

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 05 2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 186

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

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)
71-10966	5/1/1902	GOAT CREEK	0.790	Not Stated	140.10
71-10969	5/1/1902	GOAT CREEK	0.860	Not Stated	140.10
71-10970	6/1/1902	GOAT CREEK	1.430	Not Stated	140.10
71-10971	8/1/1902	GOAT CREEK	2.300	Not Stated	140.10
Combined Limit Totals			5.380	Not Stated	140.10
71-10964	5/1/1910	MEADOW CREEK	1.440	Not Stated	156.10
71-10967	5/1/1910	MEADOW CREEK	0.450	Not Stated	156.10
71-10965	7/1/1910	MEADOW CREEK	2.880	Not Stated	156.10
71-10968	7/1/1910	MEADOW CREEK	1.800	Not Stated	156.10
Combined Limit Totals			6.570	Not Stated	156.10
Combined Rental Totals			11.950	Not Stated	278.90

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect indefinitely. The term of rental for this agreement shall be subject to review and reaffirmation every 100 years, with the first review possible after December 31, 2116.

Annual Rental Fee: Subject to a resolution of the Idaho Water Resource Board dated May 19, 2017, there shall be a single rental payment of one thousand, four hundred, thirty five dollars and fifteen cents (\$1,435.15) to cover administrative fees associated with administration of this rental agreement. No rental payments will be disbursed to the water right lessor.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MINIMUM STREAM FLOW	3.060	557.80

** The authorized water usage reflects a diversion volume limited to the total estimated consumptive use volume associated with the irrigation of 278.9 acres at a consumptive use rate of 2.00 afa/acre. The authorized diversion rate is the maximum continuous diversion rate possible under this rental and it reflects the maximum annual rental diversion volume, applied continuously throughout the rental season of use (92 days) from July 1 through September 30.*

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 71-10964

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

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:


Signature of Renter
for the Idaho Water Resource Board
Brian Patton

9/5/17
Date

Printed Name

EXEC. OFFICER
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 9/6/2017

Rental approved by IDWR 

Date 9-6-2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 186

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

MEADOW CREEK	SWSE	Sec. 4, Twp 10N, Rge 13E,	CUSTER County
GOAT CREEK	SWSE	Sec. 4, Twp 10N, Rge 13E,	CUSTER County

Beneficial Use	Diversion Rate	Volume
MINIMUM STREAM FLOW	3.060 CFS	557.80 AF

SEASON OF USE

Water Right No.	From	To	Diversion Rate
71-10964	7/1	9/31	1.440 CFS
71-10965	7/1	9/31	2.880 CFS
71-10966	7/1	9/31	0.790 CFS
71-10967	7/1	9/31	0.450 CFS
71-10968	7/1	9/31	1.800 CFS
71-10969	7/1	9/31	0.860 CFS
71-10970	7/1	9/31	1.430 CFS
71-10971	7/1	9/31	2.300 CFS

RENTERS PLACE OF USE: MINIMUM STREAM FLOW

The place of use for this rental is the reach above the points of diversion listed above.

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. The maximum continuous diversion rate for this rental is limited to 3.06 cfs between the period of July 1 through September 30, which provides a maximum daily diversion volume of 6.1 af and a maximum annual diversion volume of 557.8 af for the 92 day authorized season of use for this rental. The 3.06 cfs diversion rate reflects additive flow rates of 1.54 cfs from Goat Creek water rights and 1.52 cfs from Meadow Creek water rights.

9. Use of water under these rights is 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. 170 (Upper Salmon River Basin) and Water Subdistrict 71 (Stanley Area).
10. The term of lease for this rental agreement shall be indefinite, however the rental may be reviewed every 100 years, with the first review commencing after December 31, 2116.
11. The term of this rental is subject to an August 15, 2017 purchase and sale agreement from Western Rivers Conservancy to the Idaho Water Resource Board. If the purchase and sale transaction is not completed prior to March 31, 2018, Western Rivers Conservancy may request that this rental agreement be terminated so that their water rights may be released from the Water Supply Bank.
12. This extent of the beneficial use of water authorized under this rental is limited to the amount necessary to maintain minimum stream flows on Goat and Meadow Creeks. Upon finding and order of the Director, the renter may be required to install and maintain gaging stations on Goat and Meadow Creeks to ensure measurement and maintenance of the relevant minimum stream flows.



Idaho Water Resource Board

Water Supply Bank Rental Agreement

This map depicts the **points of diversion** upstream of which is the **rental place of use** and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Townships
- PLS Sections



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

JUL 10 2017

IDAHO WATER
RESOURCE BOARDApplicant Name: Idaho Water Resource Board (IWRB)

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)

71-10964	71-10966	71-10968	71-10970
71-10965	71-10967	71-10969	71-10971

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 rights on Goat Creek and Meadow Creek Nos. 71-10895 and 71-10894. The rental to the MSF is intended to increase natural flow to improve habitat for ESA-listed Chinook salmon and steelhead. See further documentation labeled Attachment 3A.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
11.95 CFS	AF	CFS	557.8 AF	278.9 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?	
7/1/2017	8/1/2017	☐ 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 19th, 2017.**

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 rights on Goat and Meadow 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	Goat Creek	See Attachment A for full list
check structure	Meadow Creek	71-14, 71-15, 71-17, 71-18, 71-10960, 71-10961,
		71-10962, 71-10963

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: in-stream flow from: 5/1 (mm/dd) to: 10/31 (mm/dd)

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

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

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 Goat and Meadow Creek. Although little flow data exists, it is generally understood that the MSF is not met throughout the irrigation season.

**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)
71-10964	irrigation	1.44	468.3	156.1		1.44	312.20	278.9
71-10965	irrigation	2.88	468.3	156.1		2.88	312.20	278.9
71-10966	irrigation	0.79	420.3	140.1		0.79	280.2	278.9
71-10967	irrigation	0.45	468.3	156.1		0.45	312.20	278.9
71-10968	irrigation	1.8	468.3	156.1		1.8	312.20	278.9
71-10969	irrigation	0.86	420.3	140.1		0.86	280.2	278.9
71-10970	irrigation	1.43	420.3	140.1		1.43	280.2	278.9
71-10971	irrigation	2.3	420.3	140.1		2.3	280.2	278.9
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	11.95	557.8	278.9
						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 PODs and deliver the standard consumptive use volume of 2.0 AF/Acre to the Goat Creek and Meadow Creek MSF's.

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



Signature of Representative

IDAHO WATER
RESOURCE BOARD

Printed Name of Applicant

BRIAN PATTON

Printed Name of Representative

Date

7/10/2017

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 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.

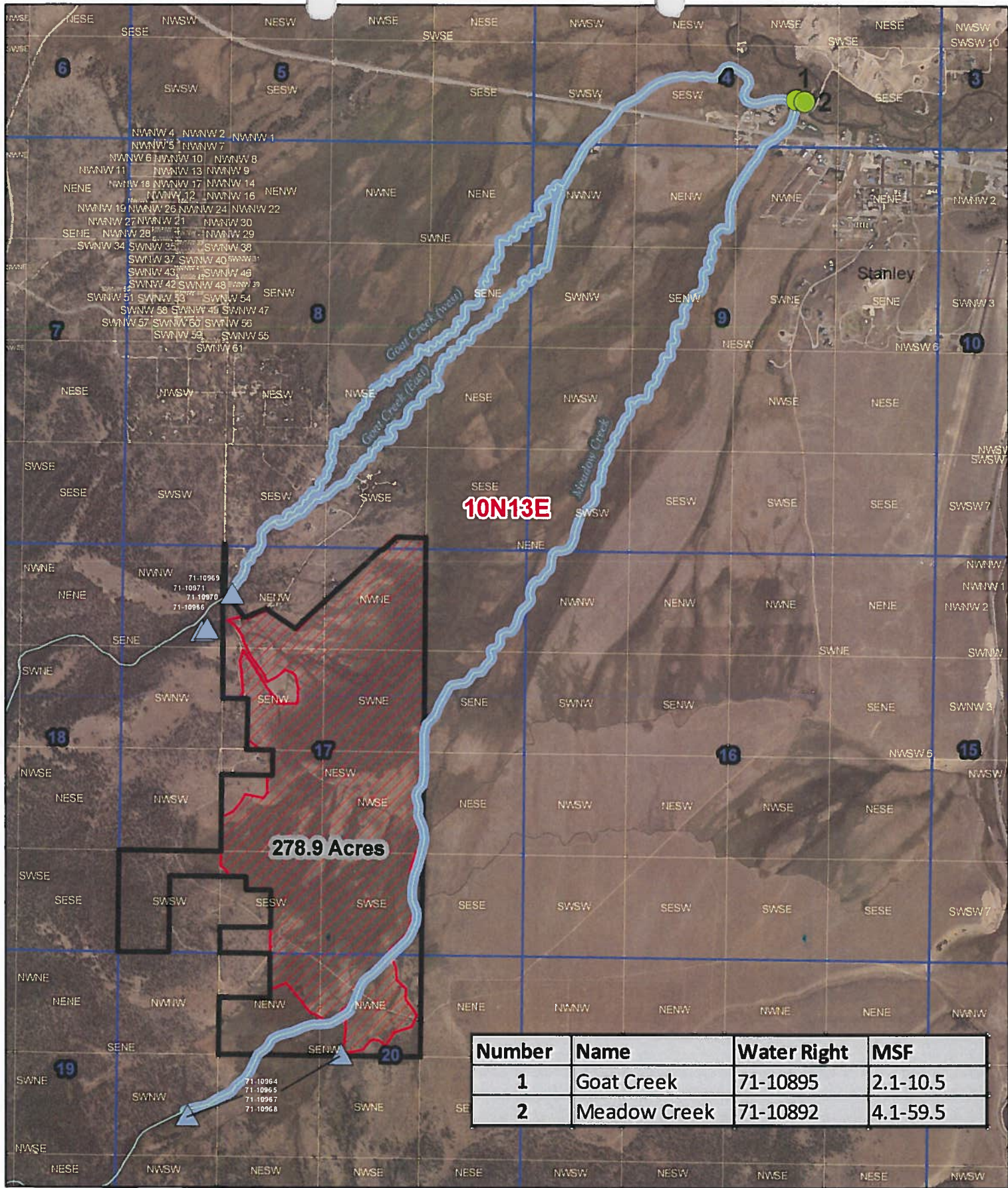
Modeling situations may include:

- 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 0.125 0.25 0.5 0.75 1 Miles

Map Date: 7/5/2017

Imagery: 2015 NAIP

- WRC_POD
- MSF_Instream_POU
- WRC_property
- Water Right POU
- MeadowCreek
- GoatCreek
- Instream POU
- Township/Range
- Sections
- QQ

Attachment 3A

Memorandum

To: Water Supply Bank
From: Amy Cassel
Date: July 6, 2017
Re: Meadow Creek flow measurement



On June 5, 2017, I took a flow measurement on Meadow Creek at LATITUDE 44.187301 LONGITUDE -114.964388. Discharge at this location was 20.96 cfs. This location was upstream of two active diversions that can divert a total of 8.39 cfs. While those two diversions were actively diverting on June 5, 2017, the exact amount of water diverted is unknown.

The Minimum Stream Flow on Meadow Creek (71-10894) for June is 24.5 cfs. Only in the absence of any active diversions downstream and with significant return flows that are not documented to date, the Minimum Stream Flow would not be met. Given that 2017 has been an exceptionally high water year with snowpack in the Sawtooth Valley at nearly 200% of normal by May 1, 2017 (the onset of the irrigation season), the natural hydrograph in Meadow Creek on June 5, 2017 did not supply sufficient water to meet the MSF.



MEMO

Sawtooth National Recreation Area

Sawtooth National Forest

To: Amy Cassel Dept/Agency: IDWR, Salmon

From: Mark Moulton Date: July 10, 2017

Subject: Perspective regarding the traditional flow impairment of Goat and Meadow Creeks

You have requested my knowledge and perspective regarding the traditional impairment of summer flows at the mouths of Goat and Meadow Creeks near Stanley Idaho. I have found no measurements of flow in these particular reaches in our records, however I have had many opportunities to observe them qualitatively at their crossings under Highway 21 since I began my position with the Sawtooth National Recreation Area in 1991. On a few occasions I have also had the opportunity to observe and photograph these reaches on site. Using professional knowledge and resources at hand, I have provided below my brief perspective of their impairment relative to the established minimum stream flows (MSF) administered by IDWR.

I have assumed no impairment during the non-irrigation season (November through April), though some diversions have remained open during these periods in the past. Also, the onset, magnitude, and duration of snowmelt during May, June, and July makes this period the most variable of the annual hydrograph year-to-year. As such, 'impairment' may be more likely during a particular period of these months, but still varies from snowmelt season to season.

Note that in my perspective, the basis for the MSFs may have suffered from the lack of specific hydrologic information when established. Goat Creek is the 'larger' and flashier of the two waterways, and heads primarily in the high granite headwalls of the Sawtooth Mountains. In contrast, the primary source of Meadow Creek is the extensive springs that surface at the base of the moraines southwest of Stanley, Idaho. The MSFs do not reflect these fundamental characteristics. But they are what they are. As such, my brief professional conclusions that follow reflect all these assumptions and limitations.

Goat Creek



Goat Creek downstream of Highway 21, Aug 17, 2012

	Goat MSF	Professional Judgment
Jan	2.3 CFS	officially unimpaired
Feb	2.1 CFS	officially unimpaired
Mar	2.2 CFS	officially unimpaired
Apr	3.8 CFS	officially unimpaired
May	7.4 CFS	not met some days some seasons
Jun	10.5 CFS	not met some days some seasons
Jul	4.5 CFS	not met most days most seasons
Aug	3.0 CFS	not met most days most seasons
Sep	3.0 CFS	not met some days most seasons
Oct	2.8 CFS	not met some days some seasons
Nov	2.8 CFS	officially unimpaired
Dec	2.7 CFS	officially unimpaired

Meadow Creek

Meadow Creek upstream of Highway 21, Aug 27, 2008

	Meadow MSF	Professional Judgment
Jan	4.4 CFS	officially unimpaired
Feb	4.2 CFS	officially unimpaired
Mar	4.3 CFS	officially unimpaired
Apr	7.4 CFS	officially unimpaired
May	18.8 CFS	not met most days most seasons
Jun	24.5 CFS	not met most days most seasons
Jul	8.9 CFS	not met most days most seasons
Aug	5.4 CFS	not met most days most seasons
Sep	5.2 CFS	not met most days most seasons
Oct	5.5 CFS	not met most days most seasons
Nov	5.4 CFS	officially unimpaired
Dec	5.3 CFS	officially unimpaired

Please let me know if you have questions.

Mark

Mark Moulton
 Water and Fisheries Program Leader
 Sawtooth National Recreation Area
 5 North Fork Road
 Ketchum, Idaho 83333

Q 3.E.

Goat Creek:

Upper ditch SENWNW S17: 71-6, 71-7, 71-10190, 71-16, 71-19A, 71-20A, 71-21A, 71-10966, 71-10969, 71-10970 and 71-10971

Lower ditch SENWNW S17: 71-6, 71-7, 71-10190, 71-16, 71-19A, 71-20A, 71-21A, 71-19B, 71-20B, 71-21B, 71-4053, 71-10966, 71-10969, 71-10970, and 71-10971.

Ditch at NWNENW S17: 71-6, 71-7, 71-10190, 71-16, 71-19A, 71-20A, 71-21A, 71-19B, 71-20B, 71-21B, 71-4053, 71-4022, 71-10644, 71-7084, 71-10966, 71-10969, 71-10970, and 71-10971.

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF BOARD PURCHASE)	A RESOLUTION TO MAKE
OF WATER RIGHT NOS. 71-10964,)	A FUNDING COMMITMENT
71-10965, 71-10966, 71-10967, 71-10968,)	
71-10969, 71-10970, 71-10971 AND A)	
PORTION OF 71-14, 71-15, 71-17, 71-18)	
FROM WESTERN RIVERS)	
CONSERVANCY)	
_____)	

WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by seasonally disconnected tributaries; and

WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, the Nez Perce Agreement directed the Board to establish minimum streamflow water rights on Goat Creek and Meadow Creek to be met through water right rentals or acquisitions under state law; and

WHEREAS, Goat Creek and Meadow Creek have been identified as high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, and

WHEREAS, it is in the interest of the State of Idaho to reconnect Goat Creek and Meadow Creek to Valley Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and

WHEREAS, Water Right Nos. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971, 71-14, 71-15, 71-17, and 71-18 have been historically diverted from Goat Creek and Meadow Creek for irrigation purposes; and

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

WHEREAS, the Water Right owners desire to sell to the Board all their legal interests in Water Right Nos. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971 and a portion of their legal interests in Water Right Nos. 71-14, 71-15, 71-17, and 71-18 appurtenant to 281.4 acres, so that the water may remain in Meadow Creek and Goat Creek to enhance fish habitat; and

WHEREAS, upon acquisition Water Right Nos. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971 and a portion of Water Right Nos. 71-14, 71-15, 71-17, and 71-18 may be leased into the Idaho Water Supply Bank and rented out through the Idaho Water Supply Bank for permanent delivery to minimum stream flow Water Right No. 71-10894 on Meadow Creek and 71-10895 on Goat Creek; and

WHEREAS, funds are available from the Bonneville Power Administration through the Columbia Basin Water Transaction Program for a purchase of water rights and permanent rental; and

WHEREAS, the Goat Creek and Meadow Creek transaction is in the public interest and is consistent with the State Water Plan; and

NOW THEREFORE, BE IT RESOLVED that the Idaho Water Resource Board hereby agrees to purchase the assignment of Water Rights 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971 and a portion of 71-14, 71-15, 71-17, and 71-18 for nine hundred twenty-nine thousand, seven hundred forty-five dollars and sixty cents (\$929,745.60) contingent upon the Board and Water Right Owners executing a written agreement governing the rights and responsibilities of the parties resulting from the assignment of the water right; and

NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB authorizes the Chairman, or his assigns, to pay a one-time permanent rental fee of one thousand four hundred thirty-five dollars and fifteen cents (\$1435.15); and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition that the IWRB receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transaction Program in an amount of nine hundred thirty-one thousand, one hundred eighty dollars and seventy-five cents (\$931,180.75).

DATED this 19th day of May, 2017.



ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST:



Vince Alberdi, Secretary
Idaho Water Resource Board

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE GOAT	)	A RESOLUTION TO MAKE
CREEK AND MEADOW CREEK	)	A FUNDING COMMITMENT
PERMANENT RENTAL WATER	)	
TRANSACTION	)	
_____	)	

WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by seasonally disconnected tributaries; and

WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows; and

WHEREAS, the Nez Perce Agreement directed the Board to establish minimum streamflow water rights on Goat Creek and Meadow Creek to be met through water right rentals or acquisitions under state law; and

WHEREAS, Goat Creek and Meadow Creek have been identified as high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, and

WHEREAS, it is in the interest of the State of Idaho to reconnect Goat Creek and Meadow Creek to Valley Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout fish; and

WHEREAS, upon acquisition the Board anticipates leasing Water Right Nos. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971 and a portion of 71-14, 71-15, 71-17, and 71-18 into the Water Supply Bank and renting the rights out for delivery to minimum stream flow Water Right No. 71-10894 on Meadow Creek and 71-10895 on Goat Creek; and

WHEREAS, a permanent rental will require administration in perpetuity by the Water District 71 Watermaster; and

WHEREAS, an amount of fourteen thousand six hundred twenty dollars (\$14,620) has been proposed to compensate Water District 71 to permanently administer delivery of the rented rights to minimum stream flow Water Right Nos. 71-10894 and 71-10895; and

WHEREAS, funds are available from the Bonneville Power Administration through the Columbia Basin Water Transactions Program; and

WHEREAS, the Goat Creek and Meadow Creek Permanent Rental transaction is in the public interest and consistent with the State Water Plan; and

NOW THEREFORE, BE IT RESOLVED that the Board authorizes the Chairman to lease the purchased Water Right Nos. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, 71-10971 and a portion of 71-14, 71-15, 71-17, and 71-18 into the Water Supply Bank and to permanently rent the rights for delivery to Water Right No. 71-10894 on Meadow Creek and 71-10895

on Goat Creek; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Board authorizes the Chairman to enter into a contract with Water District 71 to permanently administer said rental in the amount of fourteen thousand, six hundred twenty dollars (\$14,620); and

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution is subject to the condition that the Board receives the requested funding from the Bonneville Power Administration through the Columbia Basin Water Transactions Program in the amount of fourteen thousand, six hundred twenty dollars (\$14,620).

DATED this 19th day of May, 2017.


ROGER CHASE, Chairman
Idaho Water Resource Board

ATTEST: 
Vince Alberdi, Secretary
Idaho Water Resource Board

Attachment No. _____, Meeting No. _____
Idaho Water Resource Board



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

September 7, 2017

IDHAO 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 NOS. 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969,
71-10970, and 71-10971**

Dear Renter:

Please find a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 557.80 acre-feet of water for minimum stream flow during 2017. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor.

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

Sincerely,

 Water Supply Bank

Enclosure: Rental Agreement (copy)

c: Corey Skinner – IDWR Southern Regional Office
Morgan V Miller – State Water District No. 71
Cindy Yenter – State Water District No. 170
Amy Cassel - IWRB

Memorandum

To: Water Rights 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970 and 71-10971

From: Remington Buyer

Date: August 24, 2017

Re: Water Supply Bank Rental Application 856 for Agreement 186

Purpose/Narrative: On July 10, 2017, IDWR received applications to lease the above listed water rights into the Water Supply Bank for an indefinite period of time, to facilitate a permanent rental of these water rights to the Idaho Water Resource Board's (IWRB; Board) minimum stream flow (MSF) water rights 71-10894 and 71-10895. This memo summarizes a review of the rental application.

Authority to File: The application has been submitted on behalf of the IWRB by Amy Cassel, Water Transactions Program Manager for the IWRB, and it is signed by Brian Patton, Chief of the IDWR Planning and Projects Bureau. The Board holds title to the MSF water rights being supplemented under this rental. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The Board's MSF water rights are valid as are the water rights being rented. No concerns about water right validity or forfeiture.

Injury Evaluation/Rentability: No injury is evident through the rental of these water rights from the Bank.

Enlargement of Use/Rentability: The water rights being rented authorize irrigation usage at a diversion rate of 3 afa/acre. This rental proposes to change the nature of use for these water rights from irrigation to minimum stream flow. To avoid enlargement, only the consumptive use volume associated with the water rights (2 afa/acre) will be rented.

Local Public Interest: The purpose of this rental is to supplement IWRB MSF water rights that were created in 2005, following an agreement between the State of Idaho and the Nez Perce Tribe ("Nez Perce Agreement"). Documentation provided by Amy Cassel and Mark Moulton as part of the rental application alleges that MSF water rights 71-10894 and 71-10895 are not met all times throughout the year. Pursuant to the objectives and terms of the Nez Perce Agreement, this rental demonstrates a commitment by the State of Idaho to improve fish habitats through improved stream flows in the Salmon River, which is in the local public interest.

Additionally, because this is intended to be a permanent rental, legal notice of this proposed transaction was advertised in all relevant major newspapers in Idaho, including the Idaho Statesman, Magic Valley Times News, Lewiston Tribune, Challis Messenger, and the Idaho Falls Post Register. Two successive circulations were run in all papers and members of the public were provided until August 21, 2017 to provide comments on the transaction. To date no local public interest comments have been received and staff have no reason to consider that this rental is contrary to any local public interests.

Beneficial Use/Conservation of Water Resources: Minimum stream flows are recognized beneficial uses in Idaho, however conservation of water resources requires only the minimum, not the ideal stream flows are to be considered beneficial uses. In light of documentary evidence presented that alleges minimum stream flows are not presently being met, to the extent that water rented under this rental agreement improves or satisfies the IWRB MSF water rights, the use of water under this rental agreement shall constitute a beneficial use and is not contrary to rules and regulations governing conservation of Idaho water resources.

Department/Watermaster Comments: The water rights are subject to administration by Water District 170 – Upper Salmon River Basin, as well as Water District 71 – Stanley Area. Comments were solicited from WD 170 Watermaster Cindy Yenter, along with IDWR Southern Region staff and no concerns were raised. Prior to finalization of this rental agreement, comments will be sought from WD 71 Watermaster Morgan Miller.

Water Supply Bank Evaluation: The Idaho Water Resource Board has by resolution approved for these water rights to be rented into the Bank indefinitely. The rental is acceptable and it is proposed that these water rights should be permanently rented from the Bank, with a review period authorized every 100 years, to accommodate periodic review of this perpetual rental.

Buyer, Remington

From: Yenter, Cindy
Sent: Friday, August 25, 2017 10:37 AM
To: Buyer, Remington
Cc: Cassel, Amy; Clark, Cynthia Bridge; mvm_32_rs@hotmail.com
Subject: RE: Goat-Meadow rental agreement Watermaster Comment

Thanks Remington. The revisions are perfect. I did receive these from you but I was unclear after discussions yesterday if I had the most recent versions so Amy sent them again.

I don't have issue with your revised flow limit calculations or the total of 3.06. I understand how that was derived. What I was concerned about was if, for instance, Goat creek is short of water and could not provide 1.54 cfs, more of the 3.06 would be taken from Meadow Creek users. This could be a potential injury. With the limits in place, this protects the remaining Meadow Ck rights.

Front-loading Goat creek with the flow from all the overlapping acres could be argued but I think I initially suggested that so I'm not going there. ☺ Plus we don't have adequate delivery records to know which creek historically provided the water to the acres.

From: Buyer, Remington
Sent: Friday, August 25, 2017 10:12 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>; Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>; mvm_32_rs@hotmail.com
Subject: RE: Goat-Meadow rental agreement Watermaster Comment

Cindy,

Thanks for your comments. My responses to your comments are below in red—let me know if you have any additional follow up.

Thanks,

Remington
287-4918

From: Yenter, Cindy
Sent: Friday, August 25, 2017 9:03 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>; Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>; mvm_32_rs@hotmail.com
Subject: Goat-Meadow rental agreement Watermaster Comment

Remington – Amy forwarded the revised lease and rental documents to me for review. I emailed you these documents on August 17.

I spotted a typo in the rental document. The summary page and water right details show 3.06 cfs, but the conditions have 3.03 cfs. Good catch, this has been updated.

Amy and I had discussed splitting the available flow between Goat and Meadow Creeks during actual delivery.. However I don't find this detail in the document. 3.06 is based on a combined consumptive use. Since Meadow is tributary to Goat, the total contribution of Meadow Creek to the 3.06 cfs must be limited by the rights leased from that source. The Meadow contribution combined with Goat Ck can total delivery of 3.06 to Valley Creek. This should be specified in the rental document. Agreed. I've updated condition 8 to specify this information and it now reads as follows:

"8. The maximum continuous diversion rate for this rental is limited to 3.06 cfs between the period of July 1 through September 30, which provides a maximum daily diversion volume of 6.1 af and a maximum annual diversion volume of 557.8 af for the 92 day authorized season of use for this rental. The 3.06 cfs diversion rate reflects additive flow rates of 1.54 cfs from Goat Creek water rights and 1.52 cfs from Meadow Creek water rights."

Not including individual flow limits has the potential to cause a disproportional call for flows between the sources, and potential injury to remaining diverted rights. Since the irrigation diversions were limited by both water right rate of flow and availability in each source, so should the allocations to minimum stream flow. I'm not clear on your request, are you suggesting that diversion rates authorized to be rented from both creeks be limited to a maximum of 1.54 cfs and 1.52 cfs?

There is a small acreage overlap in the Goat and Meadow water rights, 17.3 acres if my math is correct. Since we probably don't know which source was used for those acres, it would seem reasonable to split the acres between the sources in order to calculate the individual source rate for Meadow based on consumptive use. I would suggest 8.1 ac Goat, 9.2 ac Meadow based on the proportional split between total water right acres (296.2). My flow calculations based on that split are 1.63 cfs Meadow Creek, 1.43 cfs Goat Creek. The overlapping 17.3 acres could be served by either Goat or Meadow Creek diversions, or a combination. Amy requested that Goat Creek should receive the higher rental rate between the two sources, so I calculated Goat Creek's rental flow from the full 140.1 acres * 2 afa/ac (280.2 afa) / 92 days = 3.0 af/day = 1.54 cfs/day.

The water right condition should read "The maximum continuous diversion rate for this rental is limited to 1.63 cfs from Meadow Creek and 1.43 cfs from Goat Creek, for a total of 3.06 cfs as measured at the confluence of Goat Creek and Valley Creek, between the period of July 1 through September 30....." This is now included in Condition 8, see above.

Shouldn't there also be a condition requiring the renter to install and maintain a staff gage at the confluence of Goat and Valley to monitor minimum flows? Amy may already have this installed, but IDWR typically includes this type of condition on other rights and rentals where streamflows must be monitored. We should be consistent even if this is a Board contract. I thought about this as well...The partial decree for the MSF water rights state "upon order of the Director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director." This rental agreement is not an order, so measurement devices are not being required, however I will reiterate the possibility that future measurement devices may be required by adding the following condition to the rental:

"12. This extent of beneficial use of water authorized under this rental is limited to the amount necessary to maintain minimum stream flows on Goat and Meadow Creeks. Upon finding and order of the Director, the renter may be required to install and maintain gaging stations on Goat and Meadow Creeks to ensure measurement and maintenance of the relevant minimum stream flows."

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

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, August 24, 2017 11:42 AM
To: 'MVM_32_RS@HOTMAIL.COM'
Cc: Cassel, Amy
Subject: Water Supply Bank Lease and Rental
Attachments: Rental Agreement.docx; Rental Review Memo.docx; IWRB Rental.pdf; Lease Contract.docx; Lease Review Memo.docx; Idled Acres.pdf

Morgan,

My apologies for a late communique—the Water Supply Bank is currently finalizing our review of a lease/rental transaction on Goat and Meadow Creeks involving water rights currently held by Western Rivers Conservancy which are being rented by the Idaho Water Resource Board to support minimum streamflows on the two creeks. As Watermaster for Water Sub-District 71, please review the attached documents and advise if you have any comments, questions or concerns.

Thank you,

Remington Buyer

Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

Buyer, Remington

From: Cassel, Amy
Sent: Wednesday, August 23, 2017 5:28 PM
To: Buyer, Remington
Cc: Clark, Cynthia Bridge
Subject: RE: Goat/Meadow Rental Agreement

Remington,

So I conferred with the SNRA fish biologist about the "period of most ecological significance" for Goat and Meadow, and we've concluded July 1 through September 30 (92 days) is when we need the flow delivered to the MSF.

Thanks,
Amy

From: Buyer, Remington
Sent: Wednesday, August 23, 2017 11:21 AM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Cc: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: RE: Goat/Meadow Rental Agreement

Looks good, but what 100 days would you request for the rental season of use? It might be easier (for administration) to structure the rental SOU to be June 1 through August 31 (= 92 days), which would provide a continuous flow of 1.54 cfs to Goat Creek and 1.52 cfs to Meadow Creek, and a combined continuous flow of 3.06 cfs.

A "monthly" refresher:

<u>Month</u>	<u>Days</u>
May	31
June	30
July	31
August	31
Sept	30
Oct	31

Remington
287-4918

From: Cassel, Amy
Sent: Wednesday, August 23, 2017 10:56 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: RE: Goat/Meadow Rental Agreement

Hi Remington,

The irrigation season at this location (6400 feet) is closer to 100 days, so I used that in my calculation. And Goat Creek is more flow limited, so I gave the full acreage to Goat and therefore higher continuous flow rate to Goat MSF. This is what I calculated as a continuous flow rate on each creek for 100 days:

Source	Acres	Days	Continuous flow rate
Goat Creek	140.1	100	1.41
Meadow Creek	138.1	100	1.39

Let me know if you concur.

Thanks,
Amy

From: Buyer, Remington
Sent: Wednesday, August 23, 2017 10:01 AM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Cc: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: RE: Goat/Meadow Rental Agreement

I can certainly reduce the continuous diversion rate authorized for delivery (via rental) to the MSFs, from the maximum rate (11.95) to something less, similar to the rental you emailed yesterday. I just require clarification to the following:

- For what duration of days would you like a continuous diversion rate dedicated to the MSFs?
- Would you prefer a higher continuous diversion rate to the Meadow Creek MSF?

A refresher on the water right elements we are working with:

Source	Div. Rate	Annual Div. Vol	Acres
Goat Creek	5.38 cfs	245.6 ~ 280.2 af	122.8 ~ 140.1 acres
Meadow Creek	6.57 cfs	277.6 ~ 312.2 af	138.8 ~ 156.1 acres
Combined:	11.95 cfs	557.8 af	278.9 acres

If you're looking to dedicate a continuous flow rate to the MSFs for the entire irrigation season (184 days), we could rent in the following ways:

Source	Daily Rate	Daily Vol	Days	Annual Div Vol
Goat Creek	0.67 ~ 0.77 cfs	1.3 ~ 1.5 af	184 days	245.6 ~ 280.2 af
Meadow Creek	0.76 ~ 0.86 cfs	1.5 ~ 1.7 af	184 days	277.6 ~ 312.2 af
Combined:	1.53 cfs	3.03 af	184 days	557.8 af

Remington
287-4918

From: Cassel, Amy
Sent: Tuesday, August 22, 2017 4:41 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: Goat/Meadow Rental Agreement

Remington,

The way the rental agreement currently reads, the diversion rate of the full cfs amount (11.95 cfs) with the consumptive use volume limit of 557.8 AF means the watermaster would only have to deliver water to meet the MSF for 23 days, which defeats the purpose of continuous stream flow for fish. So while the full flow rate would be great for instream purposes, the volume limit would only get us about 23 days of instream flow in the entire irrigation season.

Attached is a 2011 rental agreement Morgan Case put together for a permanent rental in the Lemhi rental pool. I highlighted the conditions of water use that specifically states what the continuous flow rate should be. I think we need to structure the Goat and Meadow Creek rental agreement similarly.

I talked to Cindy about this and she agrees that there should be a condition describing the consumptive use continuous flow rate since this is surface water and not groundwater. Maybe we should have a conference call to discuss further?

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

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 August 3rd 2017 and ending with the issue dated August 10th 2017

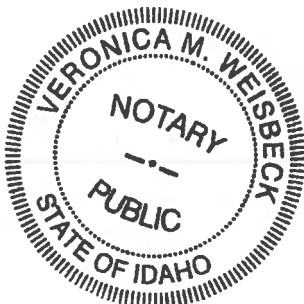
James M. Smirch

STATE OF IDAHO

COUNTY OF CUSTER

On this 10th day of August in the year of 2017, 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 1/9/21



8-18-17

RECEIVED

AUG 18 2017

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 July 10, 2017 (Water Supply Bank Rental Application No. 856), to rent Water Right No(s). 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, and 71-10971 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 6.57 cfs from Meadow Creek for maintenance of the IWRB's minimum stream

flow water right on Meadow Creek (water right 71-10894), as well as the dedication of 5.38 cfs from Goat Creek, for maintenance of the IWRB's minimum stream flow water right on Goat Creek (water right 71-10895), both creeks being tributary to the Salmon River.

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 8/ 21/17. For more information, visit www.idwr.idaho.gov/water-supply-bank.

Published: August 3 and 10, 2017

* 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
PO BOX 83720
BOISE, ID 83720

ORDER NUMBER 51286

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 10 day of August in the year of 2017 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.

Noelle R. Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

NOELLE R. SMITH
Notary Public
State of Idaho

PUBLISHED ON: 08/03/2017, 08/10/2017

TOTAL AD COST: 75.93
FILED ON: 8/10/2017

**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 July 10, 2017 (Water Supply Bank Rental Application No. 856), to rent Water Right No(s). 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, and 71-10971 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 6.57 cfs from Meadow Creek for maintenance of the IWRB's minimum stream flow water right on Meadow Creek (water right 71-10894), as well as the dedication of 5.38 cfs from Goat Creek, for maintenance of the IWRB's minimum stream flow water right on Goat Creek (water right 71-10895), both creeks being tributary to the Salmon River. 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 8/21/17. For more information, visit www.idwr.idaho.gov/water-supply-bank.
PUBLISH: August 3 and 10, 2017

agm
8-18-17

RECEIVED

AUG 18 2017

DEPARTMENT OF
WATER RESOURCES

AUG 14 2017

LEGAL PROOF OF PUBLICATION

DEPARTMENT OF
WATER RESOURCES

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
321081	0003204012	LEGAL NOTICE NOTICE OF PROPOSED REN	WaterRental	\$98.38	1	55

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**

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 July 10, 2017 (Water Supply Bank Rental Application No. 856), to rent Water Right No(s). 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, and 71-10971 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 6.57 cfs from Meadow Creek for maintenance of the IWRB's minimum stream flow water right on Meadow Creek (water right 71-10894), as well as the dedication of 5.38 cfs from Goat Creek, for maintenance of the IWRB's minimum stream flow water right on Goat Creek (water right 71-10895), both creeks being tributary to the Salmon River.

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Pub. Aug. 3, 10, 2017
0003204012-01

*Q
Jan
8-16-17*

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 Insertions

Beginning issue of: 08/03/2017

Ending issue of: 08/10/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

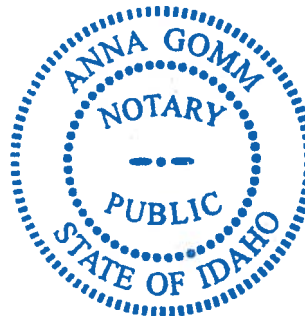
.SS

COUNTY OF ADA)

On this 11th day of August in the year of 2017 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.

Anna Gomm
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 08/17/2022



Proof of Publication The Post Register

RECEIVED

AUG 14 2017

DEPARTMENT OF
WATER RESOURCES

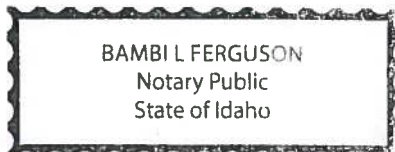
State of Idaho
County of Bonneville

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 6 days, Tuesday-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 consolidation, 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 for 2 consecutive (days) weeks, first publication having been made on the 3rd day of AUGUST 2017 last publication having been made on the 10th day of AUGUST 2017, 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.

Staci Dockery

Subscribed and sworn to before me, this 10th day of AUGUST 2017



Bambury
Notary Public
My commission expires: 6/28/2023

attached jurat

STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

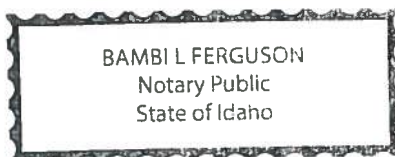
RECEIVED

AUG 14 2017

On this 10th day of AUGUST 2017, 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 first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

COCTS. PAYABLE

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



Bambury
Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 6/28/2023

TRIBUNE PUBLISHING COMPANY, INC

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

Date:	<u>08/10/2017</u>	INVOICE NO.	<u>136771</u>
Account No.	<u>440640</u>		
Description	<u>136771 NOTICE O</u>		
Times	<u>2</u>	Lines	<u>26</u>
		Tab. lines	
		\$	<u>76.05</u>

**LEGAL ADVERTISING
INVOICE**

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

PO#

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.

RECEIVE

AUG 16 2017

DEPARTMENT OF
WATER RESOURCE

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, 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 136771 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 08/03, or once a Week for 2 consecutive Week, the first publication thereof being on the 08/03/2017, and the last publication thereof being on the 08/10/2017, and said 136771 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.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 14th day of August in the year of 2017, before me, a Notary Public, personally appeared Karen J. Lewis, 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.

Carol L. Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 8-1-2023

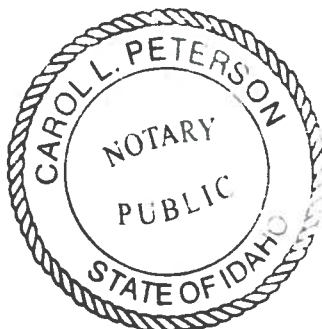
**NOTICE OF PROPOSED RENTAL
FROM WATER SUPPLY BANK**

136771

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 July 10, 2017 (Water Supply Bank Rental Application No. 856), to rent Water Right No(s). 71-10964, 71-10965, 71-10966, 71-10967, 71-10968, 71-10969, 71-10970, and 71-10971 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 6.57 cfs from Meadow Creek for maintenance of the IWRB's minimum stream flow water right on Meadow Creek (water right 71-10894), as well as the dedication of 5.38 cfs from Goat Creek, for maintenance of the IWRB's minimum stream flow water right on Goat Creek (water right 71-10895), both creeks being tributary to the Salmon River.

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Agmt
8-17-17



Buyer, Remington

From: Buyer, Remington
Sent: Thursday, August 17, 2017 5:54 PM
To: Yenter, Cindy; Skinner, Corey
Cc: Skaggs, Pam; Cassel, Amy; Carter, Meghan
Subject: IWRB Lease/Rental
Attachments: Rental Review Memo.docx; IWRB Rental.pdf; Rental Agreement.docx; Lease Contract.docx; Lease Review Memo.docx; Idled Acres.pdf

All,

Attached are draft versions of my review memos for lease contract 666 and rental agreement 186, associated with companion lease/rental applications for water rights 71-10964 through 71-10971.

Note, the comment period for our legal notices remains open through Monday August 21, 2017.

Looking forward to your Water District, Regional, and IDWR programmatic feedback,

Remington
287-4918