  | Sec. 06 | Twp 33N | Rge 03W, B.M. | NEZ PERCE County (Rediversion) |
| WEBB CREEK | NE1/4NE1/4       | Sec. 34 | Twp 34N | Rge 04W, B.M. | NEZ PERCE County (Injection)   |
| WEBB CREEK | L3 (NW1/4SW1/4)  | Sec. 21 | Twp 34N | Rge 04W, B.M. | NEZ PERCE County (Rediversion) |
| WEBB CREEK | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Injection)   |

**PORTION OF RIGHT UNDER THIS LEASE:**

SEE CONDITIONS OF ACCEPTANCE

**CONDITIONS OF ACCEPTANCE**

1. A portion of the water right referenced above is accepted into the bank and rented by the U.S. Bureau of Reclamation to meet requirements under the Biological Opinion for the operations of the Lewiston Orchards Project. Water is rented for this purpose from June 1 through October 31, 2009.
2. The water right referenced above is rented from the bank at the current rental rate.
3. The leased portions of rights 85-02146, 85-04483, and 85-15424 are limited when combined to a total diversion volume of 789 acre-feet.
4. While a right is in the bank, the owner of the right may not use the right except in accordance with an approved rental agreement. 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.
5. 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.
6. While a water right is in the bank, forfeiture provisions are stayed.

**WATER RIGHT NO. 85-02146  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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 the ongoing Snake River Basin Adjudication or 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.

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 22<sup>ND</sup> day of JUNE, 2009

  
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DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**WATER RIGHT NO. 85-04483  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** UNITED STATES BUREAU OF RECLAMATION  
PN-3100, 1150 N CURTIS ROAD STE 100  
BOISE ID 83706-1234

**Priority Date:** 06/01/1907

**Source:** SWEETWATER CREEK

| <u>BENEFICIAL USE</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>       | <u>Volume</u>         |
|-------------------------|-------------|-----------|-----------------------------|-----------------------|
| IRRIGATION FROM STORAGE | 06/01       | to 10/31  | N/A                         | up to 789.0 AF        |
| IRRIGATION STORAGE      | 06/01       | to 10/31  | N/A                         | up to 789.0 AF        |
| DIVERSION TO STORAGE    | 06/01       | to 10/31  | up to 2.6 CFS               | N/A                   |
|                         |             |           | <b>Total: up to 2.6 CFS</b> | <b>up to 789.0 AF</b> |

**LOCATION OF POINT(S) OF DIVERSION:**

|                  |                  |         |         |               |                                |
|------------------|------------------|---------|---------|---------------|--------------------------------|
| SWEETWATER CREEK | L3 (NW1/4SW1/4)  | Sec. 21 | Twp 34N | Rge 04W, B.M. | NEZ PERCE County               |
| LINDSAY CREEK    | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County               |
| SWEETWATER CREEK | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Injection)   |
| SWEETWATER CREEK | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Rediversion) |

**PORTION OF RIGHT UNDER THIS LEASE:**

SEE CONDITIONS OF ACCEPTANCE

**CONDITIONS OF ACCEPTANCE**

1. A portion of water right referenced above is accepted into the bank and rented by the U.S. Bureau of Reclamation to meet requirements under the Biological Opinion for the operations of the Lewiston Orchards Project. Water is rented for this purpose from June 1 through October 31, 2009.
2. The water right referenced above is rented from the bank at the current rental rate.
3. The leased portions of rights 85-02146, 85-04483, and 85-15424 are limited when combined to a total diversion volume of 789 acre-feet.
4. While a right is in the bank, the owner of the right may not use the right except in accordance with an approved rental agreement. 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.
5. 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.
6. While a water right is in the bank, forfeiture provisions are stayed.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

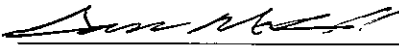
**WATER RIGHT NO. 85-04483  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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 the ongoing Snake River Basin Adjudication or 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.

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 22<sup>ND</sup> day of JUNE, 2009

  
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FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**WATER RIGHT NO. 85-15424  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** UNITED STATES BUREAU OF RECLAMATION  
PN-3100, 1150 N CURTIS ROAD STE 100  
BOISE ID 83706-1234

**Priority Date:** 12/01/1935

**Source:** WAHA LAKE

| <u>BENEFICIAL USE</u>   | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>         |
|-------------------------|---------------|-----------|-----------------------|-----------------------|
| IRRIGATION FROM STORAGE | 06/01         | to 10/31  | N/A                   | up to 789.0 AF        |
| IRRIGATION STORAGE      | 06/01         | to 10/31  | N/A                   | up to 789.0 AF        |
|                         | <b>Total:</b> |           | <b>N/A</b>            | <b>up to 789.0 AF</b> |

**LOCATION OF POINT(S) OF DIVERSION:**

|           |                  |         |         |               |                                |
|-----------|------------------|---------|---------|---------------|--------------------------------|
| WAHA LAKE | NW1/4NW1/4       | Sec. 09 | Twp 33N | Rge 04W, B.M. | NEZ PERCE County (Injection)   |
| WAHA LAKE | L5 (SE1/4SE1/4)  | Sec. 09 | Twp 33N | Rge 04W, B.M. | NEZ PERCE County               |
| WAHA LAKE | L3 (NW1/4SW1/4)  | Sec. 21 | Twp 34N | Rge 04W, B.M. | NEZ PERCE County (Rediversion) |
| WAHA LAKE | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Injection)   |
| WAHA LAKE | L18 (SE1/4SE1/4) | Sec. 17 | Twp 35N | Rge 04W, B.M. | NEZ PERCE County (Rediversion) |

**PORTION OF RIGHT UNDER THIS LEASE:**

SEE CONDITIONS OF ACCEPTANCE

**CONDITIONS OF ACCEPTANCE**

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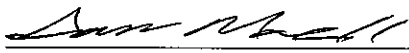
**WATER RIGHT NO. 85-15424  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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 the ongoing Snake River Basin Adjudication or any other department application process.
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Dated this 22<sup>ND</sup> day of JUNE, 2009

  
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FOR DAVID R. TUTHILL, JR., Director  
Department of Water Resources