



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

May 31, 2007

C. L. "BUTCH" OTTIE
Governor

DAVID R. TUTHILL, JR.
Interim Director

UNITED STATES BUREAU OF RECLAMATION
PN-3100, 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

**RE: APPLICATION TO LEASE ALL OR PART OF WATER RIGHT NO(S).
85-02146, 85-04483, AND 85-15424 TO THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). The offered water right(s) are accepted into the bank in accordance with the attached Water Supply Bank Lease Acceptance.

The right(s) will automatically be released from the bank on **October 31, 2007**, unless the right(s) are released earlier by the Board, or as requested by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have questions regarding this matter.

Sincerely,

Diana L. Ball
Water Allocation Bureau

Encl: 1

c: Bob Haynes – IDWR Northern Regional Office

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

This is to certify that: UNITED STATES BUREAU OF RECLAMATION
PN-3100, 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

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(s) 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>
85-02146	N/A	up to 304 0 af	N/A
85-04483	up to 1 0 cfs	up to 304 0 af	N/A
85-15424	N/A	up to 304 0 af	N/A

COMBINED LEASE TOTALS	N/A	up to 304.0 AF	N/A
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TERM OF LEASE: Lease Begin Date: May 29, 2007
Expiration Date: October 31, 2007

RENTAL AVAILABILITY: Season of Use: June 1 to November 15

MINIMUM PAYMENT ACCEPTABLE: Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 31st day of May, 20 07


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

**WATER RIGHT NO. 85-02146
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: UNITED STATES BUREAU OF RECLAMATION
PN-3100, 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

Priority Date: 05/24/1922

Source: WEBB CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	06/01 to	11/15	N/A	up to 304 0 af
IRRIGATION STORAGE	06/01 to	11/15	N/A	up to 304 0 af
	Total:		N/A	up to 304.0 af

LOCATION OF POINT(S) OF DIVERSION:

WEBB CREEK	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M.	NEZ PERCE County (Rediversion)
WEBB CREEK	SE1/4SW1/4	Sec 29	Twp 33N	Rge 03W, B M	NEZ PERCE County
WEBB CREEK	SE1/4SW1/4	Sec 29	Twp 33N	Rge 03W, B M	NEZ PERCE County (Injection)
WEBB CREEK	L2 (NW1/4NE1/4)	Sec 06	Twp 33N	Rge 03W, B M	NEZ PERCE County (Rediversion)
WEBB CREEK	NE1/4NE1/4)	Sec 34	Twp 34N	Rge 04W, B M	NEZ PERCE County (Injection)
WEBB CREEK	L3 (NW1/4SW1/4)	Sec 21	Twp 34N	Rge 04W, B M	NEZ PERCE County (Rediversion)
WEBB CREEK	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County (Injection)

PORTION OF RIGHT UNDER THIS LEASE:

SEE CONDITIONS

CONDITIONS OF ACCEPTANCE

- 1 A portion of water right referenced above is accepted into the bank and rented by the U.S. Bureau of Reclamation to meet requirements under the Biological Opinion for the operations of the Lewiston Orchards Project. Water is rented for this purpose from June 1 through October 31, 2007
- 2 The water right referenced above is rented from the bank at the current rental rate
- 3 The leased portions of rights 85-02146, 85-04483, and 85-15424 are limited when combined to a total diversion volume of 304 af
- 4 While a right is in the bank, the owner of the right may not use the right except in accordance with an approved rental agreement. 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

WATER RIGHT NO. 85-02146
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

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 3/05 day of May, 20 07


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

**WATER RIGHT NO. 85-04483
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: UNITED STATES BUREAU OF RECLAMATION
PN-3100, 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

Priority Date: 06/01/1907

Source: SWEETWATER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	06/01	to 11/15	N/A	up to 304.0 af
IRRIGATION STORAGE	06/01	to 11/15	N/A	up to 304.0 af
DIVERSION TO STORAGE	06/01	to 11/15	up to 1.0 cfs	N/A
	Total:		up to 1.0 cfs	up to 304.0 af

LOCATION OF POINT(S) OF DIVERSION:

SWEETWATER CREEK	L3 (NW1/4SW1/4)	Sec 21	Twp 34N	Rge 04W, B M	NEZ PERCE County
LINDSAY CREEK	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County
SWEETWATER CREEK	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County (Injection)
SWEETWATER CREEK	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County (Rediversion)

PORTION OF RIGHT UNDER THIS LEASE:

SEE CONDITIONS

CONDITIONS OF ACCEPTANCE

1. A portion of water right referenced above is accepted into the bank and rented by the U.S. Bureau of Reclamation to meet requirements under the Biological Opinion for the operations of the Lewiston Orchards Project. Water is rented for this purpose from June 1 through October 31, 2007.
2. The water right referenced above is rented from the bank at the current rental rate.
3. The leased portions of rights 85-02146, 85-04483, and 85-15424 are limited when combined to a total diversion volume of 304 af.
4. While a right is in the bank, the owner of the right may not use the right except in accordance with an approved rental agreement. 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.

WATER RIGHT NO. 85-04483
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

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 31st day of May, 20 07


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

**WATER RIGHT NO. 85-15424
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: UNITED STATES BUREAU OF RECLAMATION
PN-3100, 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

Priority Date: 12/01/1935

Source: WAHA LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	06/01 to	11/15	N/A	up to 304.0 af
IRRIGATION STORAGE	06/01 to	11/15	N/A	up to 304.0 af
	Total:		N/A	up to 304.0 af

LOCATION OF POINT(S) OF DIVERSION:

WAHA LAKE	NW1/4NW1/4	Sec 09	Twp 33N	Rge 04W, B M	NEZ PERCE County (Injection)
WAHA LAKE	L5 (SE1/4SE1/4)	Sec 09	Twp 33N	Rge 04W, B M	NEZ PERCE County
WAHA LAKE	L3 (NW1/4SW1/4)	Sec 21	Twp 34N	Rge 04W, B M	NEZ PERCE County (Rediversion)
WAHA LAKE	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County (Injection)
WAHA LAKE	L18 (SE1/4SE1/4)	Sec 17	Twp 35N	Rge 04W, B M	NEZ PERCE County (Rediversion)

PORTION OF RIGHT UNDER THIS LEASE:

SEE CONDITIONS

CONDITIONS OF ACCEPTANCE

1. A portion of water right referenced above is accepted into the bank and rented by the U.S. Bureau of Reclamation to meet requirements under the Biological Opinion for the operations of the Lewiston Orchards Project. Water is rented for this purpose from June 1 through October 31, 2007.
2. The water right referenced above is rented from the bank at the current rental rate
3. The leased portions of rights 85-02146, 85-04483, and 85-15424 are limited when combined to a total diversion volume of 304 af.
4. While a right is in the bank, the owner of the right may not use the right except in accordance with an approved rental agreement. 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.

WATER RIGHT NO. 85-15424
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

- 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 31st day of May, 2007

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