



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

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November 16, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TRAIL CREEK SPRINKLER IRRIGATION COMPANY
PO BOX 131
VICTOR ID 83455

**RE: APPLICATION TO LEASE PART OF WATER RIGHTS ASSOCIATED
WITH SRBA CLAIM NO(S). 22-221C, 22-222A, AND 22-435A TO THE
WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). Please consider that the offered water right(s) associated with the Snake River Basin Adjudication Claims ("claim") referenced above are accepted into the bank. Enclosed is a map identifying the location of the acres accepted for lease.

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

1. The water rights referenced above are leased to the bank in their entirety. The total lease amounts associated with the rights are identified below:

Right Nos.	Acres (ac)	Diversion Rate (cubic ft per sec., cfs)	Diversion Volume (acre-feet, af)
See above	177 ac	3.53 cfs	619.5 af

2. Use of water under this lease relates is authorized within the 407-acre place of use described by the SRBA claim nos. referenced above.
3. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
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, or improve the status of the right including the notion of resumption of use. The validity of a water right will be

SUPPORT DATA

IN FILE # 22-90

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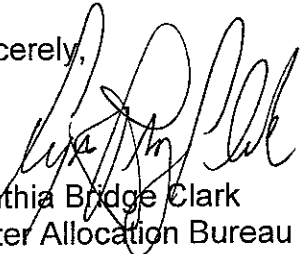
reviewed in the ongoing Snake River Basin Adjudication, and considered in any other department application process.

6. The amounts and conditions of the lease acceptance may be revised upon review of the availability of surface water sources, the extent of beneficial use, or the validity of a right in the ongoing Snake River Basin Adjudication or any other department application process.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
9. The lease will not take affect until written acknowledgement of the conditions of acceptance is provided to the department by the lessor.

The right(s) will automatically be released from the bank on **December 31, 2009**, unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Enclosure

- c: Roger Warner -- IDWR Eastern Regional Office
Allen Ruberry -- IDWR Eastern Regional Office
Kent Foster -- Holden, Kidwell, Hahn & Crapo, P L L C.
Jerry R. Rigby -- Rigby, Thatcher, Andrus, Rigby & Moeller, Chtd.

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