

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 623

RECEIVED

MAY 13 2022

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that:

SUEZ WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709-4165

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
63-161BN	5/1/1866	BOISE RIVER	0.40	90.0	20	0.02	4.5
63-2932	3/16/1953	GROUND WATER	0.14	20.0	20	0.007	1.0
Combined Limit Totals			0.40	90.0	20	0.02	4.5
63-31833	6/1/1865	BOISE RIVER	0.19	42.8	9.5	0.02	4.5
63-146	6/1/1865	BOISE RIVER	4.56	1,017	226.01	0.02	4.5
63-32593	6/1/1877	BOISE RIVER	0.43	333	74	0.006	4.5
63-32595	6/1/1891	BOISE RIVER	1.05	333	74	0.014	4.5
Combined Limit Totals			1.48	333	74	0.02	4.5
63-179C	6/1/1869	BOISE RIVER	13.92	2,610	580	0.02	4.5
63-32580	3/1/1922	MASON CREEK	6.55	2,610	580	0.01	4.5
63-33392	6/1/1869	FIFTEEN MILE CREEK	6.55	2,610	580	0.01	4.5
Combined Limit Totals			20.3	2,610	580	0.04	4.5
Combined Rental Totals			26.9	4093	910	0.03	4.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2022, whichever occurs last.

Annual Rental Fee:

2022: \$81,856.00

The full fee for the rental of the above-described right(s) is \$81,856.00 for 2022. The rental fee includes an administrative fee of \$8,185.60 for 2022. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

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Total Water Use Authorized Under Rental Agreement

Beneficial Use	Month	Diversion Rate (CFS)	Diversion Volume (AF)
MUNICIPAL	JAN	0	0
MUNICIPAL	FEB	0	0
MUNICIPAL	MAR	0	0
MUNICIPAL	APR	4.66	278
MUNICIPAL	MAY	6.52	401
MUNICIPAL	JUN	6.47	385
MUNICIPAL	JUL	7.14	439
MUNICIPAL	AUG	6.61	406
MUNICIPAL	SEP	4.60	274
MUNICIPAL	OCT	2.74	169
MUNICIPAL	NOV	0	0
MUNICIPAL	DEC	0	0
MUNICIPAL	TOTAL MAX	7.14	2352

**** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits, unrentable sources, and the nature of use change.***

Detailed water right conditions are attached.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 623

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Jarmila M. Cary May 13, 2022
Signature of Renter Date

Jarmila Cary Assistant Secretary, Director of Finance & Customer Service
Printed Name Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton Date 5/16/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR HP Date 5/16/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 623

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	NWNE	Sec. 4, Twp 02N, Rge 03E,	ADA County
BOISE RIVER	SENE	Sec. 14, Twp 03N, Rge 02E,	ADA County

BENEFICIAL USE PER WATER RIGHT

	Beneficial Use	63-161BN		63-31833		63-146		63-32593		63-32595		63-179C	
		Rate (cfs)	Volume (af)	Rate (cfs)	Volume (af)	Rate (cfs)	Volume (af)	Rate (cfs)	Volume (af)	Rate (cfs)	Volume (af)	Rate (cfs)	Volume (af)
JAN	MUNICIPAL	0	0	0	0	0	0	0	0	0	0	0	0
FEB	MUNICIPAL	0	0	0	0	0	0	0	0	0	0	0	0
MAR	MUNICIPAL	0	0	0	0	0	0	0	0	0	0	0	0
APR	MUNICIPAL	0	0	0	0	0	0	0	0	0	0	0	0
MAY	MUNICIPAL	0.12	7.0	0.06	3.3	1.33	79.4	0.13	7.6	0.31	18.4	2.72	162
JUN	MUNICIPAL	0.17	10.2	0.08	4.8	1.87	115	0.18	10.9	0.43	26.6	3.80	234
JUL	MUNICIPAL	0.16	9.8	0.08	4.7	1.86	111	0.18	10.5	0.43	25.7	3.76	224
AUG	MUNICIPAL	0.20	12.1	0.09	5.7	2.22	137	0.21	13.0	0.52	31.7	3.90	240
SEP	MUNICIPAL	0.18	11.2	0.09	5.3	2.07	127	0.20	12.1	0.48	29.5	3.59	221
OCT	MUNICIPAL	0.11	6.7	0.05	3.2	1.27	75.6	0.12	7.2	0.30	17.6	2.76	164
NOV	MUNICIPAL	0.08	4.7	0.04	2.2	0.86	52.9	0.08	5.0	0.20	12.3	1.49	91.6
DEC	MUNICIPAL	0	0	0	0	0	0	0	0	0	0	0	0

SEASON OF USE

Water Right No.	From	To
63-179C	4/1	10/31
63-32593	4/1	10/31
63-32595	4/1	10/31
63-31833	4/1	10/31
63-161BN	4/1	10/31
63-146	4/1	10/31

RENTERS PLACE OF USE: MUNICIPAL

Municipal Water under this rental may be used within Suez Water Idaho Inc. (i.e. Veolia Water Idaho LLC.) municipal service area.

The table below reflects the locations of the renter's Boise River water treatment plants.

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03E	4											X	X					X
03n	02E	14	X			X X L7													X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

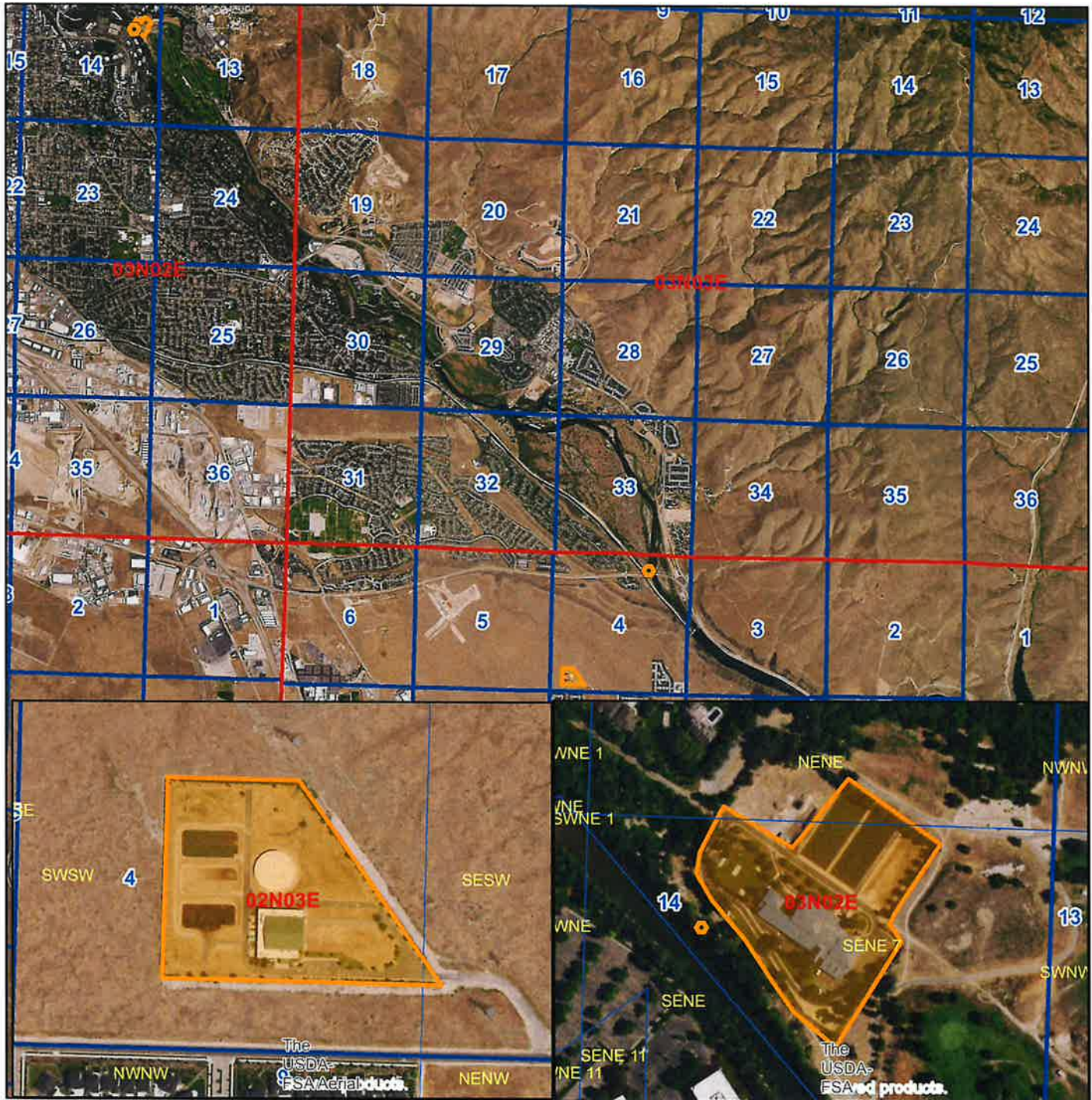
WATER SUPPLY BANK RENTAL AGREEMENT No. 623

2. Rental of the specified rights from the bank does not, in itself, confirm the validity of the rights or any elements of the water rights, or improve the status of the rights including the notion of resumption of use. It does not preclude the opportunity for review of the validity of the water rights in any other department application process.
3. 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 those authorized under the water rights and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
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 authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The place of use for this rental is described as the location of the Columbia Village and Marden Water Treatment Plants. However, the water authorized for use under this rental may be used anywhere within the renter's municipal water delivery service area.
10. Use of water under this rental agreement may 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 rental agreement is within State Water District No. 63.
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. Whenever it becomes necessary for the watermaster to deliver rights under this agreement the following condition shall apply. Right 63-161BN shall receive 100 percent of the rental agreement beneficial use per water right quantity until the right, based on its priority date, is no longer deliverable. Rights 63-146, 63-179C, 63-31833, 63-32593, and 63-32595 shall receive 100 percent of the rental agreement beneficial use per water right quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition provision cannot receive 100 percent of their decreed quantities, at which time rights 63-146, 63-179C, 63-31833, 63-32593, and 63-32595 and the other rights containing this condition provision shall first be cut to 75 percent of their authorize quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition provision and proceeding to the earliest rights containing this condition provision in the order of their priority dates, and after all of the rights containing this condition provision shall have been reduced to 75 percent of their authorized quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those authorized quantities, then rights 63-146, 63-179C, 63-31833, 63-32593, and 63-32595 and the other rights containing this condition provision, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their authorized quantities.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 623

Effective until December 31, 2022

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Authorized Rental Point of Diversion

Authorized Rental Place of Use

Township/Range

Sections

QQ



STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED
DEC 02 2021
DEPARTMENT OF
WATER RESOURCES

Applicant Name: SUEZ Water Idaho Inc.

Is this application being submitted with a lease application as a lease/rental package?

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☒ ☐ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☐ ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

63-161BN ✓	63-146 ✓	63-32595	63-33392
63-31833	63-32593	63-179C .	63-32580

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Suez Water Idaho Inc.

Mailing Address 8248 W Victory Rd., Boise, ID 83709

Street City State Zip Code

Email Address robert.newbry@suez.com Phone Number 208-501-5042

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Robert Newbry Professional Title Hydrogeologist

Organization Suez Water Idaho Inc. Relationship to Applicant employee

Mailing Address 8248 W Victory Rd., Boise, ID 83709

Email Address robert.newbry@suez.com Phone Number 208-501-5042

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

We desire to rent this water to help our storage water last through the end of the water year.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
9.9 CFS	2824.3 AF	CFS	AF	AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
5/31/2021	6/7/2021	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Intakes for our Marden and Columbia Surface Water Treatment Plants to our certificated municipal service area.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Columbia Plant	Boise River	63-31409, 63-31871
Marden Plant	Boise River and Collector Wells	63-00147D, 63-00169F, 63-00243E, 63-00243H
		63-20041

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: municipal from: 4/1 (mm/dd) to: 10/31 (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☐ No ☒
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

Water rights listed above, Boise City Canal Shares and Leased, Boise Valley Irrigation Ditch Co lease, Canyon County Water Co lease, Middleton irrigation co lease, storage contracts with Anderson Ranch and Lucky Peak

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
63-161BN	irrigation	.4	90	20		.4	90	
63-31833	irrigation	.19	42.8	9.5		.19	42.8	
63-146	irrigation	4.56	1017	226		4.56	1017	
63-32593	irrigation	0.43	333	74		0.43	333	
63-32595	irrigation	1.05	333	74		1.05	333	
63-179C	irrigation	13.92	2610	580		13.92	2610	
63-33392	irrigation	6.55	2610	580		6.55	2610	
63-32580	irrigation	6.55	2610	580		6.55	2610	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	33.7	4092.8	
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

NA

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

Volume limit based on historical or consumptive use will be used to assure no enlargement will occur. Most water will be used for irrigation, water that isn't used for irrigation returns to river through Boise's water treatment plants.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

No. 561. We have attempted and are currently attempting to secure water rights for our needs.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

A map of POD's and a table of the leased water rights we are seeking to rent attached.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

DocuSigned by:

Marshall Thompson

Signature of Applicant

Marshall Thompson

Printed Name of Applicant

12/1/2021

Date

DocuSigned by:

Robert K Newbry

Signature of Representative

Robert K Newbry

Printed Name of Representative

12/1/2021

Date

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

1



Date:	1/17/2018
Drawn By:	krs
Scale:	As Shown
Sheet	1 of 1

SUEZ

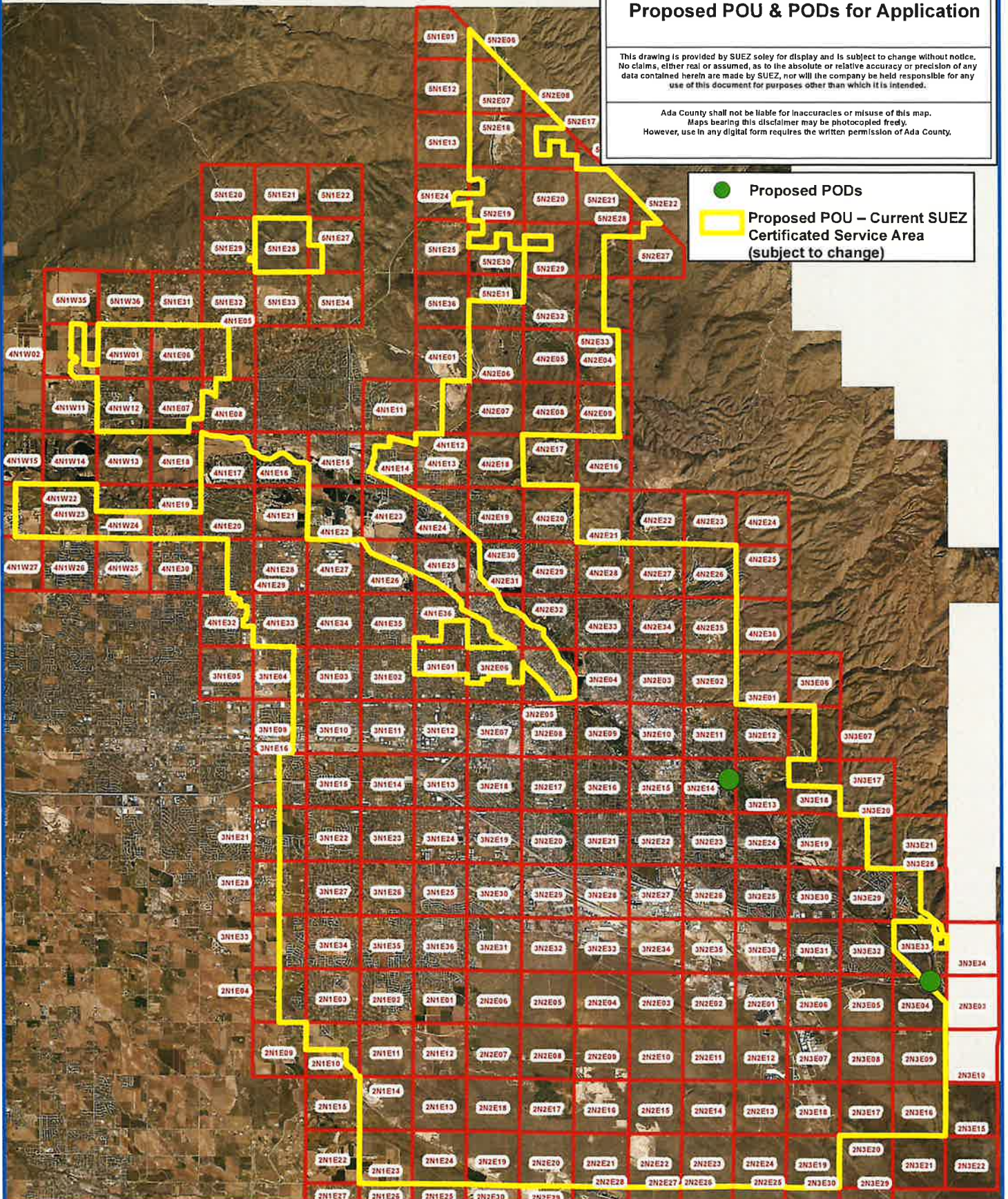
8248 West Victory Road Boise, Idaho 83709 Phone: 208-362-7304

Proposed POU & PODs for Application

This drawing is provided by SUEZ solely for display and is subject to change without notice. No claims, either real or assumed, as to the absolute or relative accuracy or precision of any data contained herein are made by SUEZ, nor will the company be held responsible for any use of this document for purposes other than which it is intended.

Ada County shall not be liable for inaccuracies or misuse of this map. Maps bearing this disclaimer may be photocopied freely. However, use in any digital form requires the written permission of Ada County.

- Proposed PODs
- Proposed POU – Current SUEZ Certificated Service Area (subject to change)





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 16, 2022

SUEZ WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709-4165

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-161BN, 63-2932, 63-31833, 63-146, 63-32593, 63-32595, 63-179C, 63-32580 & 63-33392 AGREEMENT 623**

Dear Renter:

Please find enclosed a receipt in the amount of **\$81,856.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 4093 acre-feet of water for municipal use during 2022. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$73,670.40 of the rental fee will be paid to the lessor(s) and 10% or \$8,185.60 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C112775
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Terry Scanlan
Water District 63

MEMORANDUM FOR AGREEMENT # 623

To: Water Right(s) 63-146, 63-161BN, 63-179C, 63-31833, 63-32580, 63-32593, 63-32595, 63-33392

From: Angie Hansen

Date: April 27, 2022

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Suez Water Idaho Inc. ("Suez") is requesting rental of all available natural flow Boise River leased water rights to lessen demand on Suez's storage water, i.e. so storage water will last through the end of the year. In this rental application (2211), Suez specifically proposes rental of 63-146, 63-161BN, 63-179C, 63-31833, 63-32580, 63-32593, 63-32595, 63-33392. Suez also requested rental of any other available leased water rights to fulfill its request for 9.9 cfs and 2824.3 af of municipal use. Water right 63-2932 overlaps the place of use of requested water right 63-161BN. Therefore, right 63-2932 is also being added to the rental to avoid enlargement through unstacking of water rights.

The water rights Suez proposes to rent are irrigation rights that will need to undergo a nature of use change analysis to municipal use. Suez proposes to divert the rented water at its Marden and Columbia Village Boise River water treatment plants (WTP) into its municipal service area. The rental is meant to augment Suez's existing water entitlements diverted at the WTPs and from ground water wells. Suez's 2021 rental agreement 561 authorized the same diversion scenario. Rental agreement 561 authorized use within Suez's municipal service area, but the geospatial location recorded as the place of use on the rental was the location of the Marden and Columbia WTPs. The 2022 rental agreement will record the place of use location in the same manner.

A five-acre portion of 63-161BN and 63-2932 is proposed for a place of use change by pending Transfer No. 84658. 25 acres under water rights 63-161BN and 63-2932 were leased into the water supply bank ("WSB") under Contract 265 that expired on 12/31/2019. Leasing of the 25 acres was then submitted and executed in two unique lease contracts, 20 acres were leased under Contract 1088 that expires 12/31/2024 and the other five acres were leased under Contract 1244 that expired 12/31/2020. The five acres subject to pending Transfer No. 84658 are the five acres previously leased under Contract 1244, which are no longer leased. Processing of this rental application for acres leased under Contract 1088 should not affect processing of pending Transfer No. 84658 and vice versa.

Table 1 summarizes the leased water rights dedicated to this rental along with the acres allowed for the nature of use ("NOU") change. See Injury and Enlargement sections of this memo for additional explanation regarding the values shown.

Water Right	Source	Priority	Lease Contract Number	Leased Beneficial Use	Lease Diversion Rate	Lease Diversion Volume	Leased Acres	Rate/Ac	Vol/Ac	Acres Rentable for NOU Change	Notes
63-161BN 63-2932	BOISE RIVER GROUND WATER	5/ 1/ 1866 3/ 16/ 1952	1088 IRRIGATION 1088 IRRIGATION		0.4 0.14	90 20	20 20	0.020 0.007	4.5 1.0	20	Ground water right 63-2932 supplements 63-161BN. Combo limit rate & vol 63-161N & 63-2932 equals rate & vol authorized by 63-161N alone. Diversion before 4/ 1 and after 10/ 31 only flood control releases. This right does NOT have Stewart Decree or other step-down provisions.
			TOTAL		0.4	90	20	0.020	4.5	20	
63-31833	BOISE RIVER	6/ 1/ 1865	1250 IRRIGATION		0.19	42.8	9.5	0.020	4.5	9.5	Diversion before 4/ 1 and after 10/ 31 only flood control releases. Right DOES have Stewart Decree or other step-down provisions.
63-146	BOISE RIVER	6/ 1/ 1865	1334 IRRIGATION		4.56	1017	226.01	0.020	4.5	226.01	Diversion before 4/ 1 and after 10/ 31 only flood control releases. Right DOES have Stewart Decree or other step-down provisions.
			TOTAL		4.75	1059.8	235.51	0.020	4.5	235.51	
63-32593	BOISE RIVER	6/ 1/ 1877	710 IRRIGATION		0.43	333	74	0.006	4.5	21.5	63-32593 & 63-32595 lease combo limit 1.48 cfs 333 af 74 ac. Diversion before 4/ 1 and after 10/ 31 only when flood control releases. Right DOES have Stewart Decree or other step-down provisions.
63-32595	BOISE RIVER	6/ 1/ 1891	710 IRRIGATION		1.05	333	74	0.014	4.5	52.5	63-32593 & 63-32595 lease combo limit 1.48 cfs 333 af 74 ac. Diversion before 4/ 1 and after 10/ 31 only when flood control releases. Right DOES have Stewart Decree or other step-down provisions.
			TOTAL		1.48	333	74	0.020	4.5	74	
63-179C	BOISE RIVER	6/ 1/ 1869	1378 IRRIGATION		13.92	2610	580	0.024	4.5	395	63-179C, 63-33392, and 63-32580 have combined rentable rate 20.3 cfs 2610 af 580 acres. Since 63-33392 & 63-32580 rely on wastewater don't count their contribution on Boise Rv rental leaves 13.92 cfs 2610 af 580 ac for rental. 63-179C provides est. 68% of water so limit NOU change to 395 ac (68% of 580 ac). Diversion 63-179C before 4/ 1 or after 10/ 31 is subordinate to refill of storage rights at Lucky Peak, Arrowrock, and Anderson Ranch decreed in SRBA case 39576. Right DOES have Stewart Decree or other step-down provisions.
63-33392	FIFTEEN MILE CREEK	6/ 1/ 1869	1378 IRRIGATION		6.55	2610	580	0.011	4.5		63-179C, 63-33392, and 63-32580 have combined rentable rate 20.3 cfs, vol 2610, and acres 580. Decree limits these three rights to 53.2 cfs for 1504.3 acres total.
63-32580	MASON CREEK	3/ 1/ 1922	1378 IRRIGATION		6.55	2610	580	0.011	4.5		63-179C, 63-33392, and 63-32580 have combined rentable rate 20.3 cfs, vol 2610, and acres 580. Decree limits these three rights to 53.2 cfs for 1504.3 acres total.
			TOTAL		20.3	2610	580	0.035	4.5	395	
			OVERALL TOTAL		26.9	4093	910			727	

Table 1: Summary of rented water rights and acres authorized for nature of use change rental.

AUTHORITY TO FILE: Rental application 2211 was signed by Marshall Thompson and Robert "Kurt" Newbry. Marshall Thompson is listed as the vice president of Suez per the 2021 Idaho Secretary of State business entity annual report. Robert "Kurt" Newbry, is a hydrologist employed by Suez. Based on Idaho SOS business entity information, it also appears Suez Water Idaho Inc. is changing its name to Veolia Water Idaho Inc. Suez has not requested an update to the name on the rental application. Therefore, if issued, any agreement from rental application 2211 will be in the name of Suez Water Idaho Inc. The rental points of diversion are currently authorized points of diversion for existing water rights operated by Suez. There are no concerns regarding authority to file the rental application.

WATER RIGHT VALIDITY: Each water right proposed for rental is currently leased into the water supply bank and does not appear to be in use at its authorized place of use. There are no validity concerns for the leased water rights in this rental proposal.

Surprise Valley HOA leased a 20-acre portion of water rights 63-161BN and 63-2932. The land leased into the WSB represents the land no longer irrigated after subdivision development in 2007-2008. A comparison of 2021 aerial imagery to 2009 imagery indicates the amount of irrigation occurring within the Surprise Valley subdivision has not changed. It is likely the 20 acres leased into the WSB under water rights 63-161BN and 63-2932 is idled.

Idaho Shakespear Festival ("ISF") leased a 9.5 acre portion of its Boise Valley Irrigation Ditch Co shares. ISF transferred shares authorizing 10 acres of irrigation from Boise Valley Irrigation Ditch Co. to ISF's property in 2004. The 2004 transfer assigned water right number 63-31833 to this 10 acre portion. After only irrigating 0.5 acres of additional ground, ISF leased the remaining 9.5 acre-portion into the WSB. Per 2021 imagery, the 9.5 acres identified in the lease are idled.

New Union Ditch Co. leased a 226-acre portion of water right 63-146. The un-leased portion of water right 63-146 is diverted into the New Dry Creek Canal with 14 other water rights. Per Basin 63 Accounting, the maximum daily mean value for 2021 irrigation season diversion into the New Dry Creek Canal was 34 cfs. New Dry Creek Ditch Co. (NDCDC) is the primary user of New Dry Creek Canal. NDCDC alone has water rights authorizing diversion of over 34 cfs. Diversion records coupled with the land use changes occurring within New Union Ditch Co.'s service area supports the assumption the 226 acres leased under water right 63-146 is being idled.

B W Meridian Inc. leased a 74-acre portion of water rights 63-32593 and 63-32595 in 2010. This 74 acres represents the portion of water rights B W Meridian Inc. retained when it developed the Island Woods subdivisions. A comparison of 2011 to 2021 imagery indicates the amount of irrigation occurring with the Island Woods subdivisions has not changed. It is likely the 74 acres leased into the WSB under water rights 63-32593 and 63-32595 are idled.

Mason Creek Ditch Co. leased a 580-acre portion of water rights 63-179C, 63-32580, and 63-33392 in 2012. Mason Creek Ditch Co. included a map delineating the specific 580 acres to be idled. Based on analysis of 2021 imagery, it appears the 580 acres is mostly gravel pits, ponds, or other non-irrigation land uses. It is likely the 580 acres leased into the WSB under water rights 63-179C, 63-32580, and 63-33392 are idled.

INJURY TO OTHER WATER RIGHTS: Delivery of Boise River water rights is accounted for in the Boise River Accounting program. The purpose of the Boise River Accounting program is to calculate available natural flow in a given river reach and dedicate or accrue that available natural flow to specific water rights. The Boise River Accounting program calculates available natural flow for 13 unique river reaches within the Boise River Basin, the last seven of which are downstream of Lucky Peak dam. A significant amount if not most of the water right users downstream of Lucky Peak dam have access to storage water held in one of the three main Boise River reservoirs (Anderson Ranch, Arrowrock, and/or Lucky Peak). Any diversion that occurs above and beyond the available natural flow accrues as storage water use. The rental points of diversion are within Boise River Accounting Diversion Dam to Boise Reach (Reach 8) and are upstream of Star Bridge¹ in the fully appropriated reach of the Boise River. The injury analysis for this rental should consider how diversion of the leased water rights within Reach 8 may affect other water rights on the Boise River.

Right 63-161BN's point of diversion is the Surprise Valley pump station on the Boise River directly adjacent to Suez's Columbia WTP diversion (rental point of diversion). Right 63-31833's point of diversion is approximately ¼ mile upstream of Barber Dam. Both these lease points of diversion are within the same Boise River Accounting reach as the rental points of diversion, Diversion Dam to Boise (Reach 8).

Right 63-146's point of diversion is the New Dry Creek Canal, which is a little over one mile downstream from Glenwood Bridge. Right 63-32593's and 63-32595's point of diversion is within Island Woods Subdivision approximately ¾ mile upstream from the Eagle Rd Boise River bridge. All three of these leased water right points of diversion are within the Boise River Accounting Glenwood Bridge to Middleton reach (Reach 10) above Star Bridge.

¹ The bridge crossing the Boise River just south of Star, ID. Natural flow in the Boise River system downstream of Lucky Peak but upstream of Star Bridge is considered fully appropriated per IDWR Administrator's Amended Application Processing Memorandum No. 59.

Right 63-179C's point of diversion is the Pioneer Irrigation District Highline Canal, approximately 1 ¼ mile downstream of Star Bridge. Although downstream of Star Bridge, review of the topographic map for this area indicates there are no large drains or channels that return wastewater to the Boise River between Star Bridge and the Pioneer Irrigation District Highline Canal. This lease point of diversion is within the Boise River Accounting Glenwood Bridge to Middleton reach (Reach 10).

Right 63-33392's point of diversion is on Fifteen Mile Creek. Fifteen Mile Creek is tributary to the Boise River approximately one mile downstream of the near Middleton gage. Right 63-32580's point of diversion is on Mason Creek. Mason Creek is tributary to the Boise River approximately one mile upstream of from the Boise River at Hwy 20-26 crossing near Caldwell. Fifteen Mile Creek and Mason Creek are both tributary to the Boise River within Boise River Accounting Middleton to Caldwell Reach (Reach 11).

Use of water right 63-179C is limited in combination with Fifteen Mile Creek water right 63-33392 and Mason Creek water right 63-32580 to the irrigation of 1504.3 acres. A 580 ac-portion of all three rights is leased into the WSB via Contract 1378. The source of water rights 63-33392 and 63-32580 includes waste water. The points of diversion for 63-179C, 63-33392, and 63-32580 are all in the lower Boise River drainage downstream of Star Bridge, where waste water (irrigation return flows and drains) contributes to the supply of water available to satisfy these rights. Waste water contributions to the Boise River at the proposed rental points of diversion are very limited. If approved, rental application 2211 should not include diversion or use attributable to water rights 63-33392 and 63-32580, because doing so could result in injury. Rights 63-33392 and 63-32580 should be included on the rental agreement to ensure they aren't rented separately, but if the rental agreement is issued for leased rights 63-179C, 63-33392, and 63-32580 use should be limited to the rate and volume provided by 63-179C alone (13.92 cfs and 2610 af for 580 acres).

On April 21, 2022, Water District 63 watermaster, deputy watermaster, and IDWR Boise River Accounting program staff members met with me to discuss whether moving the leased water rights to the proposed rental location would affect other Boise River water rights ability to divert natural flow. The conclusion was moving water rights anywhere within the three Boise River Accounting reaches from Diversion Dam to Middleton would not likely injury other Boise River water rights, because the natural flow available to satisfy these rights during the irrigation season comes mostly if not solely from inflow above Lucky Peak. Therefore, the priority date being delivered during the irrigation season within each reach from Diversion Dam to Middleton is the same. Moving points of diversion either upstream or downstream during the irrigation season within the Boise River Accounting reaches between Diversion Dam and Middleton should not impact other water rights. To confirm this conclusion, the Water District 63 watermaster requested IDWR Boise River Accounting program staff run a test case in the program to see what effect, if any, moving 10 cfs from the Pioneer Irrigation District Highline Canal (63-179C's point of diversion) to Suez's WTPs would have. To determine the effect, Boise River Accounting staff inputted a diversion of 10 cfs at Pioneer Irrigation District, then moved the diversion to Suez's WTPs based on November 1st 2021 through April 18th 2022 water use/accounting records. Boise River Accounting staff member Ethan Geisler said "When comparing the two runs, Suez received more natural flow with no impact on downstream users during the test period." From this test, Boise River Accounting staff confirmed the understanding that moving diversions within the Boise River Accounting reaches between Diversion Dam and Middleton is not likely to injure other Boise River water rights.

Suez proposes to rent Boise River irrigation rights for municipal use. Municipal use may occur year-round, but the historic diversion and use of the proposed rental rights only occurred during

the irrigation season. The Boise River has three storage reservoirs and other non-irrigation season uses, such as streamflow maintenance, that may be injured if diversion under this rental is authorized after 10/31. 63-161BN's, 63-32593's, 63-32595's, 63-31833's, and 63-146's authorized season of use is 3/1 to 11/15, however use during the shoulder season (before 4/1 and after 11/15) can only occur if flood control releases are occurring from Lucky Peak and the Water District 63 watermaster authorizes the use. 63-179C's authorized season of use is also 3/1 to 11/15, but its use during the shoulder season is subordinate to Lucky Peak, Arrowrock, and Anderson Ranch reservoir storage water rights. During processing of Suez's 2021 Boise River rental, the Water District 63 watermaster expressed injury concerns if the rental is allowed to divert after 10/31. Given the current water supply situation in the Boise River drainage it is unlikely flood control releases will occur in 2022. The rental should be limited to a season of use of 4/1 to 10/31 to avoid injury.

ENLARGEMENT OF USE:

This rental application proposes to change the nature of use from irrigation to municipal use within Suez's municipal service area. Use under the rental should not increase or enlarge the historic consumptive use of the leased water rights. Municipal use has the potential to be fully consumptive versus irrigation use is generally only partially consumptive. Water diverted under the leased water rights for irrigation use, when not consumed by the crop or lost to diversion inefficiencies, returns to the Boise River. Whereas, municipal water diverted into Suez's municipal system will be used for irrigation along with other municipal purposes that may fully consume the water or return a smaller portion to the Boise River system. Therefore, the rental municipal use should be limited to only the leased water rights' historic irrigation consumptive use to avoid enlargement and injury. If Suez diverts and ultimately consumes more water than the historic consumptive use of the leased water rights it could deprive other Boise River water rights of water that otherwise would be available to satisfy their water rights, thus causing injury as well.

Timing of diversions and when consumption occurred under the historic irrigation use versus the diversion and consumption proposed for Suez's municipal use should be considered to avoid injury to other natural flow water rights on the Boise River. During the irrigation season, consumptive use varies from day to day and month to month. Diversion under the rental should be limited to rates and volumes that mirror the timing of historic consumption as close as is practical to avoid enlargement of the leased water rights. See Final Order Approving Transfer No. 82161 and related documents in water right file 63-123F for further discussion on this approach. Additionally, limiting rental diversions to times when water was historically diverted and consumed under the natural flow water rights will limit Suez's reliance of storage, which Suez stated is the purpose of this rental.

The consumptive use standard for the general area of the rental is 3.5 afa/acre. This generalized standard is based on growing alfalfa. However, the historic consumptive use volume from April 1 to Oct 31 based on ETIdaho precipitation deficit values at the Boise WSFO Airport (63-161BN, 63-31833, 63-146, 63-32593, and 63-3595) and Caldwell (63-179C, 63-33392, and 63-32580) of 3.1 afa/ac and 3.4 afa/ac respectively proposed for this analysis more accurately reflect the consumptive use associated with alfalfa growth (less frequent cuttings) from diversion at the leased points of diversion. Most of the leased water rights proposed for rental in this application are canal company water rights used for irrigation of various crops. Given specific historical crop data is not available for the leased water rights, this analysis assumes one of the more consumptive crops grown in the Boise River region was grown with diversions under the leased water rights. Table 2 below summarizes the monthly average

historic consumptive use volume for each water right proposed for rental along with the diversion rates necessary to accumulate each monthly consumptive use volume if water is diverted continuously throughout the month.

	63-161BN		63-31833		63-146		63-32593		63-32595		63-179C		Total Rental Volume and Max Rate	
	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)	Consumptive Use Volume (af)	Diversion Rate (cfs)
Jan	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr	7.0	0.12	3.3	0.06	79.4	1.33	7.6	0.13	18.4	0.31	162	2.72	278	4.66
May	10.2	0.17	4.8	0.08	115	1.87	10.9	0.18	26.6	0.43	234	3.80	401	6.52
Jun	9.8	0.16	4.7	0.08	111	1.86	10.5	0.18	25.7	0.43	224	3.76	385	6.47
Jul	12.1	0.20	5.7	0.09	137	2.22	13.0	0.21	31.7	0.52	240	3.90	439	7.14
Aug	11.2	0.18	5.3	0.09	127	2.07	12.1	0.20	29.5	0.48	221	3.59	406	6.61
Sep	6.7	0.11	3.2	0.05	75.6	1.27	7.2	0.12	17.6	0.30	164	2.75	274	4.60
Oct	4.7	0.08	2.2	0.04	52.9	0.86	5.0	0.08	12.3	0.20	91.6	1.49	169	2.74
Nov	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL												2352	7.14

Table 2: Monthly historic consumptive use volume and rate to divert monthly volume in each month for all six water rights proposed for rental.

Water right 63-179C is limited in combination with Fifteen Mile Creek water right 63-33392 and Mason Creek water right 63-32580 to a diversion rate of 53.2 cfs the irrigation of 1504.3 acres. More specifically, the lease of these water rights is limited to a diversion rate of 20.3 cfs and irrigation of 580 acres. Water right 63-179C provides 68% ($36.2 \text{ cfs } 63-179C \text{ decreed rate} \div 53.2 \text{ cfs} = 68\%$) of use on 580 acres. 68% of the total irrigation use leased under these water rights is equivalent to 100% of the irrigation on 395 acres (68% of 580 acres). Use under water rights 63-33392 and 63-32580 can not be included in the rental for injury concerns stated above. Therefore, the full rate authorized by water right 63-179C was consolidated on 395 acres for the nature of use change analysis summarized in Table 2.

Water rights 63-32593 and 63-32595 have a combined acre limit. The leased portion of these two rights idles 74 acres under each right, but the combined total idled is 74 acres. When the two water rights individual rates are added together, they authorize a total of 0.02 cfs/ac. Therefore, in the nature of use change analysis summarized in Table 2, the leased rate for each water right, 0.43 cfs and 1.04 cfs respectively, was divided by 0.02 cfs/ac to determine the number of acres under each water right subject to the nature of use change.

The rates in Table 2 do not account for Stewart Decree or other delivery rate reductions the leased water rights are subject to. Reducing the available rental amount upfront would require several assumptions regarding when the water rights will be reduced during 2022. Rather than rely on assumptions, Boise River Accounting staff stated they can enter the rental into the accounting in a manner that will address delivery reductions as they occur by priority throughout the rental season of use. The rental agreement should carry forward delivery rate reduction conditions accordingly.

Use of water right 63-161BN is limited in combination with ground water right 63-2932. Water right 63-161BN alone authorizes the maximum rate, volume, and acres of the combined use limitation. Including water right 63-2932 in this rental adds no water use value to Suez, but these two rights are staked and should be rented together to avoid enlargement. Right 63-2932 was added to this rental application accordingly.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental points of diversion is subject to Water District 63. On April 21, 2022, a meeting was held with the Water District 63 watermaster and IDWR's Boise River Accounting program to discuss this rental application. The watermaster provided comments summarized above in the injury section above. Overall the watermaster did not oppose approval of this rental with the nature of use change as described in this memo provided the Boise River Accounting test case run results in no effect/injury to other Boise River water users. On April 25, 2022, I discussed the rental application and proposed agreement provisions with Nick Miller (IDWR's Western Region Manager). Nick did not have any concerns with the rental based on this memo and my summary of the rental agreement elements.

Hansen, Angela

From: Mike Meyers <mike@wd63.org>
Sent: Thursday, April 21, 2022 6:50 PM
To: Geisler, Ethan; Hansen, Angela
Cc: Anders, Matthew
Subject: Re: WRA Test for Suez Water Supply Bank Rental

Thank you Ethan. The he water district has no problem with these transfers

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Geisler, Ethan <Ethan.Geisler@idwr.idaho.gov>
Sent: Thursday, April 21, 2022 3:56:27 PM
To: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>
Cc: Mike Meyers <mike@wd63.org>; Anders, Matthew <Matthew.Anders@idwr.idaho.gov>
Subject: WRA Test for Suez Water Supply Bank Rental

Angie and Mike,

I ran the Boise WRA from November 1st through April 18th to identify potential impacts of moving 63-179C upstream to the Suez Water diversion location. I used 10cfs as a test diversion amount.

When comparing the two runs, Suez received more natural flow with no impacts on downstream users during the test period.

Let me know if you have any questions or would like to see the comparison between the two WRA runs.
Thanks,
Ethan



Ethan Geisler | Hydrologist

Office: 208-287-4816

Email: ethan.geisler@idwr.idaho.gov

P.O. Box 83720 | Boise, ID 83720

From: [Mike Meyers](#)
To: [Condon, Mary](#); [Rex Barrie](#)
Cc: [Anders, Matthew](#)
Subject: RE: Suez Rental Request 63-179C
Date: Tuesday, January 4, 2022 12:39:14 PM

Mary,

Sorry for the late response. I have spoke to Matt Anders and we both agree that it would not have any adverse effect on accounting and other users downstream of the Mardin treatment plant. If you have any further questions please let us know.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Thursday, December 30, 2021 9:26 AM
To: Mike Meyers <mike@wd63.org>; Rex Barrie <rex@wd63.org>
Cc: Anders, Matthew <Matthew.Anders@idwr.idaho.gov>
Subject: FW: Suez Rental Request 63-179C

Good morning,

Suez is requesting to rent several Boise River rights for municipal, including 63-179C (with 63-32580 & 63-33392). I had asked them to provide evidence rental of a downstream right would not cause injury, and this is their reply. I am not very informed on how these rights are administered, so his reply does not seem to reduce possibility of injury or enlargement, and partly because the memo does not consider the two other stacked rights.

Please let me know if these can be administered upstream, or if you have other concerns Suez should provide additional information for. I haven't started a formal review, but I am trying to get the review ready with the required information. Previous rentals of right 63-179C were for downstream hydropower, and Liz Cresto provided comment.

Thank you,
Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Wednesday, December 15, 2021 2:23 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Newbry, Robert <Robert.Newbry@suez.com>
Subject: Suez Rental Request 63-179C

Hi Mary,

Please see attached letter regarding Suez request to rent a portion of 63-179C. Let us know if there are any questions or concerns. Thanks.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist

SPF Water Engineering, LLC
o. 208.383.4140 | d. 208.489.2121 | w. www.spfwater.com

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December 15, 2021

Mary Condon, Water Supply Bank Specialist
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Sent via email to mary.condon@idwr.idaho.gov

Dear Mary,

Suez has applied to the Idaho Water Supply Bank to rent the 13.92 cfs portion of Mason Creek Ditch Company water right 63-179C that has been leased to the bank. In your email to Kurt Newbry dated December 2, 2021, you made the following request.

"In order to consider any water leased downstream and of another source from the rental PODs you would need to provide the hydraulic connection, sufficiency of supply requested and how injury would be avoided to users downstream of the leased POD, or you can provide another water source by which an exchange could be considered pursuant to Idaho Code, section 42-240."

Suez proposes to divert the rented water right at one or both of their Boise River treatment plants that are located upstream from the authorized diversion point for 63-179C on the Boise River. Water right 63-179C is authorized for diversion through the Caldwell Highline Canal, which is the last diversion point from Section 1 of the Boise River (Diversion Dam to Caldwell Highline Canal). As such, the rental and lease PODs are in hydraulic connection because all rights within Section 1 are administered by priority based on natural flow available to the Section 1 river reach. With a priority date of June 1, 1869, the water right is almost never fully curtailed, but is reduced to 60% each year under the Stewart Decree cuts.

Boise River flow in Section 1 is controlled by Lucky Peak releases. Natural flow availability in the reach includes return flow but is derived primarily from inflow to the reservoirs above the Suez PODs. The Boise River is regulated to satisfy requests for diversions in Section 1, and to provide a target operational flow from Section 1 into Section 2.

The release from Lucky Peak is strictly regulated by Water District 63 to deliver water as called for by the Section 1 users, and to maintain a minimum operational flow past Star from Reach 1 to Reach 2. If 63-179C is leased to the bank and not being rented, the 63-179C natural flow water is not flowing through the reach to benefit downstream juniors in Section 2. Instead, undiverted natural flow would be fully utilized by juniors in Section 1 which reduces the storage use by those users. The mix of natural flow and storage is determined by the accounting model. If the leased portion of 63-179C is not rented, then storage use in Section 1 is reduced

by an equivalent amount because the most junior right(s) in Section 1 will benefit from additional natural flow.

If Suez requests to divert 13.92 cfs of leased water under a water bank rental, then an additional 13.92 cfs is released from Lucky Peak with no impact to users downstream from the Suez PODs; the operational flow past Star should not change regardless of whether Suez calls for and diverts this water or not.

Because flow in the Boise River upstream from Star is regulated by Lucky Peak release, and an operational flow is provided past Star, lease of the Mason Creek Boise River right does not reduce the water available to other water rights. When the right is rented from the water bank, Boise River flows increase by 13.92 cfs (or proportional amounts when Stewart Decree reductions occur) in the portion of Reach 1 above the rental point of diversion. When the right is not rented, flows within the entire reach are reduced by 13.92 cfs (or proportional amounts when Stewart Decree reductions occur). The operational flow target from Reach 1 to Reach 2 is unchanged regardless of whether the water is rented or not.

Mason Creek Ditch Company holds water rights from the Boise River (63-179C for 36.2 cfs and 1504.2 acres), from Mason Creek (63-32580 for 17 cfs and 1504.2 acres), and from Fifteen Mile Creek (63-33392 for 17 cfs and 1504.2 acres). The three water rights are limited to a combined diversion rate of 53.2 cfs. The combined diversion will include the amount of leased water available for diversion. We understand that the full amount of the water right (subject to Stewart Decree cuts) will be available for rental (see attached email).

Please let us know if the explanation above satisfies your request.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.

Cc: Kurt Newbry - Suez

From: [Buyer, Remington](#)
To: [Terry Scanlan](#)
Cc: [Bank](#)
Subject: RE: Contract No.1378 - 63-179C, Mason Creek Ditch Company
Date: Friday, November 12, 2021 10:08:10 AM

Morning Terry,

That water right should be available for a multi-year rental and, yes, the 13.92 cfs and 2,610 af should be available for use in and/or diversion from the Boise River.

I'm no longer coordinating the Water Supply Bank. I've cc'd the Bank (Bank@idwr.idaho.gov), please direct future WSB questions there.

Thank you,

Remington Buyer

Project Manager
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | **F:** (208) 287-6700

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Thursday, November 11, 2021 2:14 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Contract No.1378 - 63-179C, Mason Creek Ditch Company

Remington,

I noticed that Boise River water right 63-179C is leased to the bank for 2021-25. Is it available for multi-year rental?

It seems to be combined with some drain rights. Is the entire amount (13.92 cfs / 2610 af) available for diversion from the Boise River?

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist

SPF Water Engineering, LLC
o. 208.383.4140 | d. 208.489.2121 | w. www.spfwater.com

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From: [Condon, Mary](#)
To: [Newbry, Robert](#); [Bank](#)
Cc: [Cooper, Catherine](#)
Subject: RE: SUEZ IDWR Water Bank Application
Date: Thursday, December 2, 2021 9:42:15 AM

Hi Kurt,

We are entering your rental application for Suez into the Bank software; the new application ID is 2211.

In order to consider any water leased downstream and of another source from the rental PODs you would need to provide the hydraulic connection, sufficiency of supply requested and how injury would be avoided to users downstream of the leased POD, or you can provide another water source by which an exchange could be considered pursuant to Idaho Code, section 42-240.

Our guidance for considering and processing changes in points of diversions and changes in nature of use are largely through the Transfer Processing Memo 24, after Idaho Statutes (chapter 42) and IDAPA Rules (37.02.03), all of which are accessible by searching our website, idwr.idaho.gov

If you have any additional information or data you would like for us to consider for your rental needs, please feel free to email me anytime so I can attach it to your application.

Best,
Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Newbry, Robert <Robert.Newbry@suez.com>
Sent: Wednesday, December 1, 2021 1:47 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Cc: Cooper, Catherine <cathy.cooper@suez.com>
Subject: SUEZ IDWR Water Bank Application

Hello,

Attached is a water bank application for SUEZ to rent natural flow water from the water bank. We would like to apply for all possible leases that may be available to us. If there are leases that are in the water bank that are not included please add to application or let us know. If there is leased water in the application that may not be available due to downstream location of POD, we would like IDWR to reconsider rental of these water rights due to the nature of how the Boise River is managed from the Diversion Dam to Star Bridge.

Thank you,
Kurt

Robert "Kurt" Newbry, P.G.
Hydrogeologist
Idaho Operations

SUEZ
8248 W. Victory Rd.
Boise, ID 83709
Tel: 208 501 5042
Robert.newbry@suez.com



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Condon, Mary

From: Newbry, Robert <Robert.Newbry@suez.com>
Sent: Wednesday, December 1, 2021 1:47 PM
To: Condon, Mary; Bank
Cc: Cooper, Catherine
Subject: SUEZ IDWR Water Bank Application
Attachments: SUEZ 2022 IDWR Water Bank Rental Application.pdf

Hello,

Attached is a water bank application for SUEZ to rent natural flow water from the water bank. We would like to apply for all possible leases that may be available to us. If there are leases that are in the water bank that are not included please add to application or let us know. If there is leased water in the application that may not be available due to downstream location of POD, we would like IDWR to reconsider rental of these water rights due to the nature of how the Boise River is managed from the Diversion Dam to Star Bridge.

Thank you,
Kurt

Robert "Kurt" Newbry, P.G.
Hydrogeologist
Idaho Operations

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