

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: Water Resource Board
2. Address: 1301 N Orchard, Boise Id 83706-2237
3. Source of water: Big Hat Creek
4. Volume of water rented: 65 AF (Based on consumptive use volume)
Max rate: 0.52 cfs
5. Diversion period: April 1, 2005 to November 1, 2005
6. Use of water: Instream Flow
7. a) Renter's point of diversion:
Legal description: SW¹/₄SW¹/₄ Section 16, T24N, R21E, B.M., Lemhi County (Beginning of Reach)
SE¹/₄SE¹/₄ Section 31, T25N, R5E, B.M., Idaho County (Ending of Reach)
- b) Renter's place of use:
Legal description: Instream flow in Big Hat Creek and the Salmon River
8. The rights from which water will be rented are:

Right No.	Acres (ac)	Diversion Rate (cubic ft per sec., cfs)	Consumptive Diversion Volume (acre-feet per acre, afa)
75-2137	26 ac	0.52 cfs	65 afa
75-4199	26 ac	0.62 cfs	65 afa
<u>75-4200</u>	<u>14 ac</u>	<u>0.28 cfs</u>	<u>35 afa</u>
Total:	26 ac	0.52 cfs	65 afa

The undersigned renter agrees to pay \$ **2,055.56** 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 portion of the above referenced rights leased to the bank are limited to irrigation of 26 acres, and a total combined diversion rate of 0.52 cfs and combined diversion volume of 91 afa.
2. Rental of the rights is for consumptive use only and is limited to the consumptive use diversion volume of 65 afa, or a continuous diversion rate of 0.15 cfs for use from April 1, 2005 to November 1, 2005.
3. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
4. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication or any other department application process.
5. 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.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use 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.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. 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.
9. 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.
10. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
11. Failure of the right holder to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

Dated this 31st day of August, 2005.

by


for IWRB

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 31 day of August, 2005.

For


KARL J. DREHER, Director
Department of Water Resources