

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

This is to certify that: JAMES KRUCKEBERG SR
411 18 MILE RD
LEADORE, ID 83464
(208)768-2420

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>
	74-2169	1.80 cfs	N/A	153.0 ac
	74-7255	0.41 cfs	N/A	74.6 ac
COMBINED LEASE TOTALS		1.80 cfs	N/A	153.0 ac

TERM OF LEASE:Lease Begin Date: July 1, 2006Expiration Date: December 31, 2006**RENTAL AVAILABILITY:**Partial Season: July 1 to November 15**MINIMUM PAYMENT ACCEPTABLE:**Negotiated payment to lessor: \$4,500.00Payment including administrative fee: \$5,000.00

Detailed Lease Acceptance attached.

Dated this 2nd day of May, 2006



Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-2169
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: JAMES KRUCKEBERG SR
411 18 MILE RD
LEADORE, ID 83464
(208)768-2420

Priority Date: 04/30/1914

Source: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>FROM TO</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	07/01 to 11/15	1.800 CFS	
<u>Total Diversion:</u>		1.800 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EIGHTEENMILE CREEK NW1/4SE1/4 Sec. 18, Twp 15N, Rge 27E, B.M. LEMHI 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	
15N	27E	7									40.0	36.0	37.0	40.0					153.0
											L 3		L 4						

Total Acres: 153
Acre Limit within Place of Use described: 74.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
74-2169, 74-7255	N/A	261.1 AF	N/A

CONDITIONS OF ACCEPTANCE

1. The described portions of water rights 74-2169 and 74-7255 are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The total rental fee for leased water rights is \$5,000.00 based on a negotiated rate through the Columbia River Basin Water Transaction Program.
2. Payment for rental of the referenced right from the bank is contingent upon the determination the lessor is in compliance with an executed rental agreement.

WATER RIGHT NO. 74-2169
WATER SUPPLY BANK LEASE ACCEPTANCE

3. For the term of the lease, rental of the leased portions of rights 74-2169 and 74-7255 are available for rent from July 1 to November 15, and are limited to a total combined diversion rate of 1.8 cfs, and an annual diversion volume of 142.2 af for irrigation of 74.6 acres.
4. 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.
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.
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 2nd day of May, 2006



Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-7255
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: JAMES KRUCKEBERG SR
411 18 MILE RD
LEADORE, ID 83464
(208)768-2420

Priority Date: 02/11/1994

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>FROM</u> <u>TO</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	07/01 to 10/15	0.410 CFS	
<u>Total Diversion:</u>		0.410 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW1/4SW1/4) Sec. 7, Twp 15N, Rge 27E, B.M. LEMHI 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	
15N	27E	7									35.8	35.8	35.0	35.8					142.4
											L 3	L 4							

Total Acres: 142.4

Acre Limit within Place of Use described: 74.6

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
74-2169, 74-7255	N/A	261.1 AF	N/A

CONDITIONS OF ACCEPTANCE

1. The described portions of water rights 74-2169 and 74-7255 are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The total rental fee for leased water rights is \$5,000.00 based on a negotiated rate through the Columbia River Basin Water Transaction Program.
2. Payment for rental of the referenced right from the bank is contingent upon the determination the lessor is in compliance with an executed rental agreement.

WATER RIGHT NO. 74-7255
WATER SUPPLY BANK LEASE ACCEPTANCE

3. For the term of the lease, rental of the leased portions of rights 74-2169 and 74-7255 are available for rent from July 1 to November 15, and are limited to a total combined diversion rate of 1.8 cfs, and an annual diversion volume of 142.2 af for irrigation of 74.6 acres
4. 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.
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.
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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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.

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Chief, Water Allocation Bureau