



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 21, 2008

C. L. "BUTCH" OTTIER
Governor

DAVID R. TUTHILL, JR.
Director

ANTHONY MILLER
10597 E KUNA MORA RD
KUNA ID 83634

**RE: WATER SUPPLY BANK LEASE TERM INTENT REQUEST WATER RIGHT
NOS. 63-31950 AND 63-31952**

Dear Mr. Miller:

Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water rights are currently leased to the Water Supply Bank (Bank) through December 31, 2010. As we discussed during a recent telephone conversation, Bank application and lease acceptance documents were misplaced but have now been recovered.

During our conversation, you expressed intent to retain the above referenced rights in the Bank through December 31, 2015. Please authorize extension of the lease term of these water rights on the enclosed Lease Term Extension and Release Form. You also expressed intent to lease all of water right 63-31952 to the Bank. Currently, as indicated on the enclosed copy of the original lease acceptance, a 20.0 acre portion of this right is leased to the Bank. Please clarify your intention to lease all of this right to the Bank in writing or on the enclosed Lease Term Extension and Release Form.

If you have any further questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 2

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

This is to certify that: ANTHONY MILLER
10597 E KUNA ROAD
KUNA ID 83634
(208) 922-5779

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>
	63-31950	0 08 cfs	18 0 af	4 0 ac
COMBINED	63-31952	0 38 cfs	90 0 af	20 0 ac
LEASE TOTALS		0.46 cfs	108.0 af	24.0 ac

TERM OF LEASE:

Lease Begin Date: January 21, 2005

Expiration Date: December 31, 2010

RENTAL AVAILABILITY:

Season of Use: 04/01 to 10/31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached

Dated this 16th day of May, 20 06



Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31950
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: ANTHONY MILLER
10597 E KUNA ROAD
KUNA ID 83634
(208) 922-5779

Priority Date: 04/16/1964

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	0.08 CFS	18.0 AF
	Total: 0.08 CFS			18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (NENENE)	Sec 03	Twp 01N	Rge 01E	ADA County
GROUND WATER	SENESE	Sec 03	Twp 01N	Rge 01E	ADA 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	
01N	01E	02																	4.0

Total Acres: 4.0

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>
63-31950 and 63-31952	0.46 cfs	N/A	N/A

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

**WATER RIGHT NO.63-31950
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

- 3 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
- 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
- 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 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
- 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

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 16th day of May, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31952
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: ANTHONY MILLER
 10597 E KUNA ROAD
 KUNA ID 83634
 (208) 922-5779

Priority Date: 10/01/1971

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	0.38 CFS	90.0 AF
	Total: 0.38 CFS			90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (NENENE)	Sec 03	Twp 01N	Rge 01E	ADA County
GROUND WATER	SENESE	Sec 03	Twp 01N	Rge 01E	ADA 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	
01N	01E	02																	20.0

Total Acres: 20.0
 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>
63-31950 and 63-31952	0.46 cfs	N/A	N/A

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 During the term of the lease, the unleased portion of water right 63-31952 is limited to a diversion rate of 0.08 cfs

**WATER RIGHT NO. 63-31952
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

- 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 16th day of May, 2006



Chief, Water Allocation Bureau