

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

This is to certify that:   TED CANTRELL  
28294 RIVER ROAD  
BRUNEAU ID 83604-5106  
(208) 834-2153

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<br/>Rate</u> | <u>Lease<br/>Volume</u> | <u>Acre<br/>Limit</u> | <u>Total Leased<br/>Acres</u> |
|----------------------------------|--------------|-----------------------|-------------------------|-----------------------|-------------------------------|
|                                  | 02-202A      | 0.46 cfs              | NA                      | N/A                   | 25.0 ac                       |
| <b>COMBINED<br/>LEASE TOTALS</b> |              | <b>0.46 cfs</b>       | <b>NA</b>               | <b>N/A</b>            | <b>25.0 ac</b>                |

**TERM OF LEASE:**

Lease Begin Date: February 10, 2006

Expiration Date: December 31, 2007

**RENTAL AVAILABILITY:**

Season of Use: March 15 to October 31

**MINIMUM PAYMENT ACCEPTABLE:**

Current Rental Rate

Detailed Lease Acceptance attached

Dated this 9<sup>th</sup> day of January, 20 07

  
\_\_\_\_\_  
Director-Idaho Department of Water Resources

SCANNED

DEC 07 2007

**WATER RIGHT NO. 02-202A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** TED CANTRELL  
28294 RIVER ROAD  
BRUNEAU ID 83604-5106  
(208) 834-2153

**Priority Date:** 06/01/1912

**Source:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  |
|-----------------------|-------------|-----------|------------------------|
| IRRIGATION            | 03/15       | to 10/31  | 0.46 CFS               |
|                       |             |           | <b>Total: 0.46 CFS</b> |

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

SNAKE RIVER    L10 NWSW    Sec. 34    Twp 05S    Rge 04E    OWYHEE 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 |        |
| 05S | 04E | 31  |    |    | 8.0 |    |    |    |    |    | 3.0 |    |    |    |    |    | 14.0 |    | 25.0   |

Total Acres: 25.0

Acre Limit within Place of Use described: See Conditions of Acceptance

**CONDITIONS OF ACCEPTANCE**

- 1 The water rights referenced above will be rented from the bank at the current rental rate
- 2 During the term of the lease, use of water under rights 2-202A, 57-7051A, and 57-7100 are limited to irrigation of a combined total of 153 acres, a combined diversion rate of 3.23 cfs and diversion volume of 688.5 af in a single irrigation season.
- 3 During the term of this lease, use water under rights 2-202A, 57-7051A, and 57-7100 for irrigation of lands located in the NWNW Section 31, T5S, R4E, B.M., is limited to irrigation of a combined total of 48 acres, and a combined diversion rate of 1.01 cfs and diversion volume of 216 af. Water may be rented from the bank for irrigation of additional acres in the referenced location

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**WATER RIGHT NO. 02-202A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

4. 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
5. While a right is in the bank, the owner of the right may not use the right 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 in any other department application process.
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 9<sup>th</sup> day of January, 20 07

  
Director – Idaho Department of Water Resources

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