

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 470

RECEIVED

APR 20 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

PACIFICORP

1407 W NORTH TEMPLE STE 110

SALT LAKE CTY, UT 84116-3187

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)
13-963	3/28/1916	UNNAMED SPRING, tributary to BEAR RIVER	Not Stated	2.0	Not Stated
Combined Rental Totals			Not Stated	2.0	Not Stated

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2021: \$4.00 annually

The full fee for the rental of the above-described right(s) is \$4.00 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$4.00 per year for years 2020 - 2021. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 13-963.

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.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 470

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:

Paul Morris, Pacificorp Water Rights Administrator 4.19.2021
Signature of Renter Date

Paul Morris Water Rights Administrator
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 4/21/21
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR HP 4/21/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 470

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

UNNAMED SPRING NWNW Sec. 28, Twp 10S, Rge 40E, CARIBOU County

BENEFICIAL USE

FISH PROPAGATION STORAGE

DIVERSION RATE

Not Stated

VOLUME

2.0 AF

SEASON OF USE

From To
1/1 12/31

RENTERS PLACE OF USE: DIVERSION TO STORAGE & FISH PROPAGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	33					X	X											X

Total Acres: X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. 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 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 right 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. Diversions of water for this right from the Unnamed Spring at the point of diversion described above is limited to those times water is available and in priority under right no. 13-963 from the Bear River.
10. The agreement when combined with water rights 13-7996 & 13-7998 is limited to a total diversion rate of 1.0 cfs.
11. The storage authorized by this agreement shall occur in two ponds that shall not exceed a total capacity of 5.9 af or a combined surface area of 0.9 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 470

12. Use of water under this right 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 water right is within State Water District No. 11.
13. This right does not grant any right-of-way or easement across the land of another.



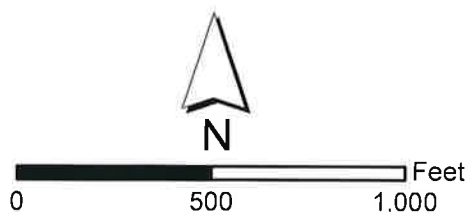
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 470

Effective until December 31, 2021

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

RECEIVED

AUG 12 2020

DEPT OF WATER RESOURCES

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

Applicant Name: PacifiCorp, an Oregon corporation

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)

13-963

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PacifiCorp, an Oregon corporation

Mailing Address 1407 W. North Temple, Suite 110, Salt Lake City, UT 84116

Street City State Zip Code

Email Address buffi.morris@pacificorp.com Phone Number 801-220-7803

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 Buffi Morris Professional Title Water Rights Administrator

Organization PacifiCorp Relationship to Applicant Employee

Mailing Address 1407 W. North Temple, Suite 110, Salt Lake City, UT 84116

Email Address buffi.morris@pacificorp.com Phone Number 801-220-7803

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**:

The ponds at the proposed place of use were developed larger than the anticipated and permitted capacity.

Rental of this water will provide authorization for the increased capacity as a short-term solution. (see Attachment 3a for additional information regarding the purpose of the ponds.)

- 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)
CFS	2.0 AF	N/A CFS	2.0 AF	N/A 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?	
8/15/2020	10/1/2020	☐ 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):
see attachment labeled "Question 3.D"

- 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
wood-topped spring box	unnamed spring	13-7996, 13-7998
NESWSW S28 T10S R40E		

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: fish propagation storage from: Jan 1 (mm/dd) to: Dec 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:

13-7998 and 13-7996 diverted from an unnamed spring. Additional water is to satisfy the increased capacity above the permitted size.

**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)
13-963	Power / storage		3997.20	0.0			2.0	0.0
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		2.0	
						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**:

N/A

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**:

13-963 is a non-consumptive water right, which inherently includes evaporation from storage at the Cove Dam.

The proposed use will be similar in that it will provide storage water for a non-consumptive purpose.

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:

- 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:

The Water Supply Bank Lease Contract No. 636 expires on December 31, 2021. Prior to the expiration of the WSB contract, PacifiCorp will submit an application to permanently change the place of use for a portion of water right 13-963.

- 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

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.



Signature of Applicant

Buffi Morris, Water Rights Administrator

Printed Name of Applicant *for PacifiCorp*

8/11/2020

Date



Signature of Representative

Buffi Morris

Printed Name of Representative

8/11/2020

Date

Mail to:

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

Cove Broodstock Ponds Water Conveyance

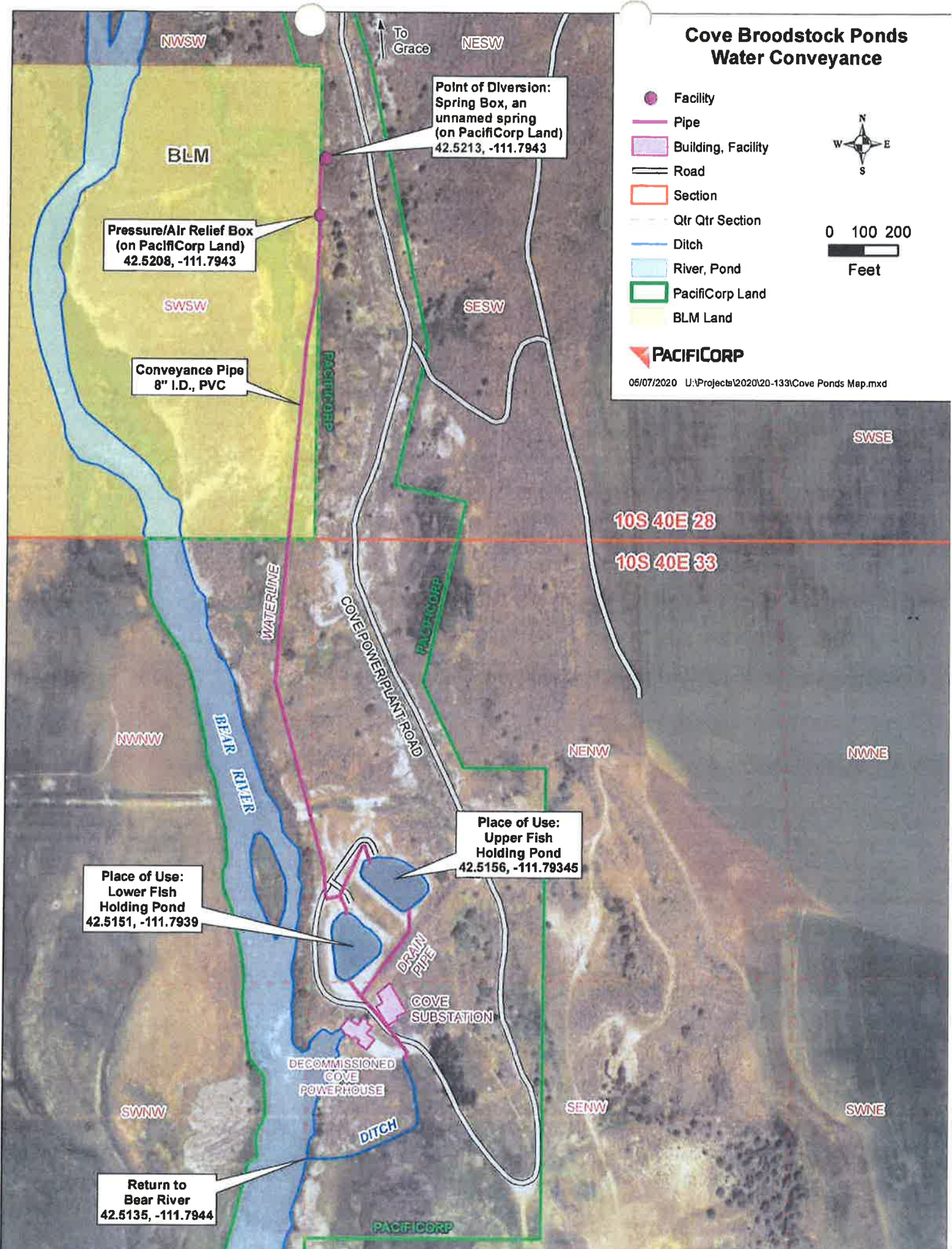
- Facility
- Pipe
- Building, Facility
- Road
- Section
- - - Qtr Qtr Section
- Ditch
- River, Pond
- PacifiCorp Land
- BLM Land



0 100 200
Feet



05/07/2020 U:\Projects\2020\20-133\Cove Ponds Map.mxd



Attachment 3A

PacifiCorp's Cove Broodstock Ponds are used exclusively for holding of captured wild Bonneville Cutthroat Trout (BCT) until they are ready to spawn. PacifiCorp, in cooperation with the Idaho Department of Fish and Game (IDFG), manages the ponds for holding BCT broodstock under a Conservation Hatchery Agreement. Every fall, IDFG collects wild BCT from local tributaries of the Bear River. Once collected, the BCT are tagged, fin clipped for genetic testing and temporarily held in tanks until genetic tests are complete. After testing, they are placed in one of the Cove Broodstock Ponds. In the ponds the BCT grow and mature until they are ready to spawn. Depending on their age class when collected, they could be held in the ponds for one or more years before they move up the fish collection ladders in the ponds, to be spawned by IDFG personnel. After spawning the males are returned to the Bear River and the females are sacrificed for bacterial kidney disease testing. The fertilized eggs are moved to the IDFG Grace fish hatchery where they are incubated and the fry raised until ready to be released into tributaries to the Bear River.. The holding ponds were designed to discourage opportunistic spawning while fish are within the ponds as they have a synthetic liner and eight inch to four inch cobble rock on top of the liner. The ponds were designed to replicate natural food source production. The cobble provides suitable substrate for macro-invertebrate production. No supplemental feeding is performed in the ponds. The average water temperature is 48° F.

Question 3.D – Water Distribution System

Originating at a spring on PacifiCorp land, the water enters a wood-topped concrete spring box that is connected to an 8-inch diameter PVC conveyance pipe. This pipe goes a short distance to a concrete control box with a wood lid. The control box allows entrained air to exit the pipe. The 8-inch diameter PVC pipe then conveys flow southward across BLM land until it re-enters PacifiCorp land. PacifiCorp has a Right of Way from BLM for this conveyance pipe. The PVC pipe extends into the fenced pond enclosure at which point two ductile iron valve assemblies control the flow of water from the PVC pipe into each of the two ponds. To maintain bio-security between the ponds, no water is shared between them. Water flow is measured at concrete weirs at the fish collection location in each pond. Each pond has a screened concrete outflow box. The water that flows through these is combined in a pipe that transitions to a ditch that goes a short distance to the Bear River.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 28, 2021

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY, UT 84116-3184

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 16-963, AGREEMENT 470**

Dear Renter:

Please find enclosed a receipt in the amount of **\$4.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 2 acre-feet of water for fish propagation during 2021. 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

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. C110259
Rental Agreement (copy)

c: Sascha Marston – Fiscal



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 30, 2021

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY, UT 84116-3184

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 13-963, AGREEMENT 470**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$4.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 2.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$4.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$4.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Enclosure(s)

c: IDWR Front Desk

Kussro, Amy

From: Normandeau, Brian
Sent: Friday, March 26, 2021 5:02 PM
To: Kussro, Amy
Subject: RE: Bohn Dam (25-4107D)

Hi Amy,

Your assessment and recommendation seem reasonable, and I've updated Eastern region paper files accordingly. My review did not indicate any active water rights and/or permits associated with this structure. Water right 25-4107 authorizes storage in Elkington (25-4107) Dam, which replaced the above referenced structure.

Brian

From: Kussro, Amy
Sent: Friday, March 26, 2021 1:53 PM
To: Falk, John <John.Falk@idwr.idaho.gov>
Cc: Normandeau, Brian <Brian.Normandeau@idwr.idaho.gov>
Subject: Bohn Dam (25-4107D)

I am in the process of reviewing our inactive files. Attached are the following: Memo to the file including attachments, USGS map and Google images in the above referenced dam.

Please review the attached memo and, if there are any discrepancies, please advise.

A review of the water right record was not part of this endeavor. The region office may want to check the status of the water right permit (25-4107D). Cancellation of the permit is recommended if the water right has not already been resolved to the satisfaction of IDWR.

Amy Kussro
208-287-4838
Amy.Kussro@idwr.idaho.gov

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Kussro, Amy

From: Normandeau, Brian
Sent: Friday, March 26, 2021 4:57 PM
To: Kussro, Amy
Subject: RE: Poplar-Birch Creek Dam (25-2155)

Hi Amy,

Your assessment and recommendation seem reasonable, and I've updated Eastern region paper files accordingly. I confirmed that water right 25-2155 was disallowed because it was not claimed in the SRBA.

Brian

From: Kussro, Amy
Sent: Thursday, March 25, 2021 11:34 AM
To: Falk, John <John.Falk@idwr.idaho.gov>
Cc: Normandeau, Brian <Brian.Normandeau@idwr.idaho.gov>
Subject: Poplar-Birch Creek Dam (25-2155)

I am in the process of reviewing our inactive files. Attached are the following: Memo to the file including attachments, USGS map and Google image in the above referenced dam.

Please review the attached memo and, if there are any discrepancies, please advise.

A review of the water right record was not part of this endeavor. The region office may want to check the status of the water right permit (25-2155). Cancellation of the permit is recommended if the water right has not already been resolved to the satisfaction of IDWR.

Amy Kussro
208-287-4838
Amy.Kussro@idwr.idaho.gov

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Kussro, Amy

From: Normandeau, Brian
Sent: Friday, March 26, 2021 4:52 PM
To: Kussro, Amy
Subject: RE: Clegg Dam (25-2158)

Hi Amy,

Your assessment and recommendation seem reasonable, and I've updated Eastern region paper files accordingly. My review did not indicate any active water rights and/or permits associated with this structure. I was able to confirm that water permit 25-2158 is cancelled.

Brian

From: Kussro, Amy
Sent: Thursday, March 25, 2021 1:53 PM
To: Falk, John <John.Falk@idwr.idaho.gov>
Cc: Normandeau, Brian <Brian.Normandeau@idwr.idaho.gov>
Subject: Clegg Dam (25-2158)

I am in the process of reviewing our inactive files. Attached are the following: Memo to the file including attachments, USGS map and Google image in the above referenced dam.

Please review the attached memo and, if there are any discrepancies, please advise.

A review of the water right record was not part of this endeavor. The region office may want to check the status of the water right permit (25-2158). Cancellation of the permit is recommended if the water right has not already been resolved to the satisfaction of IDWR.

Amy Kussro
208-287-4838
Amy.Kussro@idwr.idaho.gov

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Veibell, Amanda

From: Cefalo, James
Sent: Wednesday, November 4, 2020 10:46 AM
To: Ferguson, Justin
Subject: RE: WSB Rental - Pacificorp

Justin,

I don't have any concerns or objections to the proposed WSB rental.

James

From: Ferguson, Justin
Sent: Wednesday, November 4, 2020 10:21 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; watermasterdist11@gmail.com
Subject: WSB Rental - Pacificorp

James, Josh,

Attached is the draft map, memo, and agreement for Pacificorp. Please let me know if you have any comments or concerns within the next several days

Thank you!

Veibell, Amanda

From: Ferguson, Justin
Sent: Wednesday, November 4, 2020 10:21 AM
To: Cefalo, James; 'watermasterdist11@gmail.com'
Subject: WSB Rental - Pacificorp
Attachments: Rental Map Pacificorp.pdf; Rental Review Memo.docx; Draft Rental Agreement - Pacificorp.docx

James, Josh,

Attached is the draft map, memo, and agreement for Pacificorp. Please let me know if you have any comments or concerns within the next several days

Thank you!

Memorandum

To: Water Supply Bank Application 1761

From: Justin Ferguson

Date: October 30, 2020

Re: Water Supply Bank Rental Application – Request to Rent Water Right 13-963.

Purpose/Narrative: An application was received by the Department via email August 8, 2020, submitted by Ms. Buffi Morris on behalf of PacifiCorp, requesting a rental of two acre-feet of storage water under water right 13-963, to supplement water right 13-7998. Water right 13-7998 is a split-off portion of water right 13-963, created through Transfer 81756, which authorizes an exchange of Bear River water with spring water, so as to allow for the storage and evaporation components of a portion of water right 13-963 to be used for the storage and evaporation of water in ponds, associated with the non-consumptive fish propagation uses authorized under water right 13-7996.

It appears that flows from the springs associated with water rights 13-7996 and 13-7998 naturally flow into the Bear River. Therefore, the storage ponding and consumptive (evaporative) use of spring water under 13-7998 has the same effect as the storage (and associated evaporative) use of Bear River water under 13-963, which is how the exchange functionally works. The ponds authorized under 13-7998 were developed slightly larger than was originally intended, resulting in a need to secure an authorization from IDWR of an approval to divert to storage an additional 2 af of water annually. This rental functions to provide the additional authorization. While this volume is not enough to fill the ponds, the applicant does not intend to use them to their full capacity at this time.

Per information provided in the rental application, this two year rental is intended to be a stop gap measure for Pacificorp while a permanent solution, in the form of a transfer, is pursued.

The ponds in question are used for the holding of captured wild Bonneville Trout until they are ready to spawn. During the fall, in agreement with the Idaho Department of Fish and Game, trout are collected from the tributaries of the Bear River and placed into the ponds until they mature. The water being used for the ponds would then appear to be largely non-consumptive as, per the structure diagram provided in the application package, the water is returned back to the Bear River.

It is of note that the intent of this rental is the use of water from the Bear River, diverted from an unnamed stream, for Fish Propagation Storage. In effect, the rental is acting as a source switch for Pacificorp such that they can fill the ponds from this unnamed stream with the implication that the water both comes from and returns to the Bear River. From a spatial review of the stream system, it appears the implication appears to be well founded as the unnamed stream connect to the Bear River above the point of diversion while returning to the stream channel well after.

Authority to File: The application was signed and submitted on behalf of Pacificorp by Ms. Buffi Morris. Ms. Morris is the water rights administrator for Rocky Mountain Power which is a division of Pacificorp, no concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water right being used for this rental is valid and currently leased to the Bank. No concerns at this time.

Injury Evaluation: no injury is apparent. No concerns at this time.

Enlargement of Use: In the application it was stated that ponds were constructed too large and additional water is necessary to avoid overuse under permit 13-7998. This necessitates some action on the part of the applicant to prevent enlargement. In this situation, PacifiCorp will use the rental as a stop-gap measure to continue the use of the ponds while perusing a transfer such that they will not have to rent in perpetuity. Since IDWR has already approved an exchange of a portion of water right 13-963, which resulted in the creation of 13-7998, no enlargement should occur through the supplementing of 13-7998 with an additional portion of water right 13-963. No concerns at this time.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The ponds and their use for fish propagation is a recognized beneficial use and falls within the conservation of the natural resources of Idaho. No concerns at this time.

Department/Watermaster Comments: Watermaster and IDWR Western Region comments were requested November 4, 2020. As of the date of this memo, no comments have been received

Water Supply Bank Evaluation: Bank staff recommend the approval of this application through the end of 2021.

Ferguson, Justin

From: Morris, Buffi (PacifiCorp) <Buffi.Morris@pacificorp.com>
Sent: Wednesday, August 12, 2020 2:22 PM
To: Bank
Subject: Application to Rent Water WSB / PacifiCorp 13-963
Attachments: WSB Rental Application for PacifiCorp_13-963_8 12 2020.pdf

Hello,

Attached is an application to rent water from the WSB. PacifiCorp is requesting to rent 2.0 acre feet from its own water right, 13-963. I don't see anything on the application specifying that the original be submitted to the WSB. Is the original required for processing?

Thank you.

Buffi Morris

Sr. Property Agent / Water Rights Administrator



o 801.220.7803
m 801.989.8817