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Before the Idaho Water Resource Board

Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT

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") for rental of water from the bank agrees to rent water as follows:

1. Renter: Deloy Ward
2. Address: 1305 S 2E, Rexburg, ID 83440
3. Source of water: Ground Water
4. Volume of water rented: 244 AF Max rate: 1.09 cfs
5. Diversion period: 2003 irrigation season
6. Use of water: Irrigation
7. a) Renter's point of diversion:
Legal description: SE ¼ NE ¼ Section 29, T01S, R34E, B.M., Bingham County

b) Renter's place of use:
Legal description: 61 acres within a 345-acre Permissible Place of Use within NE ¼, SE ¼, E ½ NW ¼ Section 29, T01S, R34E
8. The right from which water will be rented is 35-13466 (split from 35-7024)

The rental fee for rental of the above described water is \$2,684.00. Since the undersigned renter is also the lessor under this agreement, the renter is obligated only to pay the administrative fee of \$244.00 and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

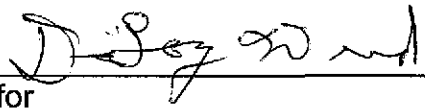
Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. The use of water under this agreement is limited to irrigation of 61 acres within the place of use described above during the 2003 irrigation season.

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3. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use and/or again be available to rent from the bank.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
8. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
9. This rental does not authorize the construction of a well.

Dated this 3 day of November, 2003.

by 
for

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 14th day of November, 2002.


for KARL J. DREHER, Director
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70624

This is to certify that: VIOLA J WARD And/Or
DE LOY Z WARD And/Or
NEAL D WARD And/Or
SHELLY WARD
1305 S 2 E
REXBURG ID 83440
(208)356-5190

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<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>
35-8578	WR/License	05/29/1985	2.2 cfs	440 af	N/A	110.0	GROUND WATER
35-7024	WR/Decreed	05/10/1968	5.73 cfs	1280 af	N/A	320.0	GROUND WATER
35-7074	WR/Decreed	04/01/1969	4.27 cfs	1160 af	N/A	290.0	GROUND WATER
35-7279	WR/Decreed	02/20/1973	3.46 cfs	952 af	N/A	238.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8578	YES	YES	YES	NO	NO	NO
35-7024	YES	YES	YES	NO	NO	NO
35-7074	YES	YES	YES	NO	NO	NO
35-7279	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

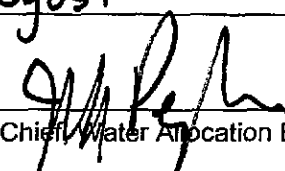
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8578	35-13468	0.64 cfs	128 af	32.0	345.0	35-13467	1.56 cfs	312 af	N/A	78.0
35-7024	35-13466	1.09 cfs	244 af	61.0	345.0	35-13465	4.64 cfs	1036 af	N/A	259.0
35-7074	35-13470	0.21 cfs	56 af	14.0	345.0	35-13469	4.06 cfs	1104 af	N/A	276.0
35-7279	35-7279	3.46 cfs	952 af	238.0	345.0		N/A	N/A	N/A	N/A

COMBINED

TOTALS	5.4 cfs	1380 af	N/A	345.0		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 25 day of August, 2003

For  Chief Water Allocation Bureau

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WATER RIGHT NO. 35-7279
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-7279 is now described as follows.

Right Holder: SHELLY WARD And
 NEAL D WARD And
 VIOLA J WARD And
 DE LOY Z WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: February 20, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	3.46 CFS	952.0 AF
			3.46 CFS	952.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 29 Twp 01S Rge 34E BINGHAM County

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	
01S	34E	29	33.0	40.0	40.0	38.0	33.0				33.0				32.0	32.0	32.0	32.0	345.0

Total Acres: 345

CONDITIONS OF APPROVAL

1. Rights 35-7279, 35-13466, 35-13468 and 35-13470 when combined shall not exceed a total irrigation of 345 acres.
2. This right is limited to the irrigation of 238 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70624, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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NOV 20 2003

WATER RIGHT NO. 35-7279
As Modified by Transfer No. 70624

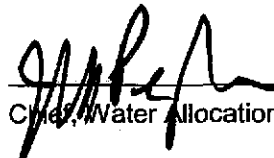
CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/4/2002.

This water right is 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 25 day of August, 2003

For



Chief, Water Allocation Bureau

MICROFILMED

NOV 20 2003

WATER RIGHT NO. 35-13465
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13465 is now described as follows.

Right Holder: VIOLA J WARD And
 DE LOY Z WARD And
 NEAL D WARD And
 SHELLY WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: May 10, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to 10/30	4.64 CFS	1,036.0 AF
		4.64 CFS	1,036.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 10 Twp 01S Rge 34E BINGHAM County

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	
01S 34E 10									32.0	32.0	32.0	32.0	32.0	32.0	35.0	32.0	259.0

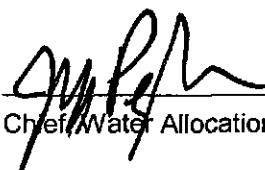
Total Acres: 259

CONDITIONS OF APPROVAL

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than SRBA partial decree date.

This water right is 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 25 day of August, 2003


 for _____
 Chief Water Allocation Bureau

MICROFILMED

NOV 20 2003

WATER RIGHT NO. 35-13466
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13466 is now described as follows.

Right Holder: DE LOY Z WARD And
 NEAL D WARD And
 VIOLA J WARD And
 SHELLY WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: May 10, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to 10/30	1.09 CFS	244.0 AF
		1.09 CFS	244.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 29 Twp 01S Rge 34E BINGHAM County

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	
01S 34E 29	33.0	40.0	40.0	38.0	33.0			33.0					32.0	32.0	32.0	32.0	345.0

Total Acres: 345

CONDITIONS OF APPROVAL

1. Rights 35-7279, 35-13466, 35-13468 and 35-13470 when combined shall not exceed a total irrigation of 345 acres
2. This right is limited to the irrigation of 61 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70624, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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WATER RIGHT NO. 35-13466
As Modified by Transfer No. 70624

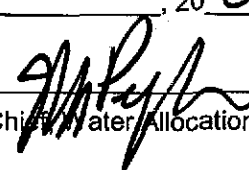
CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/4/2002

This water right is 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 25 day of August, 2003

For


Chief, Water Allocation Bureau

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NOV 20 2003

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WATER RIGHT NO. 35-13467
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13467 is now described as follows.

Right Holder: MICHAEL G LARSEN
 862 W 650 N
 BLACKFOOT ID 83221

Priority Date: May 29, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	1.56 CFS	312.0 AF
		1.56 CFS	312.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 21 Twp 01S	Rge 34E	BINGHAM County
GROUND WATER	SWNE	Sec. 28 Twp 01S	Rge 34E	BINGHAM County

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	
01S	34E	21									30.0						4.0		34.0
01S	34E	28					22.0	22.0											44.0

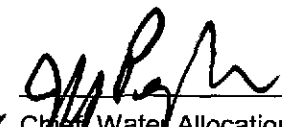
Total Acres: 78

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. Right 35-02094G is also diverted through the point of diversion described above.
3. Approval of this transfer does not confirm the validity of this water right.

This water right is 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 25 day of August, 2003


 For _____
 Chief, Water Allocation Bureau

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NOV 20 2003

NOV 20 2003

WATER RIGHT NO. 35-13468
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13468 is now described as follows.

Right Holder: SHELLY WARD And
 NEAL D WARD And
 VIOLA J WARD And
 DE LOY Z WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: May 29, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.64 CFS	128.0 AF
			0.64 CFS	128.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 29 Twp 01S Rge 34E BINGHAM County

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		
01S	34E	29	33.0	40.0	40.0	38.0	33.0				33.0					32.0	32.0	32.0	32.0	345.0

Total Acres: 345

CONDITIONS OF APPROVAL

1. Rights 35-7279, 35-13466, 35-13468 and 35-13470 when combined shall not exceed a total irrigation of 345 acres.
2. This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70624, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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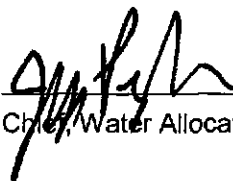
WATER RIGHT NO. 35-13468
As Modified by Transfer No. 70624

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is 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 25 day of August, 2003

For 
Chief, Water Allocation Bureau

MICROFILMED
NOV 20 2003

WATER RIGHT NO. 35-13469
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13469 is now described as follows.

Right Holder: VIOLA J WARD And
 NEAL D WARD And
 DE LOY Z WARD And
 SHELLY WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: April 01, 1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/01	4.06 CFS	1,104.0 AF
			4.06 CFS	1,104.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 2 Twp 01S Rge 34E BINGHAM County

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	
01N 34E 34									1.0			30.0		3.0	39.0	4.0	77.0
01S 34E 2							28.0	34.0	40.0	33.0	32.0	32.0					199.0
							L 4	L 3									

Total Acres: 276

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than SRBA partial decree date.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is 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 25 day of August, 20 03

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NOV 20 2003
 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13470
As Modified by Transfer No. 70624

In accordance with the approval of Transfer No. 70624, Water Right No. 35-13470 is now described as follows.

Right Holder: SHELLY WARD And
 NEAL D WARD And
 VIOLA J WARD And
 DE LOY Z WARD
 1305 S 2 E
 REXBURG ID 83440

Priority Date: April 1, 1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/01	0.21 CFS	56.0 AF
			0.21 CFS	56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 29 Twp 01S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	34E	29	33.0	40.0	40.0	38.0	33.0				33.0				32.0	32.0	32.0	32.0	345.0

Total Acres: 345

CONDITIONS OF APPROVAL

1. Rights 35-7279, 35-13466, 35-13468 and 35-13470 when combined shall not exceed a total irrigation of 345 acres.
2. This right is limited to the irrigation of 14 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70624, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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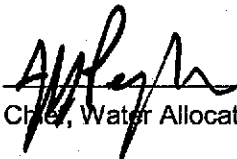
WATER RIGHT NO. 35-13470
As Modified by Transfer No. 70624

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.

This water right is 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 25 day of August, 2003

For 
Chief, Water Allocation Bureau

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2003

DELOY WARD
1305 S 2E
REXBURG ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK UNDER WATER
RIGHT NOS. 35-7279, 35-13466, 35-13468, 35-13470**

Dear Mr. Ward:

Please find enclosed a receipt in the amount of \$1380.00 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1380 acre-feet of ground water for the 2003 irrigation season.

If you have questions, please feel free to contact me.

Sincerely,

Cynthia Bridge Clark
Water Allocation Bureau

Encl: 2

c: Lewis Rounds – IDWR Eastern Region
Tim Luke – IDWR State Office

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MEMORANDUM

TO: Debbie Allen
FROM: Cynthia Bridge Clark
RE: WATER SUPPLY BANK RENTAL FEE - 35-7279, 35-13466, 35-13468,
35-13470
DATE: November 14, 2003

The following information is provided to document a total payment of \$1380.00 for rental of a portion of the above referenced rights from the Water Supply Bank. The renter was also the lessor of the rights in this case. Therefore, only the portion of the total payment to be retained for administrative fees was requested. The entire payment of \$1380.00 was receipted to: Water Bank-Department Share. A copy of the rental agreements and the receipt for the rental are attached.

Attach: 2

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Idaho Department of Water Resources Receipt

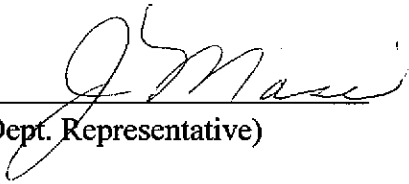
Receipt ID C071554

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1,380.00	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

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11/10/2003

MEMORANDUM

To: Files 35-7279, 35-13466, 35-13468, 35-13470

From: Cynthia Bridge Clark

Date: November 3, 2003

Re: Lease and Rental of Rights to the State Water Supply Bank

I contacted Deloy Ward regarding the payment for the Water Supply Bank Rental. In a letter dated September 30, 2003, Mr. Ward was notified that the rental fee and signed rental agreements must be received by the department within 30 days of the date of the letter. Mr. Ward said that he would mail the required fee and agreements immediately.

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Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2003

DELOY WARD
1305 S 2E
REXBURG ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK UNDER WATER
RIGHT NOS. 35-7279, 35-13466, 35-13468, 35-13470**

Dear Mr. Ward:

This letter is documentation of our telephone conversation on September 24, 2003 regarding the rental of portions of the water rights referenced above from the Water Supply Bank ("bank"). As we have discussed over the telephone and through written correspondence, you are required to return a signed copy of the rental agreements, together with the administrative fee for the rental of water. The department will subsequently sign the agreements and return an executed copy of each to you. Execution of the agreements and compliance with the conditions of approval authorize diversion and use of water as provided in the agreements.

You indicated during our telephone conversation that extenuating circumstances have prevented you from returning the agreements and payment. As we discussed, the Department will hold further processing of your application for thirty (30) days from the date of this letter to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. Failure to comply with the requirements of this notice will give the Department cause to reject or deny the rental application, and to commence with administrative enforcement in the matter of the Notice of Violation and Cease and Desist Order dated May 7, 2003.

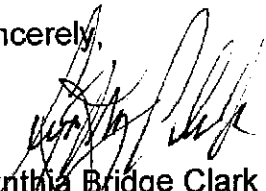
The total administrative fee is **\$1,380.00**. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreements. The signed agreements and fee should be sent to my attention so I can complete the processing. Also note that three of the water right numbers have changed since the Water Supply Bank applications were filed as a result of approved transfer no. 70624 (see above referenced water right numbers).

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If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: Lewis Rounds - IDWR Eastern Region
35-7279, 35-13466, 35-13468, 35-13470
Tim Luke - IDWR State Office

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MEMORANDUM

TO: FILE 35-13466
FROM: UBC
RE: WATER SUPPLY BANK LEASE/RENTAL
DATE: 9.4.03

Additional Water Supply Bank correspondence regarding the above Water
Right file is located within:

FILE # 35-7024

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MEMORANDUM

To: Files 35-7279, 35-13466, 35-13468, 35-13470

From: Cynthia Bridge Clark

Date: September 2, 2003

Re: Lease and Rental of Rights to the State Water Supply Bank

Mr. Ward filed applications with the bank to remain in compliance during the 2003 irrigation season while transfer no. 70624 was being processed to authorize his existing uses. This arrangement was configured as a result of the issuance of a Notice of Violation by the Department.

Mr. Ward leased portions of four rights to the bank and filed applications to rent the same rights for use on adjacent property (see Memo dated July 14, 2003 filed under the original water right numbers). On July 18, 2003, a letter and rental agreements were sent to Deloy Ward identifying the required fee of \$15,180.00 for rental of a total of 1380 acre-feet of water at \$11.00 per acre-foot. Mr. Ward contacted me expressing concern that he had already paid the required fees. At the time, we discussed the process by which the payment for rental of water from the bank would be handled. I explained that the total rental fee should be submitted to the Department, but that \$13,800.00 would be returned to him since he was also the lessor in this case. After contacting the regional office, I left a telephone message with Mr. Ward explaining that it appeared the fees paid to date included only those required for the processing of the transfer. I asked that he contact me to discuss the fees required for rental of water from the bank.

Through communications with Lewis Rounds at the Eastern Regional Office, Mr. Ward further expressed concerns about his ability to furnish the full rental payment. The Department has since agreed to accept only the administrative fee of \$1,380.00 for the rental, given that the lessor and renter are the same under this application. The fee requirements are explained in a letter to Mr. Ward dated September 4, 2003, along with revised rental agreements to document the change in payment.

The transfer involving the four rented rights was approved on August 25, 2003. Three of the rights leased to the bank were split into two new numbers. The new numbers corresponding to those portions leased to and rented from the bank are described below:

<u>Original Water Right</u>	<u>New/Transferred Water Right</u>	<u>Rate</u>	<u>Volume</u>	<u>Lease/Rental: Acres</u>
35-7024	35-13466	1.09 cfs	244 af	61 ac
35-7074	35-13470	0.21 cfs	56 af	14 ac
35-7279	35-7279	3.46 cfs	952 af	238 ac
35-8578	35-13468	0.64 cfs	128 af	32 ac

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Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2003

DELOY WARD
1305 S 2E
REXBURG ID 83440

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK UNDER
WATER RIGHT NOS. 35-7279, 35-13466, 35-13468, 35-13470**

Dear Mr. Ward:

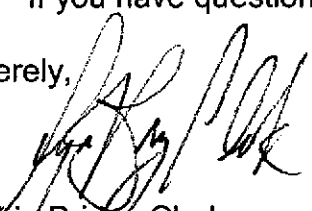
You indicated during our telephone conversations that you received the Water Supply Bank Rental Agreements for rental of a total of 1,380 acre-feet of water between the four water rights referenced above. A total rental fee of \$15,180.00 was calculated based on the current rental rate of \$11.00 per acre-foot times the 1,380 acre-feet. A portion of the total rental fee, \$13,800.00, is typically issued to the lessor of the water rights. Since you are the lessor and the renter under this agreement, the department will require that you submit only the portion of the total payment to be retained for administrative fees, \$1,380.00.

I am enclosing copies of the Water Supply Bank Agreements already provided to you with an amendment to the payment requirements. Upon signature and return of the agreements, together with the administrative fee for the rental of water, the department will also sign the agreements and will return an executed copy of each to you. Execution of the agreements and compliance with the conditions of approval authorize diversion and use of water as provided in the agreements.

The total administrative fee is **\$1,380.00**. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreements. The signed agreements and fee should be sent to my attention so I can complete the processing. Also note that three of the water right numbers have changed since the Water Supply Bank applications were filed as a result of approved transfer no. 70624 (see above referenced water right numbers).

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

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Encl: 4

c: Lewis Rounds - IDWR Eastern Region
35-7279, 35-13466, 35-13468, 35-13470
Tim Luke – IDWR State Office
Jean Masi – IDWR State Office

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WATER SUPPLY BANK RENTAL AGREEMENT

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") for rental of water from the bank agrees to rent water as follows:

1. Renter: Deloy Ward
2. Address: 1305 S 2E, Rexburg, ID 83440
3. Source of water: Ground Water
4. Volume of water rented: 244 AF Max rate: 1.09 cfs
5. Diversion period: 2003 irrigation season
6. Use of water: Irrigation
7. a) Renter's point of diversion:

Legal description: SE ¼ NE ¼ Section 29, T01S, R34E, B.M., Bingham County

- b) Renter's place of use:

Legal description: 61 acres within a 345-acre Permissible Place of Use within NE ¼, SE ¼, E ½ NW ¼ Section 29, T01S, R34E

8. The right from which water will be rented is 35-13466 (split from 35-7024)

The rental fee for rental of the above described water is \$2,684.00. Since the undersigned renter is also the lessor under this agreement, the renter is obligated only to pay the administrative fee of \$244.00 and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. The use of water under this agreement is limited to irrigation of 61 acres within the place of use described above during the 2003 irrigation season.

3. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use and/or again be available to rent from the bank.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
8. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
9. This rental does not authorize the construction of a well.

Dated this _____ day of _____, 2003.

by _____
for _____

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this _____ day of _____, 2002.

KARL J. DREHER, Director
Department of Water Resources

MEMORANDUM

TO: FILE 35-13466
FROM: VAULT
RE: TRANSFER # 70624
DATE: 8.25.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 35-7024

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