

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

This is to certify that: BRECKENRIDGE FAMILY LIMITED PARTNERSHIP  
PO BOX 685  
PICABO ID 83348  
(208) 788-4424

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> |
|----------------------------------|-----------------------|-------------------------|-----------------------|-------------------------------|
| 71-64A                           | 2.48 cfs              | 135.0 af                | N/A                   | 45.0 ac                       |
| 71-69                            | 0.16 cfs              | 48.7 af                 | N/A                   | 45.0 ac                       |
| <b>COMBINED<br/>LEASE TOTALS</b> | <b>2.64 cfs</b>       | <b>135.0 af</b>         | <b>N/A</b>            | <b>45.0 ac</b>                |

**TERM OF LEASE:**

Lease Begin Date: February 28, 2007

Expiration Date: December 31, 2011

**RENTAL AVAILABILITY:**

Season of Use: May 1 to October 31

**MINIMUM PAYMENT ACCEPTABLE:**

Negotiated payment to lessor: \$2,250

Payment including administrative fee: \$2,500

Detailed Lease Acceptance attached.

Dated this 27<sup>th</sup> day of August, 20 07

for David R. Tuohill Jr.  
DAVID R. TUOHILL JR., Director  
Department of Water Resources

**WATER RIGHT NO. 71-64A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** BRECKENRIDGE FAMILY LIMITED PARTNERSHIP  
PO BOX 685  
PICABO ID 83348  
(208) 788-4424

**Priority Date:** 08/15/1915

**Source:** ALTURAS LAKE CREEK

| <u>BENEFICIAL USE</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|------------------------|-----------|-----------------------|-----------------|
| IRRIGATION            | 05/01                  | to 10/31  | 2.48 CFS              | 135.0 AF        |
|                       | <b>Total: 2.48 CFS</b> |           |                       | <b>135.0 AF</b> |

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

|                    |      |         |         |         |               |
|--------------------|------|---------|---------|---------|---------------|
| ALTURAS LAKE CREEK | SWNE | Sec. 05 | Twp 07N | Rge 14E | BLAINE County |
| ALTURAS LAKE CREEK | NWNE | Sec. 05 | Twp 07N | Rge 14E | BLAINE 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 |        |
| 07N | 14E | 04  |    | 14.4 | 7.8  | 0.9 |    |    |    |    |    |    |    |    |    |    |    |    | 23.1   |
| 07N | 14E | 05  |    | 8.5  | 13.4 |     |    |    |    |    |    |    |    |    |    |    |    |    | 21.9   |
|     |     |     |    | L1   | L4   |     |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 45.0

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> |
|------------------------|-------------|---------------|--------------|
| 71-69, 71-64A          | N/A         | 436.2 AF      | N/A          |

**CONDITIONS OF ACCEPTANCE**

1. Water right 71-64A 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 water right is \$2,500.00 based on a negotiated rate through the Columbia River Basin Water Transaction Program.

**WATER RIGHT NO. 71-64A  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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.
3. Use of rights 71-64A and 71-69 under this lease acceptance are limited to a total combined annual diversion volume of 135.0 acre-feet.
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 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 27<sup>th</sup> day of August, 20 07

  
for DAVID R. TUTHILL, JR., Director  
Department of Water Resources

**WATER RIGHT NO. 71-69  
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

**Lessor:** BRECKENRIDGE FAMILY LIMITED PARTNERSHIP  
PO BOX 685  
PICABO ID 83348  
(208) 788-4424

**Priority Date:** 07/01/1936

**Source:** ALTURAS LAKE CREEK

| <u>BENEFICIAL USE</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>  |
|-----------------------|------------------------|-----------|-----------------------|----------------|
| IRRIGATION            | 05/01 to               | 9/30      | 0.16 CFS              | 48.7 AF        |
|                       | <b>Total: 0.16 CFS</b> |           |                       | <b>48.7 AF</b> |

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

|                    |      |         |         |         |               |
|--------------------|------|---------|---------|---------|---------------|
| ALTURAS LAKE CREEK | SWNE | Sec. 05 | Twp 07N | Rge 14E | BLAINE County |
| ALTURAS LAKE CREEK | NWNE | Sec. 05 | Twp 07N | Rge 14E | BLAINE 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 |        |
| 07N 14E 04  |    | 14.4 | 7.8  | 0.9 |    |    |    |    |    |    |    |    |    |    |    |    | 23.1   |
| 07N 14E 05  |    | 8.5  | 13.4 |     |    |    |    |    |    |    |    |    |    |    |    |    | 21.9   |
|             |    | L1   | L4   |     |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 45.0

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> |
|------------------------|-------------|---------------|--------------|
| 71-69, 71-64A          | N/A         | 436.2 AF      | N/A          |

**CONDITIONS OF ACCEPTANCE**

1. Water right 71-69 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 water right is \$2,500.00 based on a negotiated rate through the Columbia River Basin Water Transaction Program.

**WATER RIGHT NO. 71-69  
WATER SUPPLY BANK LEASE ACCEPTANCE**

**CONDITIONS OF ACCEPTANCE**

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.
3. Use of rights 71-64A and 71-69 under this lease acceptance are limited to a total combined annual diversion volume of 135.0 acre-feet.
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.
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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 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 27<sup>th</sup> day of August, 20 07

for   
DAVID R. TOTHILL, JR., Director  
Department of Water Resources