



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

June 7, 2017

IDAHO POWER COMPANY
C/O Jon BOWLING
PO BOX 70
BOISE ID 83707

RE: Water Supply Bank Lease Application No. 777 for Water Right 29-8126

Dear Applicant,

Pursuant to Idaho Code 42-1762, the beneficial use of water under a water right must be reduced in order for a portion or all of the water right to be leased into the Water Supply Bank. Departmental review of your proposal to lease into the Water Supply Bank a portion of water right 29-8126 has resulted in the identification of enlargement concerns. Specifically, though water measurement records reveal recent diversions of groundwater from wells associated with water right 29-8126, the portion of diverted groundwater that has historically been consumptively utilized for industrial (cooling) purposes remains unclear. We have previously discussed this matter by phone and it was offered that you could provide the Department with additional information that might establish the consumptive, industrial use of water under this water right. To date, no such additional information has been received.

Therefore, the industrial water use that has historically been consumptively utilized under water right 29-8126 remains unclear, as does your future industrial consumptive use of ground water under this water right. As such, in accordance with IC 42-1762, the Department is denying your request to lease a portion of water right 29-8126 into the Water Supply Bank.

This letter is notice that the Department's review of your application is now concluded and closed. If you have any additional documentation to establish the historic and future beneficial and consumptive industrial use of ground water under water right 29-8126, the Department may reconsider its decision with respect to this lease application. However, the Department requests that you submit any such additional information in the next thirty days. Else, if such information becomes available to you at a later, future date, you may resubmit a new lease application for water right 29-8126.

Regards,

Remington Buyer
Water Supply Bank Coordinator
208-287-4918

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MAR 22 2017

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Idaho Power Company
(Select one owner – see item 1A on the application)

Water Right No. 29-8126
(One water right per application)

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Attachment N/A YES

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

Department Use Only

Fee Amount \$ 250.00

Received By: di

Date Received: 3-22-17

Receipt # C103236

W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

Idaho Power Company

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

1. CONTACT INFORMATION

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

Designated Applicant Idaho Power Company Email Address jbowling@idahopower.com
Mailing Address PO Box 70 Boise, ID 83707 Phone Number (208) 388-2905

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

OR

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

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

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

Name of Representative Jonathon C. Bowling, P.E. Organization _____
Professional Title Engineering Leader Email Address jbowling@idahopower.com
Mailing Address P.O. Box 70 Boise, ID 30707 Phone Number (208) 388-2905

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 29-8126 ☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

There are two wells and two pumps at the Brady Substation that are used to provide cooling water to the electrical equipment on site.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

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

D. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to [Section 42-222\(2\), Idaho Code](#). _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2017 to 2021 (maximum lease period 5 years).
(Year) (Year)

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

Current Rental Rate _____

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant

Printed Name

Date

Jonathan C. Bowling

Jonathan C Bowling

3/14/2017

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name	Idaho Power Co		
Mailing Address	PO Box 70 Boise, ID 83707		
Phone Number	(208) 388-2905		
Email Address	jbowling@idahopower.com		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-8126</u>	<u>0.50 cfs</u>	<u>Cooling</u>	<u>January 1</u> to <u>December 31</u>
			to
			to
			to
			to
			to
Total Amount:		<u>0.50</u>	

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
7S	31E	31		NE	NE		Power
				SE	NE		Power

4. Acres to be idled within the place of use:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres N/A

State of Idaho
Department of Water Resources

Water Right

29-8126

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

31E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



MEMORANDUM

To: Water Supply Bank Rental Application #666
From: Remington Buyer
Date: June 7, 2017
Re: Review of Applications to Lease a Water Right into the State Water Supply Bank

PURPOSE/NARRATIVE: On March 22, 2017, the Department received from Idaho Power an application to lease water right 29-8126 into the Water Supply Bank (Lease Application #777), in conjunction with a rental request submitted by Falls View Cemetery (Rental Application #666). The cemetery is located immediately adjacent an Idaho Power Company (IPCO) substation on the south end of American Falls. Historically, IPCO pumped ground water for industrial purposes to cool electrical equipment at their substation, and industrial water, once utilized, was drained out across the Falls View Cemetery. Falls View Cemetery thus historically irrigated 25 acres of their property using waste water released by IPCO. IPCO recently upgraded their substation equipment and they will no longer be releasing significant volumes of waste water. As such, this lease application was submitted so that a portion of IPCO's water right 29-8126 could be leased into the Bank and made available for rental by Falls View Cemetery.

AUTHORITY TO FILE: The lease application was submitted by Jon Bowling, Engineering Lead at IPCO. No concerns about the authority to file.

WATER RIGHT VALIDITY: WMIS records show water has been pumped from the two wells authorized under water right 29-8126. No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: No injury is apparent through rental alone.

ENLARGEMENT OF USE: An enlargement concern exists with the proposal to lease (and rent) this water right. Pursuant to IC 42-1762, to avoid an enlargement in water user, a water user must partially or fully reduce their beneficial use of water so that some or all of their water right can be leased into the Bank. It is difficult to ascertain historic industrial (cooling) beneficial use under this water right for reasons outlined below.

Historically, IPCO diverted and circulated groundwater through their substation electrical equipment and it is assumed that a small (but presently unknown) amount of the diverted water was consumptively utilized through evaporative cooling practices. Following IPCO's cooling of their substation equipment, a significant amount of the remaining industrial use water was drained out across the property of Falls View Cemetery. However, this waste water has not historically been part of IPCO's consumptive, industrial (cooling) use of water.

IPCO's recent upgrade of their substation equipment has enabled them to divert primarily from one of their two wells (and it has been proposed that Falls View Cemetery could divert ground water out of the now unused well). However, an enlargement in water use will occur if IPCO does not reduce their consumptive, industrial water use under water right 29-8126 while simultaneously proposing that it be rented through the Bank to Falls View Cemetery. As such, the Department initially reach out to IPCO for historic use records and pumping records, to determine if historic, industrial consumptive use of water might be ascertained and evaluated.

IPCO provided the Department with WMIS records revealing historic pumping practices under their water right, however, as already established, the amount historically diverted by IPCO is not equivalent to the amount that has been consumptive used for industrial purposes. Moreover, even if IPCO were able to establish a volume of water that was historically consumptively utilized under water right 29-8126, it remains unclear whether that volume will be reduced through IPCO's upgrade of their substation electrical equipment. Stated differently, it is unclear whether IPCO's upgrade of their substation equipment will actually change their consumptive industrial use of water within their electrical equipment, or whether it will instead simply result in less waste water being released from their equipment, post-industrial use.

Because the Department was unable to establish historic consumptive use volumes directly from pumping records, there were concerns that an enlargement in use might occur if portions of water right 29-8126 were leased into the Bank. Enlargement concerns were further compounded by the knowledge that a change in nature of use was proposed for the proposed lease of a portion of water right 29-8126. Because enlargement concerns could not be overcome with respect to the lease of a portion of this water right, the Department denied lease application 777.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest that the lease application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: As mentioned above, enlargement concerns persist with this lease application due to the Department's inability to establish exactly what beneficial use reduction will occur through future diversions and use of groundwater for industrial (cooling) purposes under water right 29-8126.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental right is subject to Water District # 120 however because the lease is not being approved, comments have not been requested.

WMIS

Water Management Information System

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WMIS Number

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Data Summary

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Report Year	Alternate	FM	PCC	Time Clock
2016		329.71		
2015		598.96		
2014		1309.31		
2013				
2012				
2011				
2010				
2009				
2002	762.0			
2001	712.0			
2000				940.36
1999				940.36
1998				940.36
1997				940.36

needs to verify still valid through pumping records.

or of loss

Change of natural use -
consumptive use - $\frac{1}{2}$ of pumping loss

If non consumptive - no value for irrigation

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Flow Meter Water Usage

You are viewing 200617: A0007735

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2016	0.00	311.05		Information reported by Idaho Power
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	101354112.00	329.71		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	Full Year Estimate	FM	
Factor	1.06			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2015	0.00	565.06		
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	184123296.00	598.96		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	Full Year Estimate	FM	
Factor	1.06			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	0.00	1235.20	1.74	Meter does not have totalizer, but digital records are continuously generated. An annual report was generated from this data and forwarded to IDWR by James Bockenstette (Senior Engineer at Idaho Power).
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	402478200.00	1309.31	1.84	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	No Monthly Recordings FM		
Factor	1.06			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			

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Flow Meter Calibrations

You are viewing 200617: A0007735

Calibration Date/Time:		05/18/2011		Factor:		1.06	
Installed Meter Data:				Standard Meter Data:			
Installed Meter Flow:		839.00		Standard Meter Flow:		886.91	
Rate Unit:		GPM		Rate Unit:		GPM	
Rate Multiplier:		1.0000		Pipe Material:		STEEL	
Volume Multiplier:		1.0000		Outside Diameter (inches):		6.69	
Volume Unit:		GAL		Wall Thickness (inches):		0.26	
Location:				Downstream Distance (feet):		2.00	
Comments:				Upstream Distance (feet):		2.00	
Operator had to read 8 Qmeter readings and total them to come up with a total flow.				Calibration Confidence:		FAIR	
Installed Meter Information:							
Manufacturer:		HERSEY		Installation Date:			
Model Number:				Serial Number:			
Meter Type:		MAGNETIC, FULL PROFILE		Other Well:		200618	

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Data Summary

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Report Year	Alternate	FM	PCC	Time Clock
2016		460.40		
2015		508.72		
2014		0.00		
2011				
2001				
1998				

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WMIS Number

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Flow Meter Water Usage

You are viewing 200618; A0007734

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2016	0.00	434.34		Information reported from Idaho Power.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	189199872.00	460.40		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	Full Year Estimate	FM	
Factor	1.06			
Vol. Multiplier:	0.1000			
Vol. Unit	CF			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2015	0.00	479.92		
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	209051424.00	508.72		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	Full Year Estimate	FM	
Factor	1.06			
Vol. Multiplier:	0.1000			
Vol. Unit	CF			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	0.00	0.00		Meter does not have totalizer, but digital records are continuously generated. An annual report was generated from this data and forwarded to IDWR by James Bockenstette (Senior Engineer at Idaho Power).
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	0.00	0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	5/18/2011 12:00:00 AM	No Flow Measuring Device	FM	
Factor	1.06			
Vol. Multiplier:	0.1000			
Vol. Unit	CF			

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Flow Meter Calibrations

You are viewing 200618, A0007734

Calibration Date/Time:		05/18/2011	Factor:		1.06
Installed Meter Data:					
Installed Meter Flow:	839.00	Standard Meter Data:		Standard Meter Flow:	886.91
Rate Unit:	GPM			Rate Unit:	GPM
Rate Multiplier:	1.0000			Pipe Material:	STEEL
Volume Multiplier:	0.1000			Outside Diameter (inches):	6.69
Volume Unit:	CF			Wall Thickness (inches):	0.26
Location:				Downstream Distance (feet):	2.00
Comments:				Upstream Distance (feet):	2.00
				Calibration Confidence:	FAIR
Installed Meter Information:					
Manufacturer:	HERSEY	Installation Date:		Serial Number:	
Model Number:		Other Well:			
Meter Type:	MAGNETIC, FULL PROFILE				

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MAR 22 2017

**DEPARTMENT OF
WATER RESOURCES**

March 19, 2017

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83720

Subject: Falls View Cemetery Water Rental

Dear Mr. Buyer:

Attached is a pdf of the IPC/Falls View Cemetery Lease/Rental Package.

This is kind of a unique situation, complicated by the fact that Falls Views' source for irrigation water was waste water from the transformer cooling process at the Idaho Power Brady sub-station next door. IPC has upgraded the cooling process and the waste water will no longer be available to irrigate the cemetery. Idaho Power has two wells on-site at the Brady sub-station. Falls View will install their own pump in the well closest to the cemetery and will be using this well exclusively to irrigate the cemetery grounds. Idaho Power will not be using the well dedicated to Falls View, but will preserve the second on-site well for its use as necessary.

With multiple entities and groups involved, it has taken us awhile to work through the details of this cooperative effort. At this point this will be Falls View Cemetery's only option for irrigation water, at least for the foreseeable future. They hope to be able to irrigate as soon this season as weather requires/permits.

Also, as we discussed, Falls View will be instructed to mail Idaho Power's 90 percent of the rental fee directly to Idaho Power and mail the Idaho Water Resource Board's 10 percent to the Water Supply Bank.

If you have any question please contact me at (208) 388-2905 or jbowling@idahopower.com.

Sincerely,



Jonathon C. Bowling, PE
Engineering Leader