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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: 952 AF Max rate: 3.46 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: 238 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 35-7279

The rental fee for rental of the above described water is \$10,472.00. Since the undersigned renter is also the lessor under this agreement, the renter is obligated only to pay the administrative fee of \$952.00 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 238 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 DeLoe Ward
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, 2003.

K. J. Dreher
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

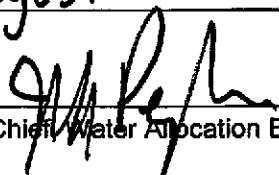
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8578	35-13468	0.64 cfs	128 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	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	to 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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WATER RIGHT NO. 35-7279
As Modified by Transfer No. 70624

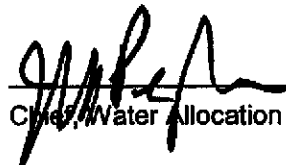
CONDITIONS OF APPROVAL

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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NOV 20 2003

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, 20 03

For


Chief Water Allocation Bureau

MICROFILMED

NOV 20 2003

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

MICROFILMED

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

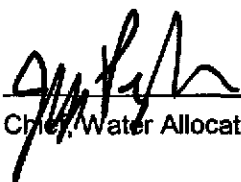
WATER RIGHT NO. 35-13468
As Modified by Transfer No. 70624

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, 20 03

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
							L4	L3										

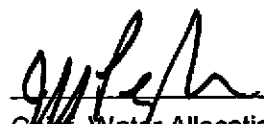
Total Acres: 276

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


 for _____
 Chief, Water Allocation Bureau
 MICROFILMED

NOV 20 2003

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				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 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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MAY 20 2003

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

Kr  _____
 Chief, Water Allocation Bureau

MICRO. 1540

NOV 20 2003

Water Supply Bank No. _____

Water Right No. 35-7279

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 02 2003

APPLICATION TO SELL OR LEASE A WATER RIGHT DEPARTMENT OF WATER RESOUR.
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Deloy Ward Phone 208-356-5190
Post office address 1305 South 2nd East Rexburg, ID 83440

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 35-7279 Decreed to Deloy Ward
in case of SRDA vs (Name) #39576
dated 3/4/2002 in Twin Falls county of SRDA
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: 3.46 cubic feet per second &/or
952 acre-feet per annum
- b. Point of diversion: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 1S Range
34E B.M. in Bingham County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	34E	29	39	40	40	39	40			40									238

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 238

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

See deed attached

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Partial Decree issued in 2002

MICROFILMED

JUL 23 2003

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

NA

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

☒ For lease for a period from 5-29-03 to 10-31-03
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

I will lease back my own right.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

5-29-03
Date

Dodge Ward
Signature

FOR DEPARTMENT USE ONLY

Received by CDC Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED
JUL 23 2003

BARGAIN AND SALE DEED

This Indenture, made the 16th day of December 1996, between Key Bank of Idaho, the party of the first part and Deloy Z. Ward and Viola J. Ward, husband and wife, and, Neal D. Ward and Shelley Ward, husband and wife, the party (s) of the second part. 1432 SOUTH 1000 WEST, REXBURG, ID 83440

WITNESSETH that the said party of the first part, for and in consideration of the sum of Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars, lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to theirs and assigns, forever, all that certain lot, piece or parcel of land situated, lying and being located in the County of Bingham and State of Idaho, particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title interest in said property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular the said premises together with the appurtenances, unto the said party of the second part and to their heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set their hand and seal the day and year first above written.

Key Bank of Idaho

BY:

Dale A. Dammarell
Dale A. Dammarell
Vice President

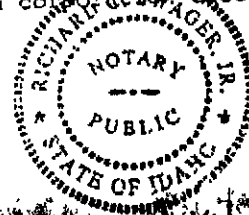


ACKNOWLEDGMENT - Corporate

STATE OF Idaho, County of Ada, ss.

On this 16th day of December, in the year of 1996, before me, Richard C. Swager Jr., a notary public, personally appeared Dale A. Dammarell, known or identified to me to be the Vice-President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public: Richard C. Swager Jr.
Residing at Boise, Idaho
My Commission Expires: January 5, 1999.



JUL 23 2003

TRACT D:

Township 1 South, Range 34 E.B.M., Bingham County, Idaho

Section 21: Part of the NXSEX described as:
Beginning at the SE corner of the NXSEX in said Section 21, thence W. 1221.1 feet to the true point of beginning, thence N. 11°57' W. to the N. line of the NXSEX, thence W. to the W. line of NXSEX, thence S. to the S. line of the NXSEX, thence E. to the true point of beginning.

Section 25: SKXNW; NWXNW; SWXNW SWX; WXSEX
EXCEPTING THEREFROM part of the SEX described as:
Commencing at the SW corner of said Section 25 and running thence N. 0°04'11" E. 1320.00 feet; thence S. 89°46'00" E. 1320.91 feet; thence S. 0°01'55" W. 1320.00 feet to the SE corner of the SWXSEX; thence N. 89°46'00" W. 1321.78 feet along the section line to the point of beginning.

EXCEPTING AND RESERVING to the United States all oil and gas in NWXNW and SEXNW of said Section, and to it, or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat. 509).

35-8578

Section 28:

35-7279

Section 29:

Section 34:

SWXNW

EX; EXNW

NEX; NXSEX; EXCEPTING AND RESERVING to the United States all the oil and gas in the NXSEX, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat. 509).
ALSO, Part of the SEXSEX described as:

Beginning at a point on the E. line of said Section 34 that is N. along the Section line 545.54 feet from the SE corner of said Section 34, and running thence N. along the Section line 574.46 feet; thence N. 89°57'30" W. 663.41 feet; thence S. 3°29'10" E. 768.81 feet; thence N. 81°29'10" E. 623.53 feet to the point of beginning.

(CONTINUED)

EXHIBIT A

01/03

Before the Idaho Water Resource Board

RECEIVED

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

JUN 02 2003

DEPARTMENT OF WATER RESOURCES

Applicant Deloy Ward Phone 208-356-5190
 Address 1305 South 2nd East Rexburg, ID
 City Rexburg, ID State ID Zip Code 83440

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Groundwater
tributary to _____
2. Maximum volume of water 4^{at} x 238 acres = 952 AF.
3. Maximum rate of diversion 3.46 cfs cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion SE 1/4 NE 1/4, Section 29,
Township 1S, Range 34E, B.M. Bingham County.
3. Season of use: From 5/01 to 10/31
4. Description of diverting works:
Pump HP NA Lift NA Pump type _____
Canal name, if appropriate _____
5. Place of use:
a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.
Limited to 238 acres within 345 acres
in Sec 29 T1S R34E. See attached sheet

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JUL 23 2003

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

35-7024, -8578, -7074 in Part

7. Who owns the property at the point of diversion?

Applicant

8. Who owns the property at the place of use?

Applicant

9. Are you seeking a rental for more than one (1) year? NO (yes or no)
If yes, for how many years? _____

10. Remarks: _____

5-28-03

Date

D. J. Ward

Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

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JUL 23 2003

Transfer No. 450

APPLICATION FOR TRANSFER OF WATER RIGHT

NAME OF APPLICANT Neal Viola, shelly ^{PART 1} Delay Phone 356-5190
 OFFICE ADDRESS 1305 S 2E Rexbury, Id 83440

PURPOSE OF TRANSFER

☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes: Re arrange the POU for -7279 and add more acres from other water right to create a larger POU.

REQUESTED CHANGE	REASON FOR REQUESTED CHANGE	DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
35-7279	2/20/1973	3.46	IRR	5/01 to 10/31
35-7024	5/10/1968	1.09	IRR	5/01 to 10/30
35-8578	5/29/1985	0.64 x (44)	IRR	4/01 to 10/31
35-7074	4/1/1969	0.21	IRR	5/01 to 10/31

2. Total amount of water being transferred 5.40 (5.20) LIMITED TO
cubic feet per second and/or _____ acre-feet per annum.

}. Source of water GW tributary to _____

1. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

LIMITATION

35-7279-238 AC

35-8578-32 AC

35-7074-14AC

35-7024-61AC

Total Acres 345

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 35-07279

On November 30, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07279 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 4, 2002.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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NOV 20 2003

Page 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07279

MAR 04 2002

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: DELOY WARD
NEAL WARD
SHELLY WARD
VIOLA WARD
1305 S 2ND E
REXBURG, ID 83440

SOURCE: GROUNDWATER

QUANTITY: 3.46 CFS
952.00 AFY

PRIORITY DATE: 02/20/1973

POINT OF DIVERSION: T01S R34E S29 SENE Within Bingham County

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	3.46 CFS 952.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED THE USE OF WATER BEFORE MAY 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Bingham County
	T01S R34E S29	NENE 39.0 NWNE 40.0 SENE 39.0 SENE 40.0
	238.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I C SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAR 04 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07279

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07279 was mailed
on March 04, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DELOY WARD
NEAL WARD
SHELLY WARD
VIOLA WARD
1305 S 2ND E
REXBURG, ID 83440
Phone: 208-356-5190

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NOV 20 2003

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 1
03/04/02



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

February 26, 2004

DELOY WARD
1305 S 2 E
REXBURG ID 83440

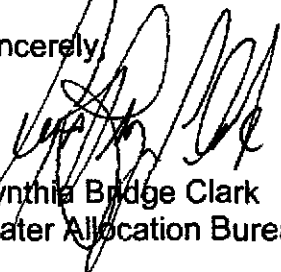
**RE: RELEASE OF LEASED WATER RIGHT NO. 35-7074, ~~35-7279~~, 35-7024,
& 35-8578 FROM THE WATER SUPPLY BANK**

Dear Sir:

This letter is notice that on December 31, 2003, the water right(s) referenced above were released from the Water Supply Bank ("bank") as requested in the application to the bank. The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR Regional office



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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NOV 20 2003

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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NOV 20 2003

Idaho Department of Water Resources Receipt

Receipt ID C071554

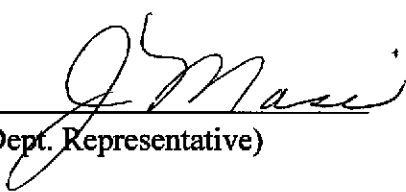
Payment Amount	\$1,380.00	Date Received	11/10/2003 10:40:23 AM	Region	State	Status
Payment Type	Check	Check Number	2967			

Payer 4 W FARMS DELOY WARD OR NEAL

Comment ADMINISTRATIVE FEE FOR WATER SUPPLY BANK

Fee Detail

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


Signature Line (Dept. Representative)MICROFILMED
NOV 20 2003

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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NOV 20 2003



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

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.

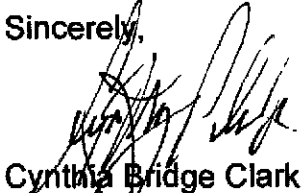
The total administrative fee is \$1,380.00. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreements. The signed agreements and fee should be sent to my attention so I can complete the processing. Also note that three of the water right numbers 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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NOV 20 2003

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

MICROFILM

NOV 20 2003

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</u> <u>Water Right</u>	<u>New/Transferred</u> <u>Water Right</u>	<u>Rate</u>	<u>Volume</u>	<u>Lease/Rental:</u> <u>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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NOV 20 2003



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

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:

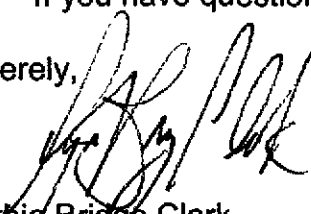
You indicated during our telephone conversations that you received the Water Supply Bank Rental Agreements for rental of a total of 1,380 acre-feet of water between the four water rights referenced above. A total rental fee of \$15,180.00 was calculated based on the current rental rate of \$11.00 per 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

MICROFILMED
NOV 20 2003

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

MICROFILMED

NOV 20 2003

Before the Idaho Water Resource Board

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: 952 AF Max rate: 3.46 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: 238 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 35-7279

The rental fee for rental of the above described water is \$10,472.00. Since the undersigned renter is also the lessor under this agreement, the renter is obligated only to pay the administrative fee of \$952.00 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 238 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 35-7279
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

**MICROFILMED
NOV 20 2003**



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

July 18, 2003

DELOY WARD
1305 S 2E
REXBURG ID 83440

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK UNDER
WATER RIGHT NOS. 35-7024, 35-7074, 35-7279, AND 35-8578**

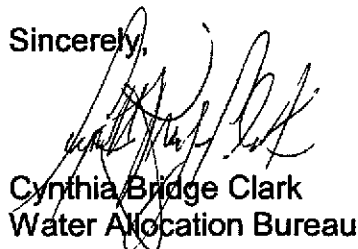
Dear Mr. Ward:

The Department of Water Resources acknowledges receipt of your Applications to Rent Water from the Water Supply Bank. Please find enclosed a Water Supply Bank Rental Agreements for your review and signature. Upon signature and return of the agreements, together with the rental fee described below, the department also will 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 rental fee is **\$15,180.00** and was calculated as \$11.00 per acre-foot times a total of 1380.0 acre-feet between the four rights. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreements. Also return the signed agreements and fee to my attention so I can complete the processing.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 4

c: IDWR - Eastern Region
35-7024, 35-7074, 35-7279, 35-8578

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JUL 23 2003

Before the Idaho Water Resource Board

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
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Legal description: 238 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 35-7279

The undersigned renter agrees to pay \$ 10,472.00 for rental of the above described water 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 238 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

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JUL 23 2003



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

July 18, 2003

DELOY WARD
1305 S 2E
REXBURG ID 83440

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO. 35-7024, 35-7074,
35-7279, 35-8578 TO THE WATER SUPPLY BANK**

Dear Mr. Ward:

The department has completed its review of the Application to Sell or Lease Water Rights to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water rights are accepted into the bank.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

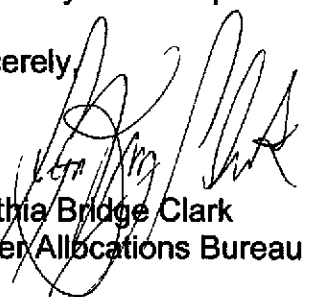
1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.
6. The lessor may be required to provide evidence of availability of the surface water source prior to rental of the right.

MICROFILMED

JUL 23 2003

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

Sincerely,



Cynthia Bridge Clark
Water Allocations Bureau

c: IDWR - Eastern Region
35-7024, 35-7074, 35-7279, 35-8578

MICROFILMED

JUL 23 2003

MEMORANDUM

To: Files 35-7024, 35-7074, 35-7279, 35-8578

From: Cynthia Bridge Clark

Date: July 14, 2003

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

<u>Water Right</u>	<u>SRBA Claims</u>	<u>Lease/Rental:</u> <u>Rate</u>	<u>Volume</u>	<u>Acres</u>
35-7024	Decreed 2002	1.09 cfs	244 af	61 ac
35-7074	Licensed 1996	0.21 cfs	56 af	14 ac
35-7279	Decreed 2002	3.46 cfs	952 af	238 ac
35-8578	Decreed 2002	0.64 cfs	128 af	32 ac

Deloy Ward has filed a transfer with the department to change the place of use and point of diversion authorized under the water rights referenced above (Transfer 70624). In order to remain in compliance under existing water rights during the 2003 irrigation season, Mr. Deloy has filed applications to lease portions of the rights to the Water Supply Bank and to rent the water associated with the same rights for use on 345 acres.

Neal, Viola, Shelly, and Deloy Ward are the owners of record on the partial decree issued in 2002 on rights 35-7024, 35-7074, 35-7279. Based on preliminary review of the transfer application, IDWR staff found that the lien holder on rights 35-7024 and 35-7074 has given approval for the movement of 75 acres from pivot corners. The applicant documented partial ownership of right 35-8578, licensed in 1996 (36 acres in the NWSE Sec 21, T01S R34E). Though this right will be split by ownership either through the transfer or a notice of ownership change, the portion of the right described above will be leased to the bank under number 35-8578 until the transfer process has been completed.

The place of use is within the Eastern Snake Plain Aquifer. Based on the Ground Water Rights Transfer Spreadsheet model, impacts resulting from the change in place of use during the 2003 irrigation season will be less than five percent.

A total of 345 acres will be idled between the four rights. The use of water under each right should be limited to irrigation of the number of acres idled under each right within the 345-acre place of use identified on the rental applications.

All of the rights, or portions thereof, have been accepted into the Bank.

MICHAEL L. ...

...