

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1240

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

**LESSOR:** UNITED STATES OF AMERICA ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

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NOV 05 2020

DEPARTMENT OF  
WATER RESOURCES

### RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on September 23, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

#### Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
2-2161	2/15/1961	SNAKE RIVER, tributary to COLUMBIA RIVER	2.00	Not Stated	100
<b>Combined Lease Totals</b>			<b>2.00</b>	<b>Not Stated</b>	<b>100</b>

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

**Minimum Payment Acceptable:** Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1240**

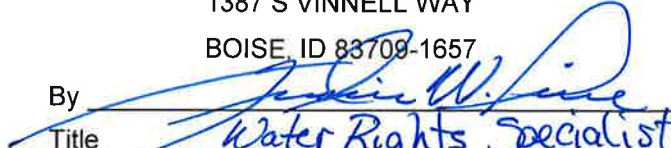
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1240**

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

**LESSOR:** UNITED STATES OF AMERICA ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

By   
Title Water Rights Specialist  
Date 11/05/2020

**IDAHO WATER RESOURCE BOARD**  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

By   
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 11/12/20

Lease approved by IDWR 

Date 11/12/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1240

**ATTACHMENT A**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

The water rights or portions thereof leased to the bank are described as follows:

**Source and Location of Point(s) of Diversion for Water Right No(s): 2-2161**

SNAKE RIVER      L 9SESE      Sec. 15      Twp 05S      Rge 03E      OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-2161	IRRIGATION	3/15	to	11/15	2.00 cfs	Not Stated
<b>Totals:</b>					2.00 cfs	Not Stated

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	
05S	03E	14											22 L8						22
05S	03E	15															40 L8	35 L9	75
05S	03E	22	1 L3																1
05S	03E	23						2 L2											2

Total Acres: 100

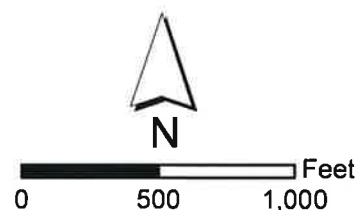
**ADDITIONAL CONDITIONS OF ACCEPTANCE**

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1240**

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
13. PLACE OF USE ALSO KNOWN AS GOLD ISLAND.
14. Use of water under this 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 water right is within State Water District No(s). 02.
15. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



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SEP 23 2020

Form 42-1761-1 10/15

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARD

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SEP 21 2020

WATER RESOURCES  
WESTERN REGIONAPPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANKDesignated Applicant USDI Bureau of Land Management  
(Select one owner – see item 1A on the application)Water Right No. 02-02161  
(One water right per application)

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

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

## MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☒ ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://www.idwr.idaho.gov)).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☒ ☐ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

## Department Use Only

Fee Amount \$ <u>\$250.00</u>	Received By: <u>KT</u>	Date Received: <u>9/21/2020</u>	Receipt # <u>W048721</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9: <u>DOI - Bureau of Land Management</u>	

1778

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**1. CONTACT INFORMATION**

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant United States of America, USDI Bureau of Land Management  
Mailing Address Idaho State Office; 1387 S. Vinnell Way; Boise Idaho 83709-1657  
Street City State Zip Code  
Email Address fwprice@blm.gov Phone Number (208) 373-3831

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒  
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐  
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐  
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Fredric W. Price Organization USDI Bureau of Land Management  
Professional Title Water Right Specialist Email Address fwprice@blm.gov  
Mailing Address 1387 S. Vinnell Way; Boise, Idaho 83709-1657 Phone Number (208) 373-3831

☒ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

**2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK**

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

**3. MAP**

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**4. GENERAL INFORMATION**

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒  
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

*If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.*

- B. Please provide a description of the current water diversion and delivery system.

Historically, Pump, plant, and ditches. Water Bank under a lease contract (12-31-2017).

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

*Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.*

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. 2.0 cfs/ 100 AF under Lease Contract 479 (12-31-2017).

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**5. SALE/LEASE AGREEMENT**

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

**If lease**, specify the years when the use of water will be suspended: 2020 to 2025 (maximum lease period 5 calendar years).  
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current Rental Rate for source from Snake River.

**I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.**

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Printed Name

Date

Signature of Authorized Representative

Fredric W. Price

09/21/2020

Printed Name

Date

**Mail to:**

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). \_\_\_\_\_

	<b>Designated Applicant</b>	<b>Applicant #2</b>	<b>Applicant #3</b>
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	<b>Applicant #4</b>	<b>Applicant #5</b>	<b>Applicant #6</b>
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO  
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

**ATTACHMENT 2**

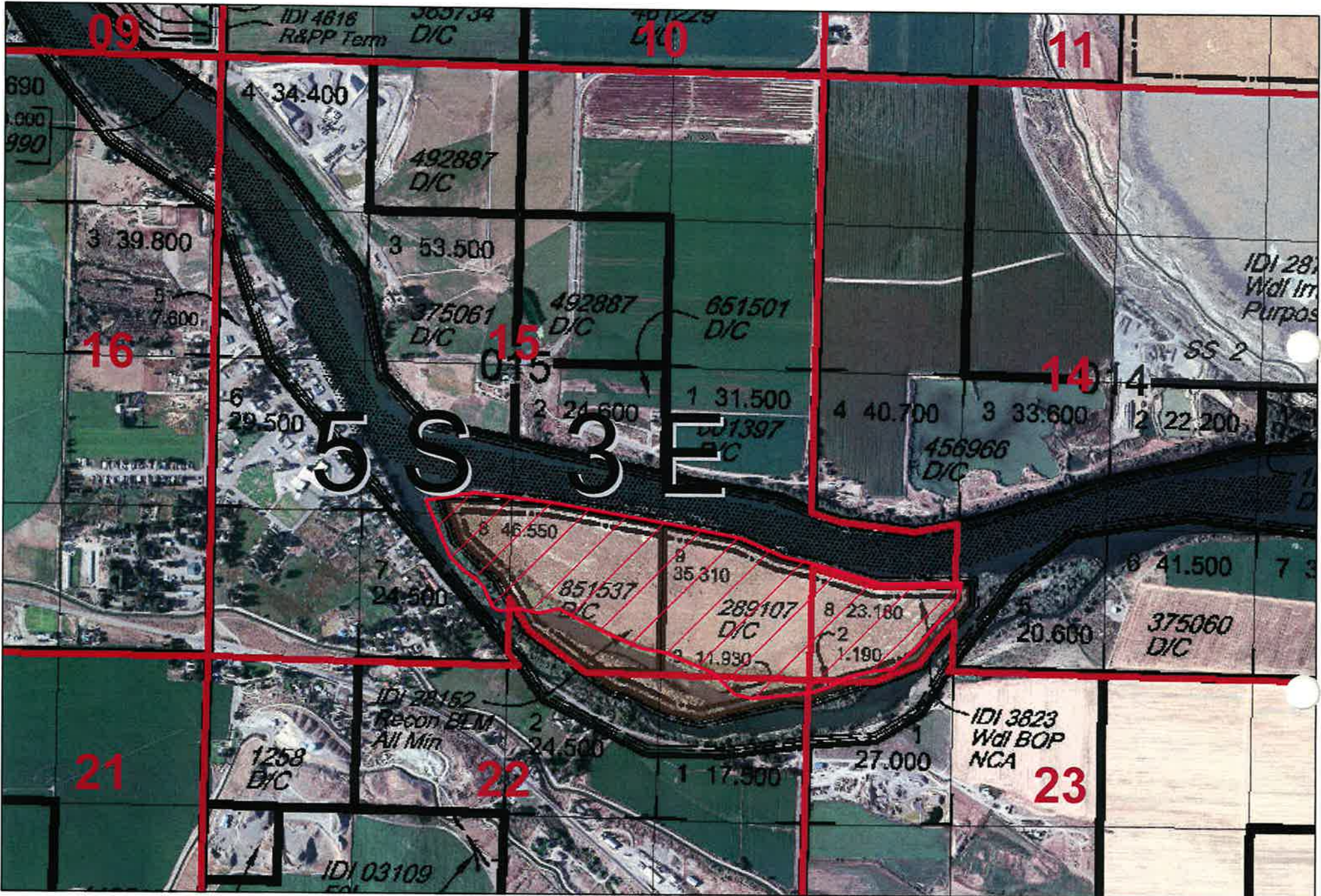
**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
_____	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County



02-02161, Application to Lease  
Water to the Water Supply Bank.

### Legend

 BLM Land Proposed to be leased

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 02-02161

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

MAR - 5 2013

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
QUANTITY: 2.00 CFS  
PRIORITY DATE: 02/15/1961  
POINT OF DIVERSION: T05S R03E S15 LOT 9 (SESE ) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Owyhee County
	T05S R03E S14 LOT 8 (SWSW) 22.0	
	S15 LOT 8 (SWSE) 40.0	LOT 9 (SESE) 35.0
	S22 LOT 3 (NENE) 1.0	
	S23 LOT 2 (NWNW) 2.0	
	100.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

Form 1221-2  
(June 1969)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Idaho State Office

Release 1-346

Date  
September 22, 2011

MANUAL TRANSMITTAL SHEET

Subject: **1203 – DELEGATION OF AUTHORITY**

1. Explanation of Material Transmitted: This manual supplement updates delegations of authority and related procedures to the State Office, District Offices, and Field Offices and National Landscape Conservation System (NLCS) Managers (Mgr) and staff. It includes a new column for the NLCS Mgr.
2. Reports Required: None.
3. Material Superseded: The manual supplement release superseded by this release is listed under REMOVE below. This release also supersedes any Idaho Instruction Memorandum dated before this transmittal.
4. Filing Instructions: File as directed below.

REMOVE

1203 – All Pages (Release 1-343)

(Total: 61 Sheets)

INSERT

1203 (Release 1-346)

(Total: 91 Sheets)

Peter J. Ditton for

Steven A. Ellis  
State Director

Distribution

Code /or Reg.	Activity	Authority Delegated To										
		SD	DSD	Br Chief	DM	FM	NLCS Mgr	AO/SSM	All Sup	SSPA	DFMO	MRF
6525	Approve cooperative management programs jointly with State wildlife agencies pursuant to the Sikes Act, as amended.	X			X	X	X					
6600 FISH, WILDLIFE, AND SPECIAL STATUS PLANT RESOURCES INVENTORY AND MONITORING												
6602	Approve wildlife inventory and monitoring plans.	X			X	X	X					
6620	Approve Habitat Management Plans.	X			X	X	X					
6800 WILDLIFE POPULATION MANAGEMENT												
6840	Conduct endangered species consultation per Section 7 of Endangered Species Act of 1973, as amended.	X			X	X	X					
7250 WATER RIGHTS												
7250	Settle water rights issues.  1) Special delegation to DSD for Resource Services and the Special Project Team (Water Rights). See Instruction Memorandum No. ID-2001-063, Subject: Water Rights Delegation of Authority.	X	1									
8000 RECREATION PROGRAMS												
8000	Authorize recreation use and specify terms and conditions of such use (exceptions are provided for in the regulations).	X			X	X	X					
8100 CULTURAL RESOURCE MANAGEMENT												
8110	Carry out matters of responsibility of BLM relating to <b>determination</b> of eligibility for nomination to the National Register under 36 CFR 63.	X			X	X	X					
8110	Carry out matters of responsibility of BLM relating to <b>nomination</b> to the National Register under 36 CFR 60.	X			X	X	X					

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

In Reply Refer To:  
7250/1230 (933) P

*July 27, 2001*

EMS  
Instruction Memorandum No. ID-2001-063  
Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:  
Martha G. Hahn

Authenticated by:  
Susanna M. Henry  
Staff Assistant (ID-933)

cc:  
ISO Water Rights Team  
Larry Brown, DOJ Attorney  
Mel Matlock (950)  
Bill Ferry, Field Solicitor - Boise



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 13, 2020

UNITED STATES OF AMERICA ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

**RE: WATER SUPPLY BANK LEASE CONTRACT 1240  
FOR WATER RIGHTS 2-2161**

Dear Lessor:

Water rights **2-2161** was leased into the Water Supply Bank (Bank) as of January 1, 2020, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2024**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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,

*Amanda Johnson- Veibell*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region  
Water District 02  
Fred Price



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

October 27, 2020

UNITED STATES OF AMERICA ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

**RE: APPLICATION TO LEASE WATER RIGHT 2-2161 TO THE WATER SUPPLY BANK  
CONTRACT 1240**

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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,

*Amanda Johnson Veibell*

for

Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt # W048721

C. Fred Price

## Hummer, Phill

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**From:** Ferguson, Justin  
**Sent:** Monday, October 26, 2020 10:11 AM  
**To:** Miller, Nick; Whitney, Rob; Erling, Jes  
**Subject:** WSB Lease - USDI - BLM  
**Attachments:** Lease Map USDI - BLM.PDF; Draft Lease Contract USDI - BLM.DOCX; Lease Review Memo.docx

Nick, Rob, Jes,

Attached is the draft lease map, memo, and contract for BLM's water right on Gold Island. Please let me know if you have any questions or comments

Thanks!

## Memorandum

**To:** Water Right 2-2161  
**From:** Justin Ferguson  
**Date:** October 1, 2020  
**Re:** Water Supply Bank Lease Application 1778

**Purpose/Narrative:** An application was received September 21, 2020 from the US Department of the Interior (USDI) and the Bureau of Land Management (BLM) offering the full portion of water right 2-2161 for lease to the Bank through the end of 2024. Prior to this application the right had been offered to the Bank in 2013 through the end of 2017 and was not offered again until this lease proposal.

The water right is located on Gold Island located within the stream channel of the Snake River and, based on the information provided, it appears that the intent of this application is continued protection from forfeiture until such time USDI or BLM has a use for the right on the island or a transfer is proposed to move it to a more accessible location. Review of aerial imagery suggests that at one point the island had been irrigated as traces of hand lines can be seen however, the irrigation does not appear to have happened within the last four years. Figures 1 & 2 in Appendix A were generated using Climate Engine data beginning in 2017 through the end of 2020.

**Authority to File:** The water rights are held by the USDI acting through the BLM along with the parcel where the place of use is located. Documentation was provided affirming that Mr. Fred Price, Senior Water Rights Specialist, is authorized to represent the BLM in all water rights issues. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** From a review of the water right back file, it appears this right was decreed in 2013 and placed into the Bank, in full, that same year. Upon release in 2017 the water right was not offered to the Bank until 2020 causing three years of apparent non-use to elapse. At this time a full 5 year period of non-use has not occurred where there was not an adequate defense against forfeiture. As such, the water right remains valid and available for lease to the Bank.

**Injury Evaluation:** No injury is apparent through the lease as the intent appears to be the preservation of the water right until such time it is either transferred to a new location or a use is established on the island within the Snake River. Proper rental review should protect against injury.

**Enlargement of Use:** While the place of use will not receive active irrigation under another water right, it can be inferred that, as the place of use is an island within the river channel, the area will continue to receive water. No enlargement is evident as no vegetation, other than riparian, appears to be permanently established and any water the island may receive would return to the natural flow as runoff or through infiltration.

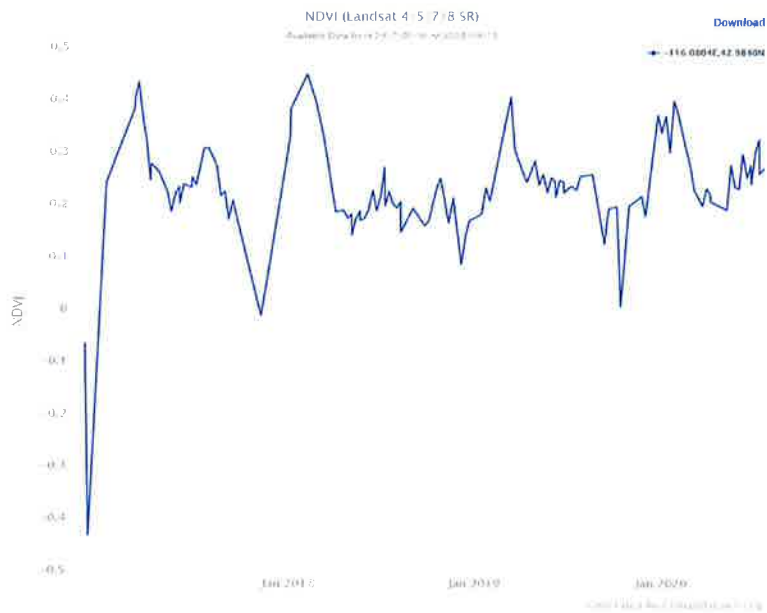
**Local Public Interest:** Staff are unaware of any local public interests that are averse to the lease.

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

**Department/Watermaster Comments:** IDWR Western Region comments were requested on October 26, 2020. No concerns were received.

**Water Supply Bank Evaluation:** Based on the information presented by the applicant, staff recommend the application be approved.

## Appendix A



**Figures 1 & 2.** Imagery and data generated using climate engine suggesting nominal irrigation has occurred on Gold Isle for the period of 2017-2020

**Figure 3.** Establishment of riparian vegetation associated with water from the stream channel and traces of hand lines in prior years

