

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 08 2019

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 273

This is to certify that:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST PO BOX 83720
BOISE, ID 83720-0098

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)
77-4207	7/12/1922	KNAPP CREEK	7.450	477.00	159.00	0.047	3.00
Combined Rental Totals			7.450	477.00	159.00	0.047	3.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect, in perpetuity, however it shall be subject to review every one hundred years, with the first review period scheduled prior to December 31, 2117. 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 2018, whichever occurs last.

Annual Rental Fee:

2018 - 2117: \$0.00

The renter intends to become the lessor of water right 77-4207 through the execution of this rental agreement and intends to rent the water right without compensation.

To voluntarily terminate the agreement early, notify the Department in writing prior to the rental renewal period.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MINIMUM STREAM FLOW	1.740	318.00
Combined Total	1.740	318.00

** The authorized water usage reflects a reduction from the water right elements rented, to account for an annual maximum diversion volume of 318 af, diverted over a period of 92 days, from July 1 through September 30, at an average daily diversion rate of 1.74 cfs.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 273

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:

Brian Patton 1/2/2019
Signature of Renter Date
BRIAN PATTON EXEC OFFICER
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 1/23/2019
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Chy West 1-23-2019
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 273

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK SWNENW Sec. 23, Twp 13N, Rge 10E, Valley County

BENEFICIAL USE

MINIMUM STREAM FLOW

DIVERSION RATE

1.74 CFS

VOLUME

318.00 AF

SEASON OF USE

Water Right No.

77-4207

From

7/1

To

9/30

RENTERS PLACE OF USE: MINIMUM STREAM FLOW

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	11E	3					X L3	X L3		X	X			X					X
								X L4											
12N	11E	4	X L1																X
12N	11E	10		X	X	X	X								X				X
12N	11E	11										X	X	X					X
12N	11E	13										X X L8 X L5	X X L7 X L6	X X L7	X X L4	X X L4	X X L8		X
12N	11E	14		X	X	X	X								X				X
12N	11E	24					X	X											X
12N	12E	18		X			X		X	X									X
13N	10E	23	X	X		X	X												X
13N	10E	24							X		X	X		X			X	X	X
13N	10E	25	X		X	X													X
13N	11E	28							X			X	X	X					X
13N	11E	33		X	X		X									X	X	X	X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.

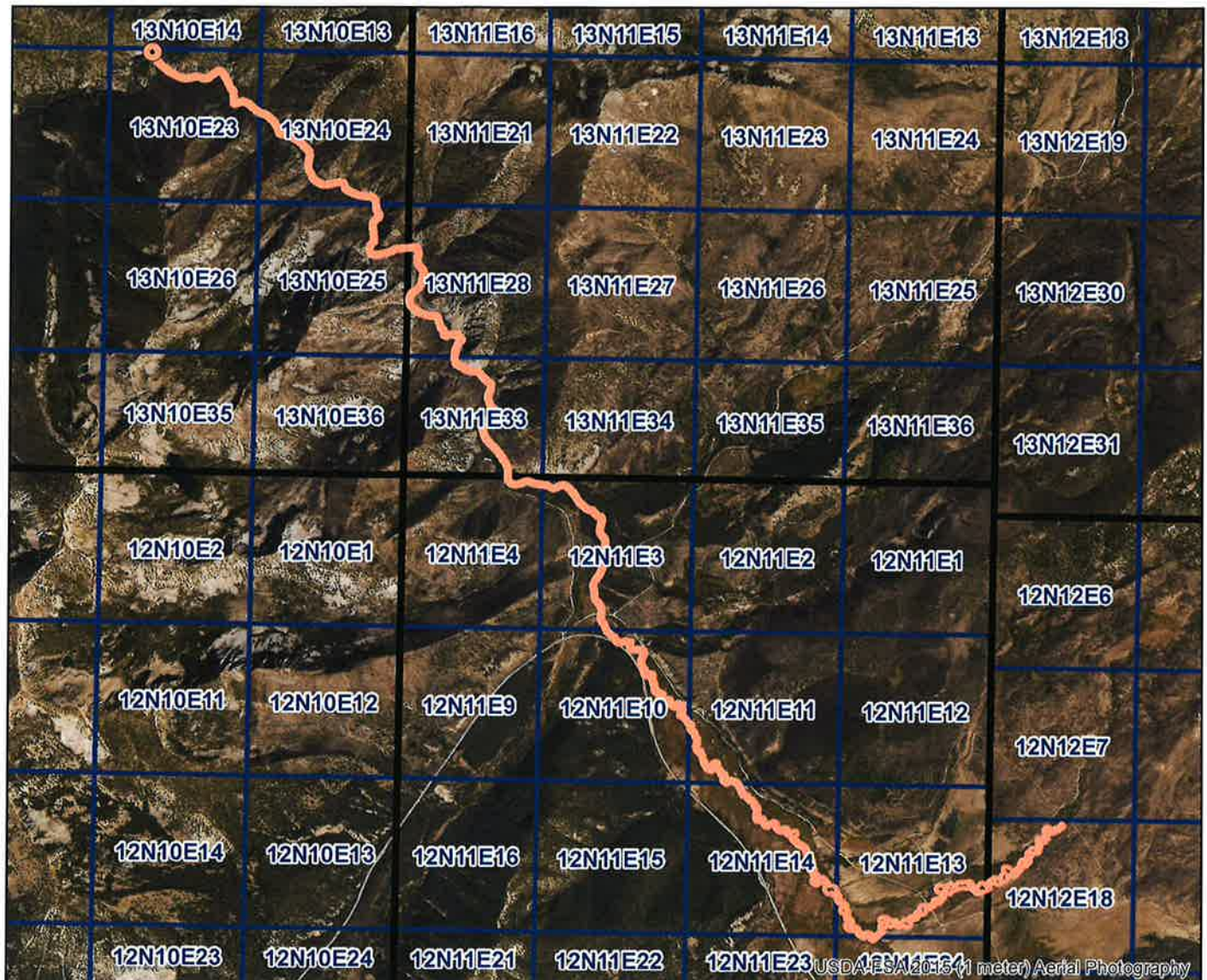
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 273

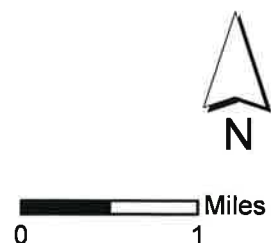
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. There are no diversions associated with this minimum stream flow water rental. The quantification point for this instream flow water rental is at the above location.
10. The place of use for this water right is the reach above the quantification point.
11. The duration of this rental shall be indefinite, however the rental may be reviewed every 100 years, with the first review commencing after December 31, 2017.
12. The extent of the beneficial use of water authorized under this rental is limited to the amount necessary to maintain minimum stream flows on Marsh Creek above the point of quantification. Upon finding and order of the Director, the renter may be required to install and maintain gaging stations on Marsh Creek to ensure measurement and maintenance of the relevant minimum stream flows.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 273

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
-  Townships
-  PLS Sections



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

AUG 23 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: Idaho Water Resource Board

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)

77-4207

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Water Resource Board

Mailing Address 322 E Front Street, PO Box 83720 Boise Idaho 83720
Street City State Zip Code

Email Address _____ Phone Number 208-287-4800

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 _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

The rental of this water is intended to supply flow to the existing minimum stream flow water right on Marsh Creek No. 77-14210. The rental to the MSF is intended to increase the natural flow and reduce temperature in Knapp and Marsh Creek to improve habitat for ESA-listed Chinook salmon and steelhead.

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)
7.45 CFS	AF	CFS	477.00 AF	159.00 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?	
9/30/2018	10/31/2018	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

*Pursuant to IDAPA 37.02.03.30.06 the IWRB wishes to rent the water in perpetuity. See IWRB funding resolutions dated (May 18, 2018).

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):

No irrigation of POU. Purpose of use is instream flow with delivery to the Minimum Stream Flow water right on Marsh Creek.

- 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
headgate	Knapp Creek	77-4207

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

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

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

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

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: instream flow from: 7/1 (mm/dd) to: 9/30 (mm/dd)

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

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

POU is instream

- 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:

There are no other water rights rented to meet the MSF on Marsh Creek.

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)
77-4207	irrigation	7.45	477.00	159.00		7.45	477.00	159.00
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	7.45	477.00	159.00
						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**:

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**:

The rental proposes to rent the full standard head gate requirement of 3.0 AF/Acre at the POD and deliver the standard consumptive volume of 2.0 AF/Acre to the Marsh Creek MSF.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

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

- 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

BRIAN PATTON
EXECUTIVE OFFICER,
IWRB
Printed Name of Applicant

8/23/18
Date

Signature of Representative

Printed Name of Representative

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.

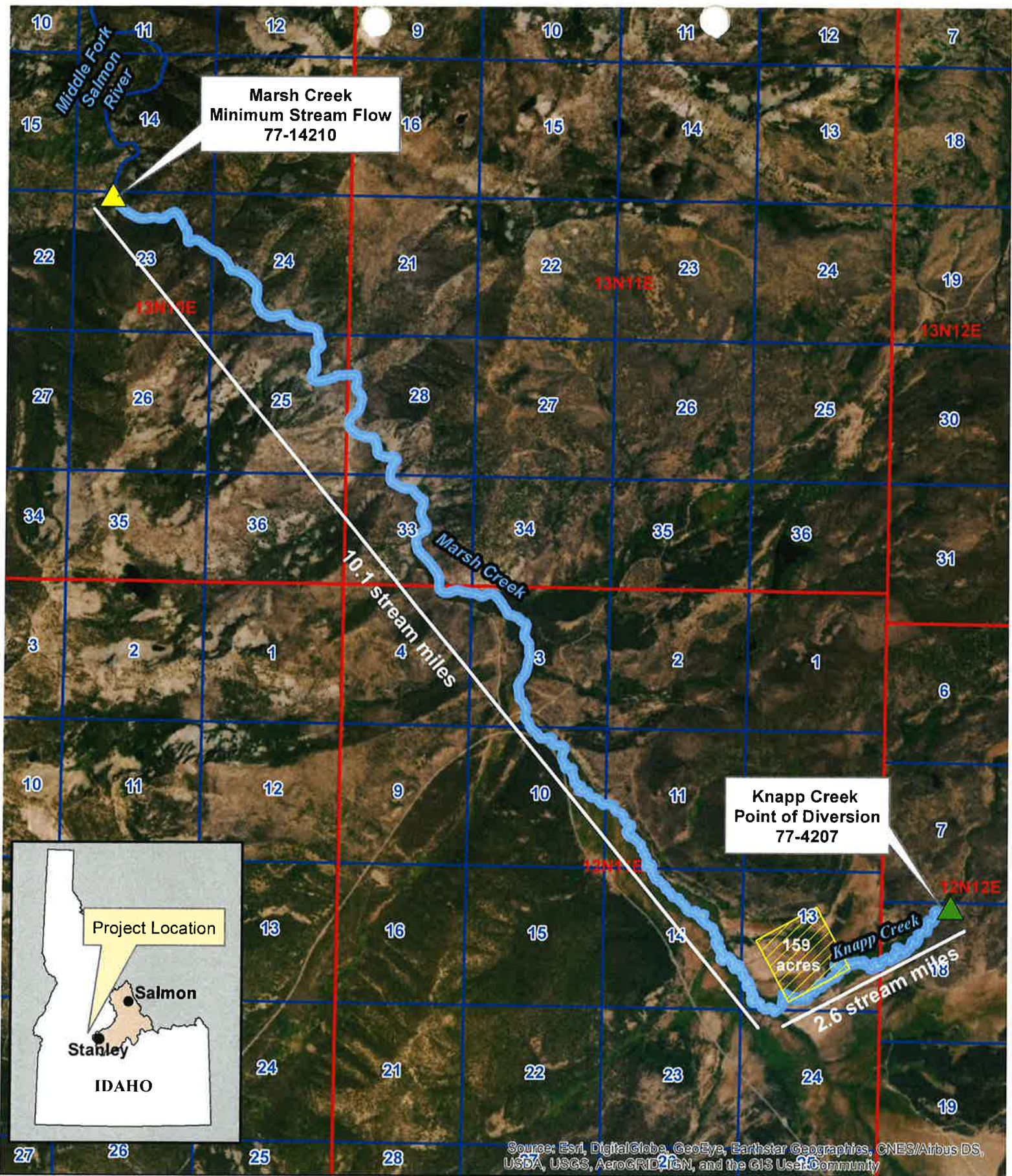
Modeling situations may include:

- 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 2

0 0.5 1 2 Miles

Map Date: 8.21.2018

Imagery: NAIP 2015



Marsh_Creek_MSF_77-14210



Knapp Creek Diversion 77-4207

Knapp Creek

Marsh Creek



Water Right POU



Township/Range



Sections



BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE BOARD PURCHASE OF
WATER RIGHT NO. 77-4207 FROM WESTERN
RIVERS CONSERVANCY**

**RESOLUTION TO APPROVE FUNDS AND
PROVIDE SIGNATORY AUTHORITY**

1 WHEREAS, natural origin Chinook salmon, steelhead, and bull trout habitat in the Middle Fork
2 Salmon River basin is impacted by flow-limited tributaries; and
3

4 WHEREAS, Knapp Creek, tributary to Marsh Creek, has been identified as a high priority stream
5 for flow restoration efforts, to provide high quality spawning and rearing habitat for natural origin
6 anadromous Chinook salmon, steelhead, and resident bull trout, and
7

8 WHEREAS, it is in the interest of the State of Idaho to increase flow in Knapp Creek to encourage
9 recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and
10

11 WHEREAS, Water Right No. 77-4207 has been historically diverted from Knapp Creek for irrigation
12 purposes; and
13

14 WHEREAS, the Idaho Water Resource Board (IWRB), pursuant to Section 42-1734, Idaho Code,
15 has the authority to acquire, purchase, lease, or exchange land, rights, water rights, easements,
16 franchises, and other property deemed necessary or proper for the construction, operation, and
17 maintenance of water projects; and
18

19 WHEREAS, the Water Right owner desires to sell to IWRB all their legal interests in Water Right
20 No. 77-4207 appurtenant to 159 acres, so that the water may remain in Knapp Creek to enhance fish
21 habitat; and
22

23 WHEREAS, upon acquisition, Water Right No. 77-4207 may be leased into the Idaho Water Supply
24 Bank and rented out through the Idaho Water Supply Bank for permanent delivery to minimum stream
25 flow Water Right No. 77-14210 on Marsh Creek; and
26

27 WHEREAS, funds are available from the Pacific Coast Salmon Recovery Fund (PCSRF) for a
28 purchase of the water right; and
29

30 WHEREAS, the Knapp Creek transaction is in the public interest and is consistent with the State
31 Water Plan; and
32

33 NOW, THEREFORE BE IT RESOLVED that the IWRB hereby agrees to purchase the assignment of
34 Water Right 77-4207 for seven hundred seventy-five thousand, three hundred twenty-two dollars
35 (\$775,322.00) contingent upon the IWRB and the Water Right Owner executing a written agreement
36 governing the rights and responsibilities of the parties resulting from the assignment of the water right.
37

38 NOW, THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that
39 the IWRB receives the requested funding from the PCSRF in an amount of seven hundred seventy-five
40 thousand, three hundred twenty-two dollars (\$775,322.00).

DATED this 18th day of May, 2018.



ROGER W. CHASE, Chairman
Idaho Water Resource Board

ATTEST



VINCE ALBERDI, Secretary



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

January 23, 2019

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST PO BOX 83720
BOISE ID 83720-0098

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 77-4207, AGREEMENT 273**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 318.0 acre-feet of water for minimum stream flow use. 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.

The renter intends to become the lessor of water right 77-4207 through the execution of this rental agreement and intends to rent the water right without compensation.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


Water Supply Bank

Enclosure: Rental Agreement (copy)

c: Sascha Marston – Fiscal
Nick Miller – IDWR Western Regional Office
Amy Cassel - IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 17, 2018

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST PO BOX 83720
BOISE ID 83720-0098

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 77-4207, AGREEMENT 273**

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

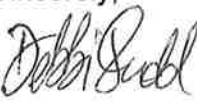
Dear Applicant:

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.

The renter intends to become the lessor of water right 77-4207 through the execution of this rental agreement and intends to rent the water right without compensation.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


Deborah Seidl
Water Supply Bank

Enclosure

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 11/22/2018 INVOICE NO. 148378
Account No. 446640
Description 148378 NOTICE O
Times 2 Lines 46
Tab. lines \$ 65.55
PO# Jean Hersley

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT OF WATER RESOURCES
322 EAST FRONT STREET, 6TH FLOOR
BOISE ID 83702

RB 55113 +

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**NOTICE OF PROPOSED
RENTAL FROM WATER
SUPPLY BANK**

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) <http://adminrules.idaho.gov/rules/current/37/0203.pdf> that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210). Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before 12/03/18. For more information, visit www.idwr.idaho.gov/water-supply-bank. Gary Spackman, Director
Published on November 15 & 22, 2018

AFFIDAVIT OF PUBLICATION

Julie L. Winters, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 148378 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 11/15 or once a Week for 2 consecutive Week, the first publication thereof being on the 11/15/2018, and the last publication thereof being on the 11/22/2018, and said 148378 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

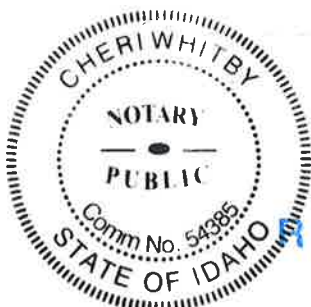
Julie L. Winters
State of Idaho
S.S.

County of Nez Perce

On this 28th day of NOV in the year of 2018, before me, a Notary Public, personally appeared Julie L. Winters, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Cheri Whitby
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 4/17/24

DEPARTMENT OF
WATER RESOURCES



RECEIVED

DEC 04 2018

FISCAL

RECEIVED
DEC 06 2018

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

DEC 03 2018

DEPARTMENT OF
WATER RESOURCES

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
321081	0003946771	CORRECTION NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK	CORRECTION	\$61.28	1	43

Attention:

IDAHO DEPT OF WATER RESOURCES - STATE OFFICE
PO BOX 83720
BOISE, ID 837200098

CORRECTION NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210). Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before 12/03/18. For more information, visit www.idwr.idaho.gov/water-supply-bank. Gary Spackman, Director
Published on November 15 & 22, 2018

0003946771-01

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 11/15/2018

Ending issue of: 11/22/2018

Sylvia Reed
(Legals Clerk)

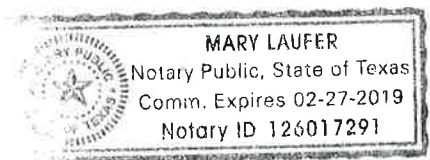
STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 26th day of November in the year of 2018 before me, a Notary Public, personally appeared before me known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sylvia Reed



**** Proof of Publication ****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES UIC

Jean Hersley

PO BOX 83720

BOISE ID 83720

ORDER NUMBER 77054

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF TWIN FALLS)

On this 23 day of NOV in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King

Notary Public FOR Idaho

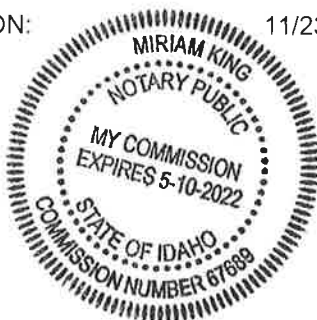
Residing at: Twin Falls, Idaho

My Commission expires: 5.10.22

PUBLISHED ON: 11/15/2018, 11/22/2018

TOTAL AD COST: 70.11

FILED ON: 11/23/2018



**CORRECTION
NOTICE OF PROPOSED RENTAL FROM
WATER SUPPLY BANK**

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210). Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before 12/03/18. For more information, visit www.idwr.idaho.gov/water-supply-bank. Gary Spackman, Director
Published on November 15 & 22, 2018

RECEIVED

DEC 03 2018

**DEPARTMENT OF
WATER RESOURCES**

Proof of Publication The Post Register

RECEIVED
NOV 28 2018
DEPARTMENT OF
WATER RESOURCES

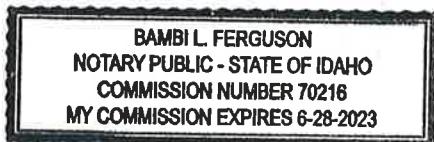
State of Idaho
County of Bonneville

I, Dawn Giannini or ~~Taylor Winger~~, first being duly sworn, depose and say: That I am the Classified Manager, or ~~Legal Notice Representative~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **123063** for **2** consecutive (days) weeks, between **11/15/2018** and **11/22/2018**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Dawn Giannini

Subscribed and sworn to before me, this 22nd day of November 2018



Bambi Ferguson
Notary Public
My commission expires: 06/28/2023

attached jurat

RECEIVED
NOV 28 2018
FISCAL

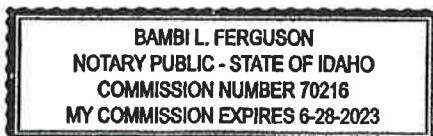
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 22nd day of November 2018, before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or ~~Taylor Winger~~, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Bambi Ferguson
Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

RECEIVED
NOV 15 2018
DEPARTMENT OF
WATER RESOURCES

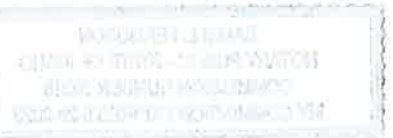
**CORRECTION
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WATER SUPPLY BANK**

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Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before 12/03/18. For more information, visit www.idwr.idaho.gov/water-supply-bank.

Gary Spackman, Director

**Published: November 15 and 22, 2018
(123063)**



AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, James M. Smirch, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 1 consecutive weeks, commencing with the issue dated November 2^{1st} 2018 and ending with the issue dated November 2^{1st} 2018

James M. Smirch

STATE OF IDAHO

COUNTY OF CUSTER

On this 22nd day of November in the year of 2018, before me, a Notary Public, personally appeared James Smirch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that (s)he executed the same.

Veronica M. Weisbeck
Notary Public of Idaho
Residing at Challis, Idaho
My commission expires 11/9/21



**CORRECTION
NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK**

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83720-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRBs minimum stream flow water right on Marsh Creek (water right 77-14210).

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Gary Spackman, Director

Published: November 15 and 21, 2018 (123276)

RECEIVED

NOV 28 2018

DEPARTMENT OF
WATER RESOURCES

RECEIVED
NOV 28 2018
FISCAL

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, James M. Smirch representing the Challis Messenger, a weekly newspaper, published ad Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated November 15th 2018 and ending with the issue dated November 15th 2018

James M. Smirch

CORRECTION
NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRBs minimum stream flow water right on Marsh Creek (water right 77-14210).

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Gary Spackman, Director
Published: November 15 and 22, 2018 (123276)

STATE OF IDAHO

COUNTY OF CUSTER

On this 22nd day of November in the year of 2018, before me, a Notary Public, personally appeared James Smirch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that (s)he executed the same.

Veronica M. Weisbeck
Notary Public of Idaho
Residing at Challis, Idaho
My commission expires 11/9/21



RECEIVED
NOV 28 2018
DEPARTMENT OF
WATER RESOURCES

RECEIVED
NOV 28 2018
FISCAL

November 8, 2018

Legal Notice Department

Challis Messenger

PO Box 405

Challis ID 83226

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 3, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

CORRECTION

NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK

Notice is hereby given pursuant to [IDAPA Rule 37.02.03.030.02 \(Water Supply Bank Rule 30.02\)](#) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210).

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Gary Spackman, Director

Published on November 15 & 22, 2018

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 08, 2018 8:40 AM
To: 'LEGALNOTICES@POSTREGISTER.COM'
Subject: Correction Legal Notice for Water Supply Bank Rental

November 8, 2018

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 3, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

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Gary Spackman, Director

Published on November 15 & 22, 2018

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 08, 2018 8:41 AM
To: 'LEGALS@LMTRIBUNE.COM'
Subject: Correction Legal Notice for Water Supply Bank Rental

November 8, 2018

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

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Gary Spackman, Director

Published on November 15 & 22, 2018

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 08, 2018 8:41 AM
To: 'LEGALS@MAGICVALLEY.COM'
Subject: Correction Legal Notice for Water Supply Bank Rental

November 8, 2018

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

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Gary Spackman, Director

Published on November 15 & 22, 2018

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 08, 2018 8:42 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Correction Legal Notice for Water Supply Bank Rental

November 8, 2018

RE: Legal Ad for your paper

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Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

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Gary Spackman, Director

Published on November 15 & 22, 2018

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 08, 2018 8:42 AM
To: 'INFO@CHALLISMESSANGER.COM'
Subject: Correction Legal Notice for Water Supply Bank

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-879-5276 Page 1

November 8, 2018

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 3, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

CORRECTION

NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 77-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210). Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before 12/03/18. For more information, visit www.idwr.idaho.gov/water-supply-bank.

Gary Spackman, Director

Published on November 15 & 22, 2018

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES UIC

Jean Hersley
PO BOX 83720
BOISE ID 83720

ORDER NUMBER 74933

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 11 day of Oct in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

PUBLISHED ON: 10/04/2018, 10/11/2018

TOTAL AD COST: 67.20

FILED ON: 10/11/2018



**NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK**

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 74-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210).
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GARY SPACKMAN, Director
PUBLISH: October 4 and 11, 2018

10-25-18

RECEIVED
OCT 15 2018
DEPARTMENT OF
WATER RESOURCES

Proof of Publication The Post Register

RECEIVED

OCT 15 2018

DEPARTMENT OF
WATER RESOURCES

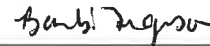
State of Idaho
County of Bonneville

I, Dawn Giannini or ~~Staci Dockery~~, first being duly sworn, depose and say: That I am the Classified Manager, or Legal Notice Representative of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **116992** for **2** consecutive (days) weeks, between **10/04/2018** and **10/11/2018**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 11th day of October 2018



Notary Public

My commission expires: 06/28/2022

_____ attached jurat _____

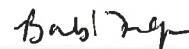
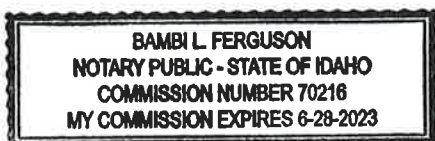
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 11th day of October 2018, before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or ~~Staci Dockery~~, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for The Post Company

Residing: Idaho Falls, Idaho

Commission expires: 06/28/2022

RECEIVED
OCT 18 2018
DEPARTMENT OF
WATER RESOURCES

**NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK**

Notice is hereby given pursuant to **IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02)** that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 74-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210).

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GARY SPACKMAN, Director

Published: October 4, and 11, 2018 (116992)

Q
gmt
10-25-18



AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, James M. Smirch, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated October 4th 2018 and ending with the issue dated October 11th 2018

James M. Smirch

**NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK**

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GARY SPACKMAN, Director

Published: October 4 and 11, 2018

(116461)

STATE OF IDAHO

COUNTY OF CUSTER

On this 11th day of October in the year of 2018, before me, a Notary Public, personally appeared James Smirch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that (s)he executed the same.

RECEIVED
OCT 19 2018
DEPARTMENT OF
WATER RESOURCES

gmk
10-19-18

Veronica M. Weisbeck
Notary Public of Idaho
Residing at Challis, Idaho
My commission expires 1/9/21



TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT OF WATER RESOURCES
322 EAST FRONT STREET, 6TH FLOOR
BOISE ID 83702

Date: 10/11/2018 INVOICE NO. 147424
Account No. 446640
Description 147424 NOTICE O
Times 2 Lines 42
Tab. lines

RECEIVED
OCT 18 2018
**DEPARTMENT OF
WATER RESOURCES**

PO# Jean Hersley

\$ 59.85

PC#
55113

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION
**NOTICE OF PROPOSED
RENTAL FROM WATER
SUPPLY BANK**

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board (IWRB), PO BOX 83720, Boise, ID, 83702-0098, filed an application on August 23, 2018 (Water Supply Bank Rental Application No. 1152), to rent Water Right No(s). 74-4207 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 7.45 cfs from Knapp Creek for maintenance of the IWRB's minimum stream flow water right on Marsh Creek (water right 77-14210).

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GARY SPACKMAN, Published on 10/4/2018
Director and 10/11/2018

Julie L. Winters
10-19-18
Julie L. Winters, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 147424 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune.

2 time(s). Publication being on 10/04, or once a Week for 2 consecutive Week, the first publication thereof being on the 10/04/2018, and the last publication thereof being on the 10/11/2018, and said 147424 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Julie L. Winters

State of Idaho

S.S.

County of Nez Perce

On this 12th day of Oct in the year of 2018, before me, a Notary Public, personally appeared Julie L. Winters, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Cheri Whitby

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/17/21



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
321081	0003875460	LEGAL NOTICE NOTICE OF PROPOSED REN	WaterBankRental	\$84.13	1	45

Attention: JEAN HERSLEY

IDAHO DEPT OF WATER RESOURCES - STATE OFFICE

PO BOX 83720

BOISE, ID 837200098

LEGAL NOTICE**NOTICE OF PROPOSED
RENTAL FROM
WATER SUPPLY BANK**

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GARY SPACKMAN, Director

Pub. Oct. 4, 11, 2018

0003875460-01

*Q to pay
10-19-18
Jmr 55113*

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 10/04/2018Ending issue of: 10/11/2018

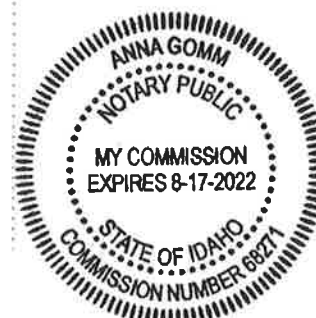
Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 12th day of October in the year of 2018 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 26, 2018 2:47 PM
To: 'INFO@CHALLISMESSSENGER.COM'
Subject: Notice of Proposed Rental
Attachments: NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before October 31, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 26, 2018 2:47 PM
To: 'LEGALS@MAGICVALLEY.COM'
Subject: Notice of Proposed Rental
Attachments: NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK.docx

Dear LEGAL NOTICE DEPARTMENT:

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Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 26, 2018 2:47 PM
To: 'LEGALS@LMTRIBUNE.COM'
Subject: Notice of Proposed Rental
Attachments: NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before October 31, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 26, 2018 2:47 PM
To: 'LEGALNOTICES@POSTREGISTER.COM'
Subject: Notice of Proposed Rental
Attachments: NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK.docx

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Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 26, 2018 2:47 PM
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Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Buyer, Remington

From: Miller, Nick
Sent: Friday, August 24, 2018 5:38 PM
To: Buyer, Remington
Cc: Webster, Clay
Subject: RE: IWRB MSF Rental

I have no concerns with the proposal.

From: Buyer, Remington
Sent: Friday, August 24, 2018 2:15 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: IWRB MSF Rental

Nick,

The IWRB is renting a water right to their MSF on Marsh Creek, a tributary to the Middle Fork of the Salmon River, in Valley County. This location and water right being within Western Region, I'm reaching out to you for any comments, questions or concerns you might have with this rental.

Please advise, and thanks,

Remington

From: Cassel, Amy
Sent: Friday, August 24, 2018 2:15 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Knapp Creek rental application

Hi Remington,

Yes, the requested Season of Use for the rental is July 1 through September 30. And we also request that the application be processed as soon as possible.

Thanks,

Amy Cassel
Program Manager, Water Transaction Program
Idaho Department of Water Resources
102 S. Warpath
Salmon, ID 83467
O: (208) 742-0656
C: (208) 577-1565

From: Buyer, Remington
Sent: Friday, August 24, 2018 1:40 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: RE: Marsh Creek Rental

OK, final question,

You stated in question 3C that you want a rental for 3 three years, and in perpetuity. I'm going to set this up similar to Goat/Meadow Creeks, where we do a permanent rental, subject to re-review every 100 years. Or do you actually only want a three year rental?

From: Buyer, Remington
Sent: Friday, August 24, 2018 1:38 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: RE: Marsh Creek Rental

Whoops, I forgot to apply the conversion factor to those acre feet values below.

Allow me to restate the question, would you like:

1.73 af/day ($1.73 / 1.9835 = 0.87$ cfs average daily flow throughout the entire summer), or
3.46 af/day ($3.46 / 1.9835 = 1.74$ cfs average daily flow July 1 through Sept 30)?

From: Buyer, Remington
Sent: Friday, August 24, 2018 1:30 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: Marsh Creek Rental

Amy,

I'm working on your Marsh Creek rental agreement this afternoon and need your help to determine what maximum daily flow rate you want rented during the irrigation season of use.

The consumptive use volume associated with irrigating the 159 acres under 77-4207 is 318 af and the right authorizes irrigation being May 1 through Oct 31 (184 days).

Taking the C/U volume and spreading it out evenly across the irrigation SOU provides for 1.73 cfs/day, however on question 3I of the rental application, you indicated you wanted diversions for instream flow specifically between July 1 through Sept 30 (92 days), which would work out to 3.46 cfs/day.

Can you please confirm that you want the rental agreement for a SOU of just July 1 through Sept 30, or would you rather have the rental spread out throughout the summer?

Thanks,

Remington

Memorandum

To: Water Rights 77-4207

From: Remington Buyer

Date: August 24, 2018

Re: Water Supply Bank Rental Application 1152

Purpose/Narrative: Application received August 23, 2018, from the Idaho Water Resource Board (IWRB; Board), requesting to rent water right 77-4207. Water right 77-4207 authorizes diversions of surface water from Knapp Creek, a tributary of Marsh Creek, for the irrigation of 159.0 acres of land in Custer County, approximately 15 miles northwest of Stanley. The purpose of this rental is to maintain stream flows in Knapp Creek and Marsh Creek, for the benefit of Endangered Species Act (ESA) listed Chinook salmon, which will be accomplished by securing a rental of water right 77-4207 to the IWRB's minimum streamflow (MSF) water right (77-14210), situated at the confluence of Marsh Creek and Bear Valley Creek.

Authority to File: Application is signed and submitted by Brian Patton, Executive Officer of the IWRB. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 77-4207 is leased to the Bank and valid. The IWRB's MSF water right 77-14210 is also valid. No concerns about water right validity or forfeiture.

Injury Evaluation: Water right 77-4207 is leased to the Bank and available for rental. The nature of use of this rental (stream flow maintenance) is non-consumptive and no injury is anticipated via this rental.

Enlargement of Use: This rental involves a change in nature of use from irrigation to streamflow maintenance. To avoid enlargement, only the consumptive use extent of the irrigation use will be dedicated to instream flows.

Local Public Interest: Staff are unaware of any public interests opposed to this rental and it is presumed the rental purposes are aligned with local public interests.

Beneficial Use/Conservation of Water Resources: IWRB MSF water rights are sanctioned beneficial uses of water and when IWRB MSF water rights are not met, it can be considered a beneficial use of water to rent water rights from the Water Supply Bank, to help satisfy unmet MSF water rights. A provision on the partial decree for MSF water right 77-14120 (the right being supplemented by this rental) precisely affirms this.

The purpose of use section of the partial decree for water right 77-14120 further holds that this instream flow right is "to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality, and is equivalent to the unimpaired monthly 30 percent exceedance flows" while the place of use for water right 77-14120 is established as "the reach above the quantification point."

Presently there are no stream gages at the quantification point for water right 77-14120 and there is no way to be certain whether minimum streamflows are or are not being met. There is a stream gage downstream of the quantification point, on the Middle Fork of the Salmon River, at Middle Fork Lodge, however a review of USGS stream gage data from January 1, 2000 through to the present does not indicate there has been a single day when the average daily flow dropped below the established monthly average daily MSFs established under water right 77-14120.

However, notwithstanding the fact that it cannot be proven whether actual minimum stream flow rates are presently sufficient at the quantification point, it can be established that the rental of water right 77-4207 to the quantification point for MSF water right 77-14120 will keep water instream, in Knapp Creek and Marsh Creek, upstream of the quantification point for water right 77-14120, which will preserve fish and wildlife, scenic and recreational values and protect and enhance water quality. Viewed this way, the use of rental water will supplement sanctioned beneficial uses of water under water right 77-14120 and is consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: There is no water district established for basin 77, however the lease and rental places of use are within the boundaries of IDWR's Western Region and comments will be requested from Western Region staff.

Water Supply Bank Evaluation: Subject to no adverse comments from regional staff, it is recommended this rental be approved.