

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 Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	57-7100	0.24 cfs	NA	N/A	12.0 ac
COMBINED LEASE TOTALS		0.24 cfs	NA	N/A	12.0 ac

TERM OF LEASE:

Lease Begin Date: February 10, 2006

Expiration Date: December 31, 2007

RENTAL AVAILABILITY:

Season of Use: March 15 to November 15

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 9th day of January, 2007



Director – Idaho Department of Water Resources

**WATER RIGHT NO. 57-7100
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
(208) 834-2153

Priority Date: 03/29/1973

Source: SHOOFLY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.24 CFS
	Total: 0.24 CFS		

LOCATION OF POINT(S) OF DIVERSION:

SHOOFLY CREEK SWSW Sec 25 Twp 05S Rge 03E 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	30											4.0						4.0
													L 9						
05S	04E	31						8.0											8.0
								L 2											

Total Acres: 12.0

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

**WATER RIGHT NO. 57-7100
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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 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 9th day of January, 2007



Director – Idaho Department of Water Resources