

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 400

This is to certify that:

IDAHO POWER CO  
C/O KRESTA DAVIS-BUTTS PO BOX 70  
BOISE, ID 83707

RECEIVED

NOV 20 2020

DEPARTMENT OF  
WATER RESOURCES

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)
2-2431	12/5/1958	SNAKE RIVER	0.22	82.5	16.5	0.013	5.0
2-2240	10/25/1963	SNAKE RIVER	0.29	64.4	14.3	0.020	4.5
<b>Combined Limit Totals</b>			<b>0.34</b>	<b>146.9</b>	<b>16.5</b>	<b>0.020</b>	<b>8.9</b>
<b>Combined Rental Totals</b>			<b>0.34</b>	<b>146.9</b>	<b>16.5</b>	<b>0.020</b>	<b>8.9</b>

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

**Annual Rental Fee:**

2021 - 2022: \$2,938.00 annually

SUPPORT DATA  
IN FILE # 2-2431

The full fee for the rental of the above-described right(s) is \$2,938.00 per year for years 2021 - 2022. The rental fee includes an administrative fee of \$293.80 per year for years 2021 - 2022.

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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.34	74.3	16.5	0.02	4.5
<b>Combined Total</b>	<b>0.34</b>	<b>74.3</b>	<b>16.5</b>	<b>0.02</b>	<b>4.5</b>

\* The authorized water usage reflects a reduction from the water right elements rented, to account for a field headgate standard of 4.5 afa/ac.

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 400**

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:

Krestu Davis  
Signature of Renter

Nov. 12, 2020  
Date

Krestu Davis  
Printed Name

Water Resources Policy Senior Manager  
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  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date 11-24-20

Rental approved by IDWR Cody Patton

Date 11-24-20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 400**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER	SWNW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	SWNW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NWSW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NWSW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NWSW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NWSW	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NESE	Sec. 26, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NENE	Sec. 27, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NENE	Sec. 27, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	NWNE	Sec. 27, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	SENE	Sec. 27, Twp 01N, Rge 03W,	OWYHEE County
SNAKE RIVER	SENE	Sec. 27, Twp 01N, Rge 03W,	OWYHEE County

**BENEFICIAL USE**

IRRIGATION

**DIVERSION RATE**

0.34 CFS

**VOLUME**

74.3 AF

**SEASON OF USE**

Water Right No.	From	To
2-2431	4/1	10/31
2-2240	3/15	11/15

**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	26							2.3				5.2						7.5
01N	03W	27	2.8			4.3									1.9				9.0

Total Acres: 16.5

**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.

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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 use of water for irrigation under water rights 2-2240 and 2-2431 may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinate early or late irrigation use and a priority date earlier than 06/18/2014.
10. This rental does not grant any right-of-way or easement across the land of another.
11. The rental place of use does not include federal land.
12. This rights on this rental, when combined with all other rights, shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board  
**Attachment to Water Supply Bank Rental Agreement No. 400**

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



0 600 1,200 Feet

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

JAN 29 2020

DEPARTMENT OF  
WATER RESOURCES

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

Applicant Name: Idaho Power Company

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](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  | <input checked="" type="checkbox"/> | 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 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water   |
| 3F | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion  |
| 3H | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request   |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre  |
| 3K | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use                             |
| 4B | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes   |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use                                      |

Department Use Only – Proposed Water Right(s)

# WATER RESOURCE BOARD

## Application to Rent Water (Continued)

### 1. CONTACT INFORMATION

A. Applicant Idaho Power Company

Mailing Address PO Box 70 Boise, ID 83707

Street

City

State

Zip Code

Email Address KDavis-Butts@idahopower.com

Phone Number (208) 388-2602

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 Kresta Davis-Butts

Professional Title Senior Manager

Organization Idaho Power

Relationship to Applicant Employee

Mailing Address PO Box 70 Boise, ID 83707

Email Address Davis-Butts@idahopower.com

Phone Number (208) 388-2602

### 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**:

Rental water is needed to irrigate up to approximately 16.5 acres, as shown in Attachment #2. Irrigation of this land is necessary to ensure the survival of plants installed as part of a habitat improvement project along the Snake River. For additional information see Attachment 3A.

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)
0.33 CFS	66 AF	0.33 CFS	60 AF	16.5 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?	
4/15/2020	7/1/2020	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> 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.

## 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):

A temporary sprinkler irrigation system will be installed and water will be pumped from the Snake River; or individual plants would be irrigated via a water truck filled from the Snake River with a pump.

- 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
Temporary Pump	SNAKE RIVER	None

*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?

If yes, include documented consent as Attachment 3F.

Yes ☐ N/A ☒

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling?

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

Yes ☐ No ☒

- H. Has water modeling been provided with your rental request?

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

Yes ☐ N/A ☒

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

- ☒ Irrigation 16.5 (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: \_\_\_\_\_ from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (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.

The current plan is to divert water at or near 0.33 cfs (150gpm)

- 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:

None

## 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)
<b>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</b>					<b>TOTAL</b>			
						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**:

## 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:

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- 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:

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- 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.

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- D. Additional Information

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## 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

Printed Name of Applicant

Date

Krista Davis-Butts  
 Signature of Representative

Krista Davis-Butts  
 Printed Name of Representative

1/28/2020  
 Date

## Mail to:

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

## Water Modeling Requirement Information Sheet

### Information on water modeling requirements for rental requests within special administrative areas

**Important information on requesting rental water within special administrative areas:** Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

**Water modeling may be required when an application to rent water involves one of two scenarios:**

**Scenario 1:** The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

**Regulated water sources may areas include:**

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult [www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated\\_areas.htm](http://www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm) for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

**Scenario 2:** A rental request proposes to divert water from a different but hydraulically connected water source.

**Modeling situations may include:**

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

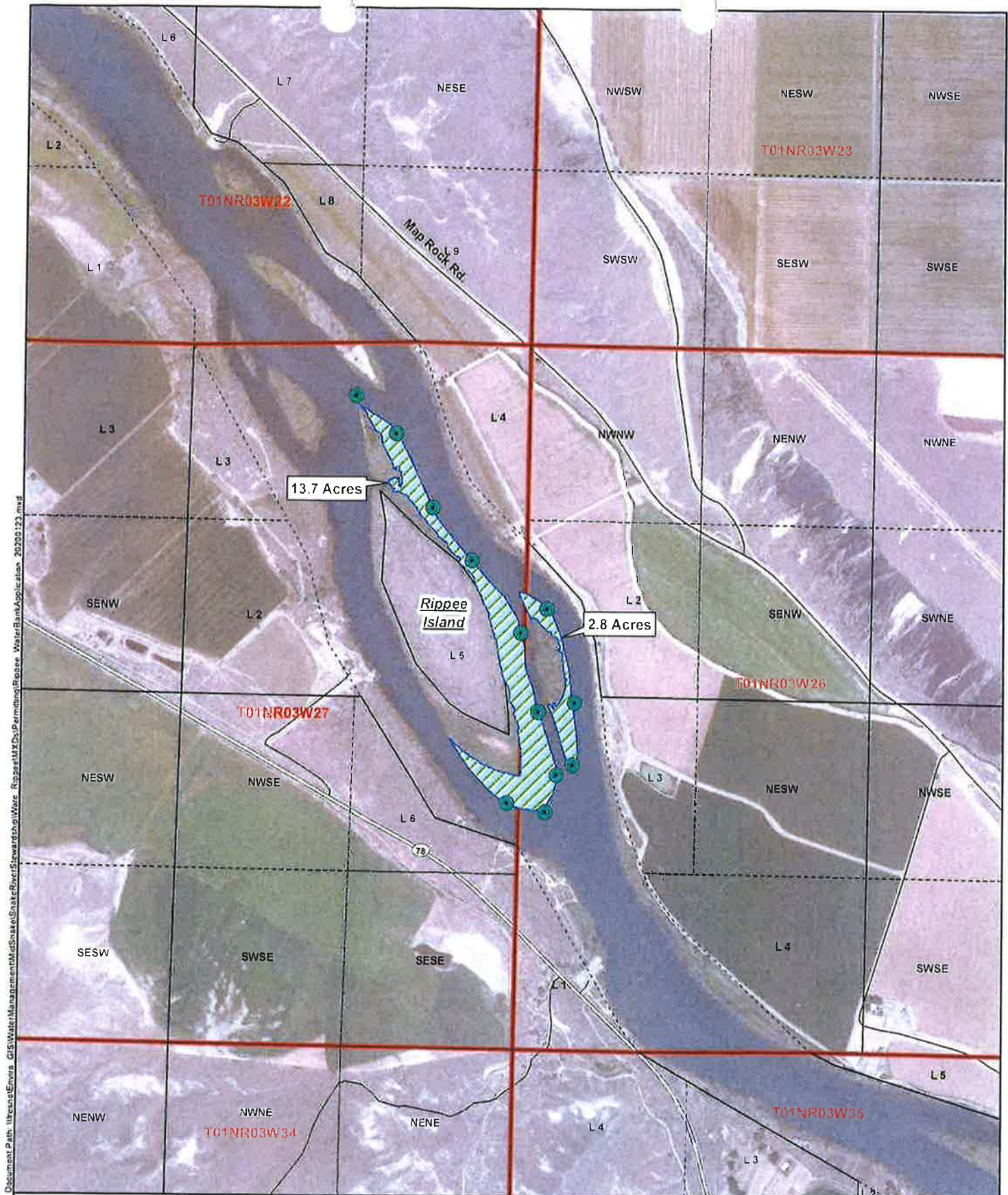
Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

## Attachment #2

Document Path: \\wrc\enviro\_gis\WaterManagement\Snake\SnakeRiver\Sewardship\Ware\_Rippee\MXDs\Permitting\Rippee\_WaterBankApplication\_20200123.mxd



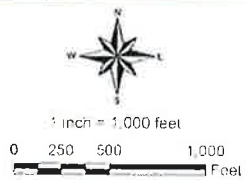
**LEGEND**

- POD \*
- POU

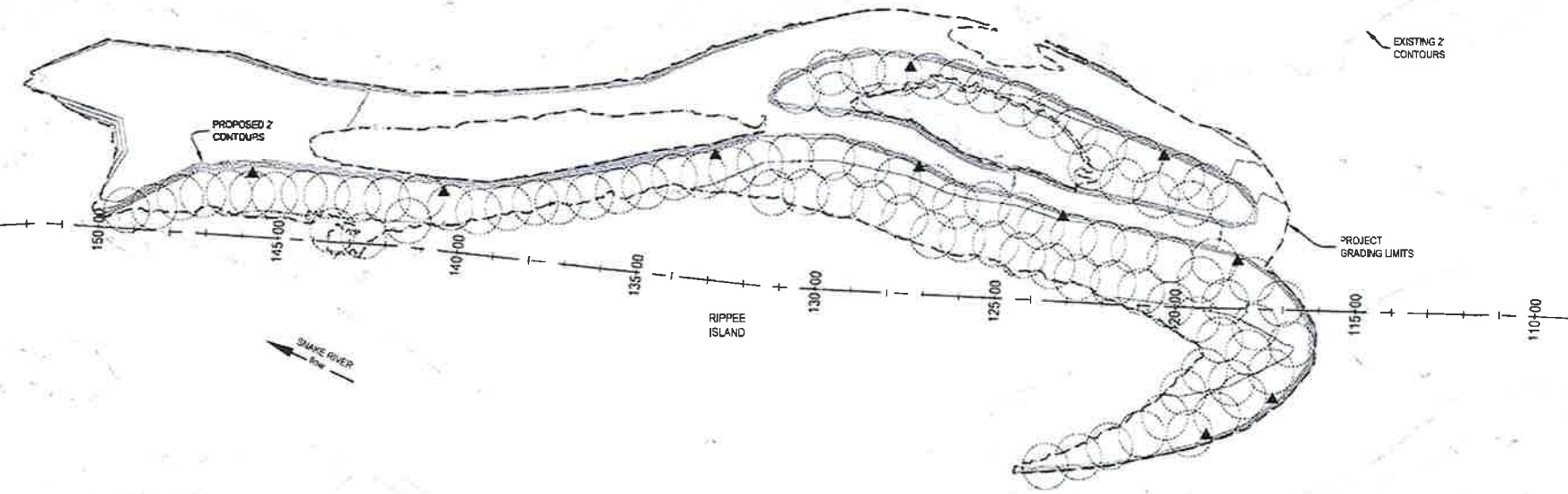
\* No more than 2-4 PODs will be utilized simultaneously.

**Rippee Island Research Project  
Water Supply Bank Rental Application**

**Snake River Mile 436  
Canyon County & Owyhee County**



Date: 1/23/2020



# 1 RIPPEE ISLAND IRRIGATION DESIGN



## LEGEND

- SPRINKLER
- POTENTIAL PUMP LOCATION
- APPROX GRADING LIMITS

## IRRIGATION NOTES

### DESIGN

A TEMPORARY OVER-HEAD IRRIGATION SYSTEM WILL SUPPLY WATER TO THE PROJECT AREA. EACH SPRINKLER WILL DISTRIBUTE WATER AT A 125 FOOT DIAMETER. APPROXIMATELY 96 SPRINKLER HEADS WILL PROVIDE +/- 40% OVERLAP. SPRINKLERS WILL BE INSTALLED ON 5-6 FEET TALL RISERS CONNECTED WITH 2-INCH PVC PIPE. WATER WILL BE DISTRIBUTED THROUGH THE SYSTEM WITH FLEXIBLE 3-INCH PVC DISCHARGE BLUE HOSE. PORTABLE GAS POWERED PUMPS WILL BE USED TO WITHDRAW WATER FROM THE SNAKE RIVER. INTAKE HOSES WILL SUPPLY PUMPS WITH WATER; EACH INTAKE HOSE WILL BE SUBMERGED AT A DEPTH OF 2 FEET.

### OPERATIONS AND SCHEDULE

IRRIGATION WILL COMPLY WITH ALLOCATED DIVERSION RATES (0.02 CFS PER ACRE)

RDG PROJECT

5.5

DRAWING

VERIFY SCALE

DATE 01/23/20

SCALE

DATE 01/23/20

APPROVED

20 D

FOUR-OS

JCAD

IDAHO POWER COMPANY BOISE IDAHO

SCALE

DATE 01/23/20

APPROVED

20 D

FOUR-OS

JCAD

APPLICATION DRAWING  
NOT FOR CONSTRUCTION



# Attachment #3A

## Irrigation on Rippee Island

Idaho Power is creating additional floodplain around Rippee Island on the Snake River to satisfy water quality requirements as part of the relicensing effort for their Hells Canyon Complex (Brownlee, Oxbow, and Hells Canyon Dam). This floodplain enhancement includes the development of approximately 16.5 acres of new land around the existing island to reduce the surface area and increase the depth/velocity of the Snake River adjacent to Rippee Island. The development of 16.5 acres of new property will require planting of vegetation to stabilize the island and enhance wildlife habitat. Idaho Power is working with a vegetation contractor who will provide materials and labor for the vegetation effort. In order to ensure survival of the newly planted vegetation, periodic irrigation of the plantings will be required immediately following installation until plant dormancy. Idaho Power anticipates the irrigation requirements to extend into the first fall after planting. The vegetation that will be planted includes native trees and shrubs. The plantings that will occur on the island are mostly spot plantings of trees and shrubs.

Initial designs are to install temporary mainlines and laterals and sprinkle the vegetation (see sprinkler conceptual design in Attachment #2). This will require up to several portable pumps that will be periodically moved to facilitate the irrigation. The number of pumps operated simultaneously will depend on manufacturer specifications and will not exceed a maximum diversion rate of 0.33 cfs. Diversions will occur directly from the Snake River.

The contractor, after evaluating onsite conditions and river access, may choose to irrigate the vegetation with a tanker truck and hose rather than a pressurized irrigation system. This would limit the extent of the irrigation to the area immediately around each new plant and is expected to use less water than the pressurized irrigation system. A high instantaneous diversion rate will be necessary to fill the water truck in a reasonable timeframe but will not exceed an instantaneous diversion rate of 0.33 cfs (approximately 150 gpm). The tanker truck would be filled from the Snake River. The exact manner of irrigation will be left up to the discretion of the contractor in consultation with Idaho Power.

Idaho Power is seeking a two-year rental as a contingency in the event construction on Rippee Island is delayed due to flow conditions on the Snake River or other unforeseen circumstances.

# Attachment #3K

**SOUTHWEST SUPERVISORY AREA**  
8355 West State Street  
Boise ID 83714-6071  
Phone (208) 334-3488  
Fax (208) 853-6372



**STATE BOARD OF LAND COMMISSIONERS**  
*C.L. "Butch" Otter, Governor*  
*Lawrence E. Denney, Secretary of State*  
*Lawrence G. Wasden, Attorney General*  
*Brandon D. Woolf, State Controller*  
*Sherri Ybarra, Sup't of Public Instruction*

**DUSTIN MILLER, DIRECTOR**  
EQUAL OPPORTUNITY EMPLOYER

January 15, 2020

Idaho Power  
Attn: Nate Seal  
1221 West Idaho Street  
Boise, Idaho 83702

Re: Rippee Island Project

Dear Nate Seal,

We received your request to irrigate Public Trust Land created by the Rippee Island Project. IDL hereby authorizes Idaho Power to irrigate 16.5 acres of Public Trust Land prior to commencement of the easement.

Sincerely,

A handwritten signature in blue ink, appearing to be "Dean Johnson", with a long, sweeping underline that extends to the right.

Dean Johnson  
Land Resource Supervisor

# Authorization for Signature



December 12, 2019

RECEIVED  
JAN 29 2020  
DEPARTMENT OF  
WATER RESOURCES

Remington Buyer  
Idaho Department of Water Resources  
322 E Front Street, Ste 648  
Boise, Idaho 83720-0098

Subject: Idaho Power Company Representation

Dear Mr. Buyer:

Kresta Davis-Butts, as representative of Idaho Power in matters associated with the company's water rights and water rentals and leases, has authorization to sign forms, applications and requests on behalf of the company. Please let me know if you have any questions or concerns.

Sincerely,

Tess Park

Vice President of Power Supply



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

November 25, 2020

IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 2-2431 & 2-2240, AGREEMENT 400**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,938.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 146.9 acre-feet of water for irrigation of 16.5 acres during 2020. 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 \$2,644.20 of the rental fee will be paid to the lessor(s) and 10% or \$293.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

*Amanda Johnson-Viebell*

for

Water Supply Bank

Enclosures: Receipt No. C109498  
Rental Agreement (copy)

c: Nick Miller – IDWR Western Region

## Veibell, Amanda

---

**From:** Buyer, Remington  
**Sent:** Wednesday, November 18, 2020 9:48 AM  
**To:** Veibell, Amanda  
**Cc:** Bank  
**Subject:** FW: Idaho Power Rental Agreement

FYI

**From:** Blew, David [mailto:DBlew@Idahopower.com]  
**Sent:** Wednesday, November 18, 2020 7:35 AM  
**To:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Cc:** Davis, Kresta <KDavis2@idahopower.com>  
**Subject:** Idaho Power Rental Agreement

Remington,

Idaho Power has signed the rental agreement and it will be mailed this week. We are still working remotely and that has caused a major delay in receiving documents mailed to us and complicated our process for securing payment checks. I am in hopes that you receive the agreement this week, but you should receive it no later than early next week.

I apologize for the delay in getting this agreement back to you. If you have any additional questions, do not hesitate to contact Kresta or me.

David

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## Veibell, Amanda

---

**From:** Buyer, Remington  
**Sent:** Friday, November 13, 2020 2:23 PM  
**To:** Blew, David; Davis, Kresta  
**Subject:** RE: Please Respond by 11/16 - Idaho Power Rental 400 not returned

Thanks for the update Dave. Please let us know if you encounter any problems in finalizing the paperwork on your end by the end of next week.

And, have a nice weekend.

**From:** Blew, David [mailto:DBlew@idahopower.com]  
**Sent:** Friday, November 13, 2020 2:21 PM  
**To:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Davis, Kresta <KDavis2@idahopower.com>  
**Subject:** RE: Please Respond by 11/16 - Idaho Power Rental 400 not returned

Remington,

We are still interested in the rental. I talked with Kresta yesterday and we are working on getting all of the paper work done on our end. I am hoping that the rental agreement is through our processes and back to you by next week.

David

**From:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Sent:** Friday, November 13, 2020 2:06 PM  
**To:** Davis, Kresta <[KDavis2@idahopower.com](mailto:KDavis2@idahopower.com)>  
**Cc:** Blew, David <[DBlew@idahopower.com](mailto:DBlew@idahopower.com)>  
**Subject:** [EXTERNAL]FW: Please Respond by 11/16 - Idaho Power Rental 400 not returned

**KEEP IDAHO POWER SECURE!** External emails may request information or contain malicious links or attachments. Verify the sender before proceeding, and check for additional warning messages below.

---

Kresta, Dave,

Our office mailed the attached rental agreement to Idaho Power last month and we have not hear back from you. Is there still an interest in renting water rights for establishing vegetation on Rippee Island next year? If so, please sign and return the agreement to IDWR ASAP. Else, if this rental is no longer required, please let us know all the same.

If we don't hear back from you by the end of next week, we will cancel the rental agreement.

Thank you,

Remington

**From:** Veibell, Amanda  
**Sent:** Friday, November 13, 2020 11:13 AM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>

Cc: Hummer, Phill <[Phill.Hummer@idwr.idaho.gov](mailto:Phill.Hummer@idwr.idaho.gov)>; Parker, Cody <[Cody.Parker@idwr.idaho.gov](mailto:Cody.Parker@idwr.idaho.gov)>

Subject: Please Respond by 11/16 - Idaho Power Rental 400 not returned

Good Morning Gents!

Idaho Power has not returned Rental Agreement 400. The 10 day request letter was mailed on 10/29/2020. Please let me know by 11/16 if you have gotten word from a representative at Idaho Power. If I do not get any response, I will draft the cancelation letter and get the file up to Justin for a final attempt at getting the rental returned.

Thanks.

**Amanda Johnson-Veibell**

Technical Records Specialist I

Idaho Dept Water Resources

PO Box 83720 Boise ID 83720-0098

208-287-4945

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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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

October 29, 2020

IDAHO POWER CO  
C/O KRESTA DAVIS-BUTTS  
PO BOX 70  
BOISE, ID 83707

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 400 AND PAYMENT  
FOR WATER RIGHT(S) 2-2431 & 2-2240**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on October 13, 2020. The signed agreement and rental fee has not been returned to the Department.

**Please sign the rental agreement and return it with the rental payment in the amount of \$2,938.00 within ten (10) days** of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Johnson-Weilert".

for  
Water Supply Bank



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

October 13, 2020

IDAHO POWER CO  
C/O KRESTA DAVIS-BUTTS  
PO BOX 70  
BOISE, ID 83707

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 2-2431, 2-2240 AGREEMENT 400

\*\*\*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 \$2,938.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 146.9 acre-feet.

**Please send a check for \$2,938.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$2,644.20 of the rental fee will be paid to the lessor(s) and 10% or \$293.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

*Amanda Johnson-Weibull*

for  
Water Supply Bank

Enclosure

c: IDWR Front Desk

## Buyer, Remington

---

**From:** Blew, David <DBlew@Idahopower.com>  
**Sent:** Monday, April 20, 2020 8:06 AM  
**To:** Buyer, Remington; Bank  
**Cc:** Davis-Butts, Kresta  
**Subject:** Emailing: Idaho\_Power\_WSB\_Application.pdf  
**Attachments:** Idaho\_Power\_WSB\_Application.pdf

Remington,

Earlier this year Idaho Power submitted an application to rent water from the Water Supply Bank (see attached copy of application). Due to a number of factors, Idaho Power has decided to postpone the Rippee Island project where this irrigation water was to be used. As such, we would like to ask for a delay in the processing of our application. We will need this water in next year and ask that the application be processed for the 2021 irrigation season.

If you have any questions, please do not hesitate to call me.

David Blew, Hydrologist  
Idaho Power  
dblew@idahopower.com  
Office: (208) 388-5292  
Mobile: (208) 954-9830

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## Memorandum

**To:** Water Rights 2-2431 & 2-2240  
**From:** Justin Ferguson and Remington Buyer  
**Date:** October 1, 2020  
**Re:** Water Supply Bank Rental Application 1636

**Purpose/Narrative:** An application was received from Idaho Power Company (IPCO) on January 29<sup>th</sup>, 2020, requesting a two year rental of water rights, to authorize the irrigation of 16.5 acres of land that is being reclaimed from the Snake River, adjacent Ripee Island. IPCO is dredging up soil from the Snake River, and depositing it near Rippee Island, as part of a water quality improvement project associated with the federal and state relicensing of IPCO's Hells Canyon Complex of hydropower dams.

The water quality improvement project involves both speeding up and slowing down Snake River water, to improve water quality. Where soil is dredged up from the river, deeper channels will allow for water to move more quickly around the island, which will reduce the rate at which thermal temperatures rise, while allowing for cooler water to continue further downstream where it is needed. Alternatively, native plants are being situated in the low-lying dredged soil, will help capture sediment and solids in the water, and thereby improve overall water clarity. The purpose of this irrigation rental is to help establish native plantings on the dredged soils. IDWR has approved a stream channel alteration permit for this project as well (SCA project no. S02-20103).

This rental was initially requested for two years, with the intent that that the primary irrigation work would occur in 2020, with follow up rentals in 2021, and a rental was approved in February 2020. However, due to delays in construction, in April 2020, IPCO requested that the rental be delayed until 2021. Because this was originally requested to be a two year rental, the rental will be approved for 2021 through 2022.

**Authority to File:** The application was prepared and submitted on behalf of Idaho Power by Kresta Davis-Butts. Documentation was provided indicating that Ms. Davis-Butts is a representative of Idaho Power and is able to sign on their behalf. The rental location is on lands that will be reclaimed within the Snake River which will belong to the State of Idaho. Per application item 3K, Idaho Department of Lands has consented to the irrigation rental. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The leased water right is in the Bank and available to be rented. No concerns about its validity.

**Injury Evaluation:** Stream Channel Alteration permit application S02-20103 has been approved by IDWR. Injury to the Snake River should be protected through adherence to the permit conditions. The place of use for the water rights being used to facilitate this rental are approximately three miles upstream of the rental location. The rental place of use is adjacent to Rippee Island, which is land belonging to the United States as part of the Deer Flats National Wildlife Refuge however, no irrigation is anticipated on federal lands. As the place of use for the leased water rights being idled, water will be left in stream to provide for this rental. No injury concerns at this time.

**Enlargement of Use:** The place of use is intended to be on new lands along the river which will receive a constant supply of Snake River water. Proportionately, water rights 2-2431 & 2-2240 authorize a diversion

volume of 146.9 af from the Snake River for irrigation of 16.5 acres. However, this rental will enforce a diversion volume limit of 74.3 af, which is calculated based on a regional field headgate standard of 4.5 afa/ac. Provided that no more than 0.34 cfs and 74.3 af are diverted for this rental, no enlargement should occur.

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

**Beneficial Use/Conservation of Water Resources:** The rental appears consistent with the conservation of water resources in Idaho.

**Department/Watermaster Comments:** IDWR Western Region comments were requested February 24, 2020. Comments were re-requested on October 1, 2020, to reflect changes to the original request.

**Water Supply Bank Evaluation:** Bank staff recommend the approval of this rental through 2022.

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3

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Buyer, Remington

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(no subject)

Miller, Nick

4:54 PM

WREdit upgrade

Narsavage, Dan

4:48 PM

Message from +17757386816

Ferguson, Justin

3:58 PM

Code for Bike Caae

(no subject)

Actions

Buyer, Remington

To: Miller, Nick

Attachments: (3) Download all attachments

Rental Review Memo.docx (17 KB) [Open as Web Page]; Rental Map Idaho Power - R~1.pdf (791 KB)  
[Open as Web Page]; Draft - Rental Agreement ~1.docx (268 KB) [Open as Web Page]

Thursday, October 01, 2020 4:54 PM

Nick,

Attached are the review map, memo, and agreement for an Idaho Power irrigation rental on Rippee Island. I thought I sent this earlier this year but don't have a record of that email. Please let me know if you have any questions or comments.

Thanks!

Remington

**Ferguson, Justin**

---

**From:** Blew, David <DBlew@Idahopower.com>  
**Sent:** Monday, April 20, 2020 8:06 AM  
**To:** Buyer, Remington; Bank  
**Cc:** Davis-Butts, Kresta  
**Subject:** Emailing: Idaho\_Power\_WSB\_Application.pdf  
**Attachments:** Idaho\_Power\_WSB\_Application.pdf

Remington,

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If you have any questions, please do not hesitate to call me.

David Blew, Hydrologist  
Idaho Power  
dblew@idahopower.com  
Office: (208) 388-5292  
Mobile: (208) 954-9830

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