

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

This is to certify that: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

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 Water Supply Bank ("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 Existing Water Right Record

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-2212	AJC/Decreed	02/15/1955	1.7 cfs	N/A	147.0	954.0	Ground Water
57-7052	AJC/Decreed	10/13/1971	2.06 cfs	N/A	160.0	954.0	Ground Water
57-7083	AJC/Decreed	11/29/1972	4.0 cfs	N/A	320.0	954.0	Ground Water
57-7128	AJC/Decreed	01/16/1975	3.19 cfs	N/A	280.0	954.0	Ground Water
57-7157	AJC/Decreed	06/02/1976	0.51 cfs	N/A	47.0	954.0	Ground Water

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>
57-2212	1.7 cfs	N/A	147.0 ac
57-7052	2.06 cfs	N/A	160.0 ac
57-7083	4.0 cfs	N/A	320.0 ac
57-7128	3.19 cfs	N/A	280.0 ac
57-7157	0.51 cfs	N/A	47.0 ac

COMBINED

LEASE TOTALS: 10.5 cfs

4293.0af

954.0ac

TERM OF LEASE:

From: October 31, 2005 to Indefinite

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached

Dated this 7th day of FEBRUARY, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-2212 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

Priority Date: 02/15/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversión Rate</u>
IRRIGATION	03/01	to 11/15	1.7 CFS
			Total: 1.7 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4NW1/4	Sec 36,	Twp 02S, Rge 02W, B M	OWYHEE County
GROUND WATER	SW1/4NE1/4	Sec 35,	Twp 02S, Rge 02W, B M	OWYHEE County
GROUND WATER	NW1/4NE1/4	Sec 35,	Twp 02S, Rge 02W, B M	OWYHEE County
GROUND WATER	SW1/4SW1/4	Sec 36,	Twp 02S, Rge 02W, B M	OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

Place of Use
 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	
02S 02W 25							32.0	8.0	18.0	39.0	36.0	32.0					165.0
02S 02W 26			27.0	5.0				10.0	15.0				20.0	39.0	10.0	40.0	166.0
02S 02W 35	40.0	32.0	28.0	40.0									39.0	5.0		21.0	205.0
02S 02W 36		10.0	10.0		40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		418.0

Total Acres: 954.0

Acre Limit within Place of Use described: 147.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
57-2212, 57-7157, 57-7083, 57-7128, 57-7052	10.35 CFS	4293.0 AF	954.0 AC

**WATER RIGHT NO. 57-2212
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. 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.
3. 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.
4. 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.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Use of rights 57-2212, 57-7157, 57-7083, 57-7128, and 57-7052 when combined are limited in one or more of the following: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation.
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 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 7TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7052 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

Priority Date: 10/13/1971
Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	2.06 CFS
			Total: 2.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 36,	Twp 02S,	Rge 02W, B M
OWYHEE County				
GROUND WATER	SW1/4NE1/4	Sec. 35,	Twp 02S,	Rge 02W, B M
OWYHEE County				
GROUND WATER	NW1/4NE1/4	Sec. 35,	Twp 02S,	Rge 02W, B M
OWYHEE County				
GROUND WATER	NE1/4NW1/4	Sec. 36,	Twp 02S,	Rge 02W, B M.
OWYHEE County				

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

Place of Use

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	
02S	02W	25							32.0	8.0	18.0	39.0	36.0	32.0					165.0
02S	02W	26			27.0	5.0			10.0	15.0					20.0	39.0	10.0	40.0	166.0
02S	02W	35	40.0	32.0	28.0	40.0									39.0	5.0		21.0	205.0
02S	02W	36		10.0	10.0		40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		418.0

Total Acres: 954.0

Acre Limit within Place of Use described: 160.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
57-2212, 57-7157, 57-7083, 57-7128, 57-7052	10.35 CFS	4293.0 AF	954.0 AC

**WATER RIGHT NO. 57-7052
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. 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.
3. 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.
4. 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.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Use of rights 57-2212, 57-7157, 57-7083, 57-7128, and 57-7052 when combined are limited in one or more of the following: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation.
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 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 7TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7083 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

Priority Date: 11/29/1972
Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	4 0 CFS
			Total: 4 0 CFS

LOCATION OF POINT(S) OF DIVERSION:

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 35, Twp 02S, Rge 02W, B M
OWYHEE County		
GROUND WATER	SW1/4SW1/4	Sec. 36, Twp 02S, Rge 02W, B M
OWYHEE County		
GROUND WATER	NW1/4NE1/4	Sec. 35, Twp 02S, Rge 02W, B M
OWYHEE County		
GROUND WATER	NE1/4NW1/4	Sec. 36, Twp 02S, Rge 02W, B M
OWYHEE County		

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

Place of Use

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	
02S 02W 25							32 0	8 0	18 0	39 0	36 0	32 0					165 0
02S 02W 26			27 0	5 0				10 0	15 0				20 0	39 0	10 0	40 0	166 0
02S 02W 35	40 0	32 0	28 0	40 0									39 0	5 0		21 0	205 0
02S 02W 36		10 0	10 0		40 0	38 0	40 0	40 0	40 0	40 0	40 0	40 0		40 0	40 0		418 0

Total Acres: 954 0

Acre Limit within Place of Use described: 320 0

COMBINED LIMITS OF LEASED RIGHT:

Combined Rights	Rate	Volume	Acres
57-2212, 57-7157, 57-7083, 57-7128, 57-7052	10 35 CFS	4293 0 AF	954 0 AC

**WATER RIGHT NO. 57-7083
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

- 1 The water rights referenced above will be rented from the bank at the current rental rate.
- 2 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
- 3 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
- 4 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.
- 5 While a water right is in the bank, forfeiture provisions are stayed
- 6 Use of rights 57-2212, 57-7157, 57-7083, 57-7128, and 57-7052 when combined are limited in one or more of the following: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation
- 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 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 7TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7128 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

Priority Date: 01/16/1975
Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	3.19 CFS
			Total: 3.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec 35, Twp 02S, Rge 02W, B M.
OWYHEE County		
GROUND WATER	SW1/4SW1/4	Sec 36, Twp 02S, Rge 02W, B M.
OWYHEE County		
GROUND WATER	NE1/4NW1/4	Sec 36, Twp 02S, Rge 02W, B M.
OWYHEE County		
GROUND WATER	SW1/4NE1/4	Sec 35, Twp 02S, Rge 02W, B M.
OWYHEE County		

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

Place of Use

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	
02S	02W	25							32 0	8 0	18 0	39 0	36 0	32 0					165 0
02S	02W	26			27 0	5 0				10 0	15 0				20 0	39 0	10 0	40 0	166 0
02S	02W	35	40 0	32 0	28 0	40 0									39 0	5 0		21 0	205 0
02S	02W	36		10 0	10 0		40 0	38 0	40 0	40 0	40 0	40 0	40 0	40 0		40 0	40 0		418 0

Total Acres: 954 0

Acre Limit within Place of Use described: 280 0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
57-2212, 57-7157, 57-7083, 57-7128, 57-7052	10 35 CFS	4293 0 AF	954 0 AC

**WATER RIGHT NO. 57-7128
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

- 1 The water rights referenced above will be rented from the bank at the current rental rate.
- 2 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.
- 3 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.
- 4 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.
- 5 While a water right is in the bank, forfeiture provisions are stayed.
- 6 Use of rights 57-2212, 57-7157, 57-7083, 57-7128, and 57-7052 when combined are limited in one or more of the following: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation.
- 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 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 7TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7157 **WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Right Holder: REM FARMS, LLC
 4309 RIO ROBLES DR
 AUSTIN TX 78746
 (512) 306-8591

Priority Date: 06/02/1976
Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.51 CFS	
			Total: 0.51 CFS	

LOCATION OF POINT(S) OF DIVERSION:

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec 36,	Twp 02S,	Rge 02W, B M
OWYHEE County				
GROUND WATER	NW1/4NE1/4	Sec. 35,	Twp 02S,	Rge 02W, B M
OWYHEE County				
GROUND WATER	SW1/4NE1/4	Sec. 35,	Twp 02S,	Rge 02W, B M.
OWYHEE County				
GROUND WATER	NE1/4NW1/4	Sec 36,	Twp 02S,	Rge 02W, B M
OWYHEE County				

PLACE OF USE TO BE IDLED UNDER THIS LEASE:

Place of Use

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	
02S	02W	25							32.0	8.0	18.0	39.0	36.0	32.0					165.0
02S	02W	26			27.0	5.0				10.0	15.0				20.0	39.0	10.0	40.0	166.0
02S	02W	35	40.0	32.0	28.0	40.0									39.0	5.0		21.0	205.0
02S	02W	36		10.0	10.0		40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		418.0

Total Acres: 954.0

Acre Limit within Place of Use described: 47.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
57-2212, 57-7157, 57-7083, 57-7128, 57-7052	10.35 CFS	4293.0 AF	954.0 AC

**WATER RIGHT NO. 57-7157
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

- 1 The water rights referenced above will be rented from the bank at the current rental rate.
- 2 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
- 3 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
- 4 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.
- 5 While a water right is in the bank, forfeiture provisions are stayed.
- 6 Use of rights 57-2212, 57-7157, 57-7083, 57-7128, and 57-7052 when combined are limited in one or more of the following: total combined diversion rate, annual diversion volume, and total acres authorized for irrigation.
- 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 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 7TH day of FEBRUARY, 2006



Chief, Water Allocation Bureau