

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 405

RECEIVED

JUN 09 2020

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

IDAHO TRANSPORTATION DEPARTMENT
206 N YELLOWSTONE HWY
RIGBY, ID 83442

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)
74-15882	9/19/1909	LEMHI RIVER	0.08	10.1	2.9	0.03	3.5
74-15961	9/19/1909	LEMHI RIVER	0.04	6.0	1.7	0.02	3.5
Combined Rental Totals			0.12	16.1	4.6	0.03	3.5

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: \$322.00 annually

SUPPORT DATA

IN FILE # 74-15882

The full fee for the rental of the above-described right(s) is \$322.00 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$32.20 per year for years 2020 - 2021.

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	0.12	6.0	2.2	0.05	2.7
Combined Total	0.12	6.0	2.2	0.05	2.7

* The authorized water usage reflects a reduction from the water right elements rented, to account for an increased rate per acre requested by the applicant

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 405

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:



Digitally signed by Bryan
Young
Date: 2020.05.21
14:16:11-06'00'

05/21/20

Signature of Renter

Date

Bryan Young

Engineering Manager

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, Acting Administrator
Idaho Water Resource Board

Date 7-1-20

Rental approved by IDWR



Date 7-1-20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 405

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER	NESW	Sec. 4, Twp 17N, Rge 24E,	LEMHI County
LEMHI RIVER	SWNW	Sec. 10, Twp 17N, Rge 24E,	LEMHI County
LEMHI RIVER	SESE	Sec. 14, Twp 17N, Rge 24E,	LEMHI County
LEMHI RIVER	SWNW	Sec. 16, Twp 18N, Rge 24E,	LEMHI County
LEMHI RIVER	NWSW	Sec. 20, Twp 19N, Rge 24E,	LEMHI County
LEMHI RIVER	SWSW	Sec. 21, Twp 18N, Rge 24E,	LEMHI County
LEMHI RIVER	NENW	Sec. 32, Twp 19N, Rge 24E,	LEMHI County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.12 CFS

VOLUME
6.0 AF

SEASON OF USE

From To
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	
17N	24E	4									0.5								0.5
17N	24E	10							0.1										0.1
17N	24E	14															0.1		0.1
18N	24E	16							0.5										0.5
18N	24E	21											0.3						0.3
19N	24E	20									0.1	0.1							0.2
19N	24E	29												0.1					0.1
19N	24E	32					0.4												0.4

Total Acres: 2.2

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 405



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. 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.
10. This rental when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The sum of the discharge from the pump stations in operation at any given time may not exceed the total authorized rental rate of 0.12 cfs.
12. The renter shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the renter uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
13. 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. 74 and 170.
14. This right does not grant any right-of-way or easement across the land of another.
15. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 405

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



0 10,000 20,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 03 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Idaho Transportation Department

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)

1633

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Transportation Department

Mailing Address 206 N. Yellowstone Hwy Rigby ID 83442
Street City State Zip Code
Email Address Tim.Cramer@itd.idaho.gov Phone Number 208-745-5602

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 Jeff Klausmann Professional Title Principal
Organization Intermountain Aquatics Relationship to Applicant Consultant
Mailing Address PO Box 1115 Driggs, ID 83422
Email Address jeff@intermountainaquatics.com Phone Number 208-313-6929

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**:

Water is to be used for irrigation. Irrigation will be used on recently installed wetland plants that are a part of mitigation related to the construction of multiple bridges along the Lemhi River. Irrigation will occur until plants are established and can be sustained by natural hydrology.

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)
0.12 CFS	6.0 AF	CFS	AF	2.231 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
5/1/2020	6/1/2020	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<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.

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):

Water will be diverted out of the Lemhi River at the specified PODs using small portable pumps and delivered to the POUs with sprinklers.

- 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
See attachment 3E		

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 2.231 (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 system will divert at a rate greater than 0.03 cfs/acre while running, but will only run for 3 hours a day, 4 days a week.

Although the diversion rate will be high, the temporary nature of the use means that the total volume diverted will be well below what is permitted by the rental rights.

- 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:

N/A

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)
74-15882	Irrigation	0.08	10.15	2.90				
74-15961	Irrigation	0.04	5.95	1.70				
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	0.12	6.04	2.231
						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**:

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?

If yes, describe:

Yes ☐ No ☒

- 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

Jason Minzghor
Printed Name of Applicant

1-29-20-20
Date


Signature of Representative

Jeff Klausmann
Printed Name of Representative

1-30-20
Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

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.

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 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.

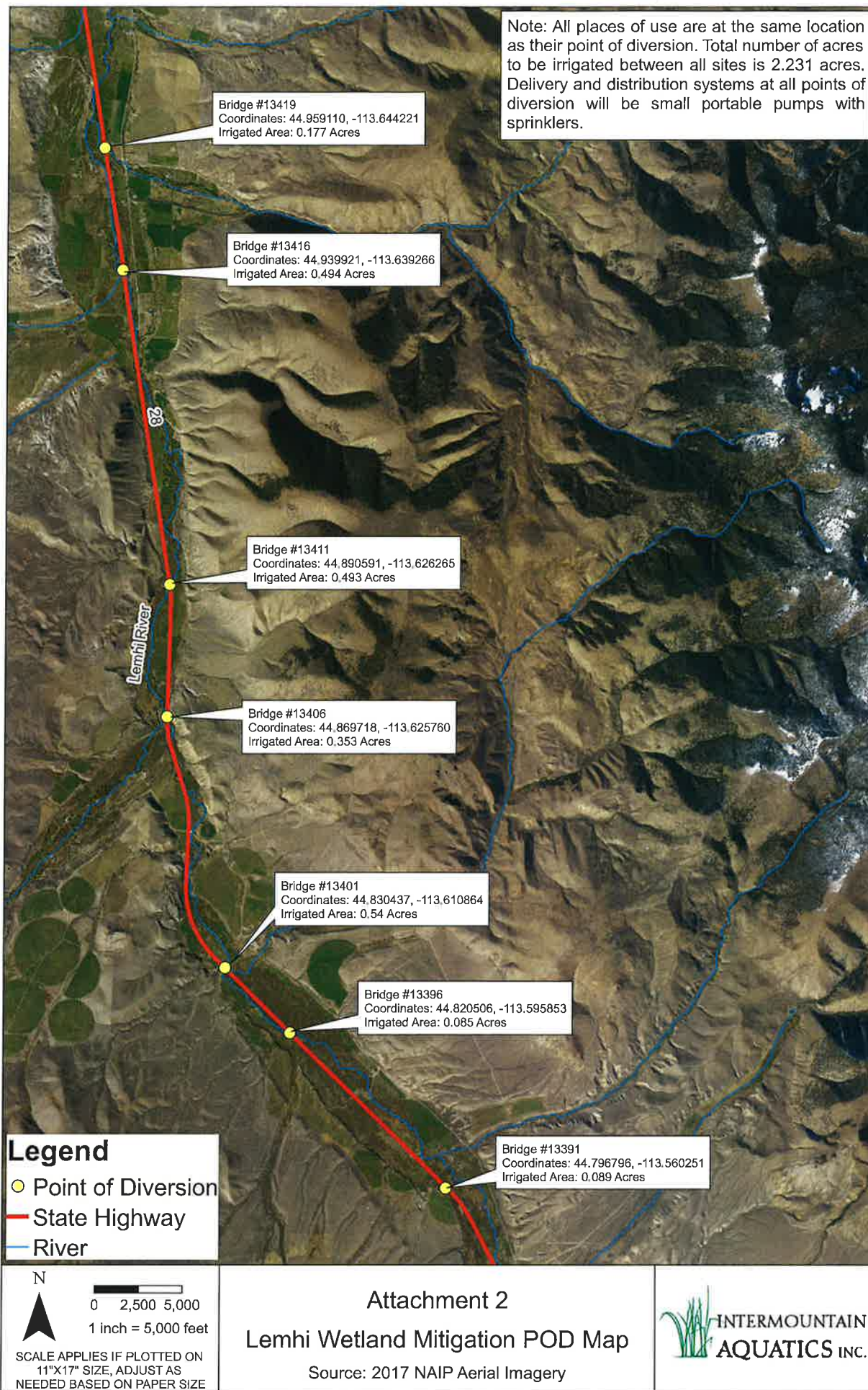
Modeling situations may include:

- 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 3E - POD Summary

Milepost	POD Location (PLSS)	POD Type	Diversion Source
103.12	SE, SE, Sec. 14, T17N, R24E	Portable pump, sprinkler	Lemhi River
105.51	SW, NW, Sec. 10, T17N, R24E	Portable pump, sprinkler	Lemhi River
106.52	NE, SW, Sec. 4, T17N, R24E	Portable pump, sprinkler	Lemhi River
109.42	SW, SW, Sec. 21, T18N, R24E	Portable pump, sprinkler	Lemhi River
110.87	SW, NW, Sec. 16, T18N, R24E	Portable pump, sprinkler	Lemhi River
114.33	NE, NW, Sec. 32, T19N, R24E	Portable pump, sprinkler	Lemhi River
115.67	NW, SW, Sec. 20, T19N, R24E	Portable pump, sprinkler	Lemhi 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

July 8, 2020

IDAHO TRANSPORTATION DEPARTMENT
206 N YELLOWSTONE HWY
RIGBY, ID 83442

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 74-15882, 74-15961, AGREEMENT 405**

Dear Renter:

Please find enclosed a receipt in the amount of **\$322.00** and a copy of a fully executed Water Supply Bank Rental of 77.9 acre-feet of water for irrigation of 19.5 acres. 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 \$289.80 of the rental fee will be paid to the lessor(s) and 10% or \$32.20 will be retained by the Department to offset administrative costs.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Amanda Schenck Vahell". The signature is fluid and cursive, written over a horizontal line.

p Water Supply Bank

Enclosures: Receipt No. E045953
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Rick Sager – State Water District No. 74
Jeff Klausmann – Intermountain Aquatics



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

May 19, 2020

IDAHO TRANSPORTATION DEPARTMENT
206 N YELLOWSTONE HWY
RIGBY, ID 83442

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 74-15882, 74-15961, AGREEMENT 405**

*****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 \$322.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 16.1 acre-feet.

Please send a check for \$322.00 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 \$289.80 of the rental fee will be paid to the lessor(s) and 10% or \$32.20 will be retained by the Department to offset administrative costs.

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

Sincerely,

Jan Husley
for Water Supply Bank

Enclosure

c: IDWR Front Desk
Jeff Klausmann – Intermountain Aquatics

Hersley, Jean

From: Ferguson, Justin
Sent: Friday, April 10, 2020 11:07 AM
To: Cefalo, James; Yenter, Cindy; rick375@centurytel.net
Subject: WSB Rental - Idaho Transportation Department
Attachments: Rental Review Memo.docx; Draft Rental Agreement - ITD - Lemhi Restoration.docx; Rental Map ITD Lemhi River Project.pdf

James, Cindy, Rick,

Attached is the rental map, agreement, and review memo for the restoration project along the Lemhi for the Idaho Transportation Department. Please let me know if you have any comments or concerns, the Bank will assume you do not object to this application if a timely response is not received

Thank you!

Memorandum

To: Water Rights 74-15882 & 74-15961

From: Justin Ferguson & Remington Buyer

Date: April 10, 2020

Re: Water Supply Bank Rental Application 1633

Purpose/Narrative: An application was received on behalf of the Idaho Transportation Department (ITD), by their representative Intermountain Aquatics requesting the rental of water rights 74-15882 & 74-15961. The application is intended to facilitate a two year rental for the use of portable pumps diverting from the Lemhi River for irrigation to help establish native vegetation as mitigation to the areas impacted during the maintenance of each site.

In total there are several portable pump locations identified along the River for each site requiring mitigation. Through correspondence with Intermountain Aquatics, each site location has been generally determined and will be further refined based on the local geomorphology. For this rental the generalized shapes have been used to outline the areas the applicant has requested to irrigate and will be limited to the acreage specified at each site.

Because these are proposed to be portable pumps, conditions requiring a physical measurement device was not feasible. The water masters for districts 74 and 170 were contacted to determine the best way to move forward and they plan to use a portable meter or obtain a field measurement in lieu of a physical device. It was also stated that the water master for district 74 is in that area often and can verify they are adhering to the rental agreement.

Authority to File: The applications were signed by Mr. Jason Minzghor of ITD and submitted on their behalf by Intermountain Aquatics. Review of the ITD web page indicates Mr. Minzghor as the District Engineer for Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton Counties. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The requested water rights are leased to the Bank and remain valid. No concerns at this time.

Injury Evaluation: The rental proposes moving 0.12 cfs of Lemhi River diversionary water under water rights 74-15582 and 74-15961 approximately 22 miles upstream, past as many as 321 prior appropriated water rights. Water rights 74-15582 and 74-15961 share a 9/19/1909 priority date. Injury could occur under this rental if in-priority, prior appropriated water rights were deprived of authorized flows, as a result of diversions under the rental, at upstream rental locations.

The uppermost rental point of diversion is located close to the Bureau of Land Management's (BLM's) McFarland Campground. Between the McFarland Campground and the lease location as much as 351.31 cfs of Lemhi River water is appropriated under the 321 identified water rights. However, 73.2 cfs of this sum is associated with non-consumptive 'run of the river' 'fish propagation' water rights, which have been established by the State of Idaho to protect fish ladders and fish screens at diversion structures on the Lemhi River. An additional 2.26 cfs of water is associated with combined limited water rights, which don't actually authorize additional diversions from the River. As such, it appears the sum of consumptive use

diversionary water rights in Lemhi River between the uppermost rental location and the lease location, equals 275.85 cfs.

This rental thus proposes moving as much as 0.12 cfs of Lemhi River water diversions 22 miles upstream, past as much as 275.85 cfs of diversions under prior appropriated consumptive use water rights.

Approximately half way between the lease location and the McFarlands Campground, the United States Geological Society (USGS) maintains a stream gage on the Lemhi River (USGS stream gage 13305000).

Specific to this uppermost reach of the rental (between the USGS McFarland Campground gages) the rental 109 consumptive use diversionary water rights may divert up 90.7 cfs from the Lemhi River. Thus, in this upper reach of the rental, approval of this rental could result in depletions of up to 90.82 cfs (90.7 cfs + 0.12 cfs) from the Lemhi River, between the McFarland Campground and USGS gage 13305000.

An analysis of stream gage data was conducted, to calculate average daily flows at the McFarland Campsite and USGS stream gages, from 2013 through 2018. This data is summarized in Table 1 below. Based on calculated flows from 2013 through 2018, flows measured at the USGS gage exceeded 90.82 cfs, however, between July 1st and September 15th, flows at the McFarland Campground did not exceed 90.82 cfs.

Six Year Specific Analysis (2013 - 2018)							
Date	Upstream McFarland Gage	Gage > 90.82 cfs	Exceedence / Deficit	Downstream USGS Gage	Full Div. Reach Gains	No Divs. Reach Gains	Deficit at USGS Gage
March 1 - 15	203.9 cfs	yes	113.08 cfs	271.7 cfs	158.59 cfs	67.77 cfs	180.85 cfs
March 16 - 31	216.2 cfs	yes	125.34 cfs	295.9 cfs	170.61 cfs	79.79 cfs	205.13 cfs
April 1 - 16	197.4 cfs	yes	106.60 cfs	286.6 cfs	179.97 cfs	89.15 cfs	195.75 cfs
April 16 - 30	174.2 cfs	yes	83.41 cfs	261.9 cfs	178.45 cfs	87.63 cfs	171.04 cfs
May 1 - 15	136.3 cfs	yes	45.51 cfs	277.9 cfs	232.38 cfs	141.56 cfs	187.07 cfs
May 16 - 31	170.8 cfs	yes	79.94 cfs	444.0 cfs	364.04 cfs	273.22 cfs	353.15 cfs
June 1 - 15	175.2 cfs	yes	84.41 cfs	526.0 cfs	441.61 cfs	350.79 cfs	435.20 cfs
June 16 - 30	124.4 cfs	yes	33.57 cfs	411.9 cfs	378.34 cfs	287.52 cfs	321.09 cfs
July 1 - 15	80.0 cfs	no	-10.80 cfs	251.6 cfs	262.40 cfs	171.58 cfs	160.78 cfs
July 16 - 31	71.4 cfs	no	-19.38 cfs	154.6 cfs	174.03 cfs	83.21 cfs	63.83 cfs
August 1 - 15	68.9 cfs	no	-21.89 cfs	115.7 cfs	137.54 cfs	46.72 cfs	24.84 cfs
August 16 - 31	67.4 cfs	no	-23.43 cfs	106.1 cfs	129.54 cfs	38.72 cfs	15.28 cfs
September 1 - 15	76.0 cfs	no	-14.78 cfs	105.9 cfs	120.72 cfs	29.90 cfs	15.11 cfs
September 16 - 30	100.3 cfs	yes	9.46 cfs	141.7 cfs	132.23 cfs	41.41 cfs	50.87 cfs
October 1 - 15	143.7 cfs	yes	52.83 cfs	228.5 cfs	175.70 cfs	84.88 cfs	137.71 cfs
October 16 - 31	186.4 cfs	yes	95.55 cfs	279.2 cfs	183.61 cfs	92.79 cfs	188.34 cfs

Table 1 – Calculated Average Daily Flows on the Lemhi River. 2013 - 2018

While there does appear to be a deficit during the period from July 1st and September 15th, because this appears to be a gaining reach, there is still an overall measured net positive flow. The last two columns illustrate two different scenarios of what the total reach gains may look like, if all water right holders diverted the full amount allowed and if all water right holders did not divert any water. In both of these scenarios the total cfs between the two gauges is a net positive and, as such, it is possible that this might not injure prior appropriated water rights.

The Lemhi also has a minimum stream flow to be met, measured at the lower end of the reach. Per the water right decree 15.0 cfs of the 35.0 cfs is subordinated to all diversions with no language specific to DCMI.

Enlargement of Use: No enlargement is evident through the rental alone, conditions will be added such that water right 74-15961 will remain at 0.02 cfs/acre and 3.5 af/a while the other right 74-15882 will be reduced in volume and acres to provide the higher diversion rate. The rental will also be conditioned such that only half of the pumps may run at any one time with a combined diversion rate not to exceed 0.12 cfs. This rate was requested by the applicant to avoid maintenance issues with the pumps intended for use.

Local Public Interest: Review staff have no information to suggest this rental is inconsistent with the local public interest.

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

Department/Watermaster Comments: Watermasters for District 74, 170, and IDWR Eastern Region comments were requested April 10, 2020

Water Supply Bank Evaluation: Pending comments from the IDWR regional office and watermaster, Bank staff recommend the approval of this rental.

Ferguson, Justin

From: Jake Bucklin <jake_b@intermountainaquatics.com>
Sent: Tuesday, February 25, 2020 12:49 PM
To: Ferguson, Justin; Jeff Klausmann
Subject: RE: Water Supply Bank Rental - Lemhi River Mitigation
Attachments: Bridge_#13411.shp; Bridge_#13411.shx; Bridge_#13416.dbf; Bridge_#13416.prj; Bridge_#13416.shp; Bridge_#13416.shx; Bridge_#13419.dbf; Bridge_#13419.prj; Bridge_#13419.shp; Bridge_#13419.shx; Bridge_#13391.dbf; Bridge_#13391.prj; Bridge_#13391.shp; Bridge_#13391.shx; Bridge_#13396.dbf; Bridge_#13396.prj; Bridge_#13396.shp; Bridge_#13396.shx; Bridge_#13401.dbf; Bridge_#13401.prj; Bridge_#13401.shp; Bridge_#13401.shx; Bridge_#13406.dbf; Bridge_#13406.prj; Bridge_#13406.shp; Bridge_#13406.shx; Bridge_#13411.dbf; Bridge_#13411.prj

Justin-

Please see the attachments for the shapefiles you requested. Let me know if you have any questions or need anything else from me.

Jake Bucklin

Project Manager

Intermountain Aquatics, Inc.

116 Mustang Drive/P.O. Box 1115

Driggs, ID 83422

Office: 208-354-3690 ext. 710

Cell: 641-260-0146

www.intermountainaquatics.com

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Sent: Tuesday, February 25, 2020 9:26 AM
To: Jake Bucklin <jake_b@intermountainaquatics.com>; Jeff Klausmann <jeff@intermountainaquatics.com>
Subject: RE: Water Supply Bank Rental - Lemhi River Mitigation

If you are able to that would be great, as part of the rental process we designate the specific areas to be irrigated. I was hesitant to outline them without your input only because the areas are small and there was a possibility of missing or designating the wrong acres.

From: Jake Bucklin [mailto:jake_b@intermountainaquatics.com]
Sent: Tuesday, February 25, 2020 9:04 AM
To: Jeff Klausmann <jeff@intermountainaquatics.com>; Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental - Lemhi River Mitigation

Hi Justin-

I don't think we have shapefiles of the actual areas, but I can look into trying to get some if you need them. They are just very small areas directly adjacent to the bridges and the channel. You are correct with the areas, each individual area is in the range of ~0.1-0.5 acre.

Jake Bucklin

Project Manager

Intermountain Aquatics, Inc.
116 Mustang Drive/P.O. Box 1115
Driggs, ID 83422
Office: 208-354-3690 ext. 710
Cell: 641-260-0146
www.intermountainaquatics.com

From: Jeff Klausmann <jeff@intermountainaquatics.com>
Sent: Monday, February 24, 2020 4:33 PM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Cc: Jake Bucklin <jake_b@intermountainaquatics.com>
Subject: RE: Water Supply Bank Rental - Lemhi River Mitigation

Thanks Justin. Glad you are on it. I am copying Jake Bucklin here from my staff who can get you anything you need.
Best
JK

Jeffrey Klausmann (owner)
Restoration Ecologist
Intermountain Aquatics, Inc.
116 Mustang Drive/P.O. Box 1115
Driggs, ID 83422
Office: 208-354-3690
Cell: 208-313-6929
www.intermountainaquatics.com

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Sent: Friday, February 21, 2020 10:08 AM
To: Jeff Klausmann <jeff@intermountainaquatics.com>
Subject: Water Supply Bank Rental - Lemhi River Mitigation

Morning!

I have started working through the rental application for the restoration project for the Lemhi River and wanted to touch base, do you have the shapefiles outlining the specific places of use for each of those portable pumps? From the application it looks like each one is about half an acre or less, I wanted to make sure we outlined the correct areas and didn't miss the specific areas that need the irrigation.

Thank you!

Justin Ferguson
208-287-4936

Ferguson, Justin

From: Ferguson, Justin
Sent: Tuesday, February 18, 2020 1:06 PM
To: Yenter, Cindy
Cc: rick375@centurytel.net
Subject: RE: Water Supply Bank Transportation Department Rental

That works perfect! I can make sure the simultaneous rate is limited and add 196 on there, I can copy you both on the final draft in case anything needs added before they get sent out for signature

From: Yenter, Cindy
Sent: Tuesday, February 18, 2020 1:00 PM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Cc: rick375@centurytel.net
Subject: RE: Water Supply Bank Transportation Department Rental

Hi Justin – Rick Sager (WD74) and I talked about this and agree that physical measurement isn't feasible. We plan on using my portable meter or otherwise obtaining a field measurement at a few of these sites to get an average discharge, and then we'll be able to specify how many sites can be running at one time. Rick's out there nearly every day so he'll keep an eye on that. I'm not worried about volume if they stick to their plan.

You might consider condition 196 which is used on Wild and Scenic rights and requires accessible straight conduit for measurement purposes.

You might also add something like "The sum of the discharge from the pump stations in operation at any given time may not exceed the total authorized rental rate of 0.12 cfs" (that's from memory I may have the rate incorrect)

The rental should be placed under the jurisdiction of WD74, or 74 and 170 if that's your preference.

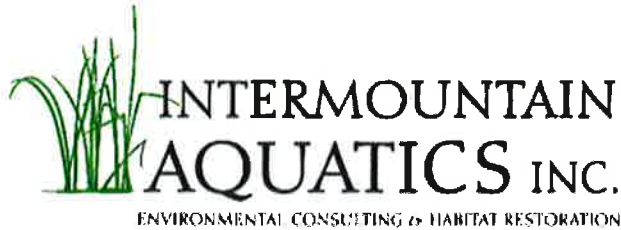
*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Ferguson, Justin
Sent: Tuesday, February 18, 2020 12:34 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Water Supply Bank Transportation Department Rental

Afternoon!

I am starting to work on the rental for the Transportation Department along the Lemhi River and wanted to check in quick, do you have any conditions to add to the rental agreement requiring measuring devices? We can definitely use the standard language but because these are portable pumps and are not all going to be run at the same time, I wanted to see if there was an easier way for you to keep track of what they were doing that we can add on there instead

Thank you!



RECEIVED

FEB 03 2020

DEPARTMENT OF
WATER RESOURCES

January 27, 2020

Mr. Buyer
Idaho Department of Water Resources
322 E Front Street Ste 648
PO Box 83720
Boise, ID 83720

RE: Application to Rent Water Rights for the ITD Lemhi Bridges Mitigation Project

Dear Mr. Buyer:

Please see the attached documents for an application to rent two water rights, #74-15882 and #74-15961, for the purpose of irrigating a number of small mitigation wetlands constructed by Idaho Transportation Department (ITD) as a part of their bridge improvement project along the Lemhi River on State Highway 28. ITD is committed to mitigate temporary wetland impacts associated with bridge construction. The wetland mitigation plan calls for restoring both riparian and palustrine emergent wetland types at 7 new bridges along the Lemhi River. Plants for the project have been custom grown from local plant stocks and will be planted following highwater this spring. The mitigation design relies on natural wetland hydrology for long term restoration success, but we anticipate that up to 2 years of temporary irrigation will be required to establish the plants. We are planning to start irrigation immediately following restoration in May or early June depending on river levels. Irrigation will continue through the summer during the permissible period of use. We have been working with Cindy Yenter, IDWR Watermaster, Water District 170, to identify the proposed rental solution. Cindy has been in discussion with the local watermaster who doesn't object to the rental of these rights for this project.

We designed a simple system of small portable pressure pumps and sprinkler heads to pull water directly out of the Lemhi Channel and deliver it to the adjacent mitigation areas at designated bridge sites along SH-28. We intend to operate half the pumps at a given time with a combined rate of diversion of 0.12 CFS. This rate is derived at 40 psi of pressure using Senninger 7025 heads fitted with 1/4" nozzles mounted approximately 6 ft. off the ground. Each pump will run 3 hours a day for 4 days a week and the total volume used over the season will be well under the total allowed by the rental rights. The higher rate of diversion is needed to avoid maintenance issues with nozzle plugging. To sustain the diversion rate, we need the entirety of both rights. Its important to note that a significant portion of the right will be non-consumptive and return to the river as overspray or shallow groundwater recharge.

Please don't hesitate to get in touch if you have any questions or need clarification regarding this application.

Sincerely,

Jeffrey Klausmann, Principal

[Login](#)[Home](#)[Search](#)[Forms](#)[Lists](#)[Help](#)

Business Search

[Advanced](#) ▾

Results: 1

Form Info	Status	Filing Date	Agent
INTERMOUNTAIN AQUATICS, INC. (378096) <i>General Business Corporation (D)</i>	Active- Good Standing	03/18/1998	JEFFREY M KLAUSMANN