

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

This is to certify that: ELLSWORTH ANGUS RANCH
 PO BOX 60
 LEADORE ID 83646
 (208) 768-2664

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 Acre</u>
	74-2320	0.53 cfs	N/A	26.5 ac
COMBINED LEASE TOTALS		0.53 cfs	N/A	26.5 ac

TERM OF LEASE:

Lease Begin Date: June 1, 2006

Expiration Date: December 31, 2015

RENTAL AVAILABILITY:

Partial Season: June 1 to November 15 annually

MINIMUM PAYMENT ACCEPTABLE:

Negotiated payment to lessor: \$1,600.00 per year
Payment including administrative fee: \$1,777.78 per year
(payment applies to rental of portions rights 74-2320 & 74-15190)

Detailed Lease Acceptance attached.

Dated this 20th day of September, 2006



Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-2320
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464
(208) 768-2664

Priority Date: 11/08/1957

Source: EIGHTEENMILE CREEK
TEXAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	06/01	to 11/15	0.53 CFS	
	Total: 0.53 CFS			

LOCATION OF POINT(S) OF DIVERSION:

EIGHTEENMILE CREEK	NESW	Sec. 01	Twp 15N	Rge 26E	LEMHI County
TEXAS CREEK	SWSE	Sec 11	Twp 15N	Rge 26E	LEMHI 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	
16N	26E	35																	26.5

Total Acres: 26.5

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>
74-2320, 74-15190	0.53 CFS	63.4 AF	26.5 AC

CONDITIONS OF ACCEPTANCE

1. A portion of the water right referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The total rental fee for the leased portions of water rights 74-2320 and 74-15190 is \$1,777.78 per year 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. 74-2320
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

3. For the term of the lease, the leased portion of right 74-2320 is available for rent from June 1 to November 15 annually. Rental of this right, when combined with the leased portion of water right 74-15190, is limited to a total combined diversion rate of 0.53 cfs, and an annual diversion volume of 63.4 af for irrigation of 26.5 acres.
4. The leased portion of water right 74-15190 is supplemental to water right 74-2320.
5. 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.
6. 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.
7. While a water right is in the bank, forfeiture provisions are stayed.
8. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
9. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
10. 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.
11. 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.
12. 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 20th day of September, 2006



Chief, Water Allocation Bureau