

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

This is to certify that: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706
(208) 870-7333

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:

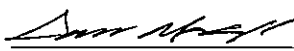
Summary of Water Rights or Portions Leased to the Bank

Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
73-12126	0.136 CFS	N/A	N/A	84.0 AC
73-12131	0.488 CFS	N/A	N/A	84.0 AC
73-12134	0.583 CFS	N/A	N/A	84.0 AC
73-12141	1.207 CFS	N/A	N/A	84.0 AC
COMBINED LEASE TOTALS:	2.414 CFS	N/A	N/A	84.0 AC

TERM OF LEASE:Lease Begin Date: August 27, 2008Expiration Date: Indefinite**RENTAL AVAILABILITY:**Season of Use: 04/01 to 10/31**MINIMUM PAYMENT ACCEPTABLE:**Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 21st day of APRIL, 2009



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

WATER RIGHT NO. 73-12126
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: FIVE E GROUP LLLP
 3094 S ABIGAIL WAY
 BOISE ID 83706
 (208) 870-7333

Priority Date: 07/01/1897

Source: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	10/31	0.136 CFS
	Total:		0.136 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER	NE¼SW¼	Sec. 28	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 34	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 2	Twp 12N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NE¼NE¼	Sec. 6	Twp 11N	Rge 24E	CUSTER 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	
13N	23E	27											15.0						15.0
13N	23E	34					40.0			29.0									69.0

Total Acres: 84.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12126, 73-12131, 73-12134, 73-12141	N/A	N/A	84.0 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 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. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

**WATER RIGHT NO. 73-12126
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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.
10. 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.
11. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

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 21st day of APRIL, 2009



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

WATER RIGHT NO. 73-12131
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: FIVE E GROUP LLLP
 3094 S ABIGAIL WAY
 BOISE ID 83706
 (208) 870-7333

Priority Date: 08/07/1905

Source: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	10/31	0.488 CFS
Total:			0.488 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER	NE¼SW¼	Sec. 28	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 34	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 2	Twp 12N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NE¼NE¼	Sec. 6	Twp 11N	Rge 24E	CUSTER 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	
13N	23E	27											15.0						15.0
13N	23E	34					40.0			29.0									69.0

Total Acres: 84.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12126, 73-12131, 73-12134, 73-12141	N/A	N/A	84.0 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 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. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

**WATER RIGHT NO. 73-12131
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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.
10. 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.
11. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

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 21st day of APRIL, 2009



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

WATER RIGHT NO. 73-12134
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: FIVE E GROUP LLLP
 3094 S ABIGAIL WAY
 BOISE ID 83706
 (208) 870-7333

Priority Date: 11/19/1903

Source: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to 10/31	0.583 CFS
	Total:	0.583 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER	NE¼SW¼	Sec. 28	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 34	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 2	Twp 12N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NE¼NE¼	Sec. 6	Twp 11N	Rge 24E	CUSTER 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	
13N	23E	27											15.0						15.0
13N	23E	34					40.0			29.0									69.0

Total Acres: 84.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12126, 73-12131, 73-12134, 73-12141	N/A	N/A	84.0 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 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. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

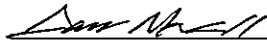
**WATER RIGHT NO. 73-12134
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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.
10. 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.
11. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

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 21st day of APRIL, 2009



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

WATER RIGHT NO. 73-12141 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: FIVE E GROUP LLLP
 3094 S ABIGAIL WAY
 BOISE ID 83706
 (208) 870-7333

Priority Date: 02/18/1926

Source: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.207 CFS
Total:			1.207 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER	NE¼SW¼	Sec. 28	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 34	Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NW¼NW¼	Sec. 2	Twp 12N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NE¼NE¼	Sec. 6	Twp 11N	Rge 24E	CUSTER 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	
13N	23E	27											15.0						15.0
13N	23E	34					40.0			29.0									69.0

Total Acres: 84.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
73-12126, 73-12131, 73-12134, 73-12141	N/A	N/A	84.0 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 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. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

**WATER RIGHT NO. 73-12141
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. 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.
10. 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.
11. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

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 21st day of APRIL, 2009



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