

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 134

This is to certify that:

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

RECEIVED

MAR 15 2017

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-7842	8/25/1980	BIG WOOD RIVER LITTLE WOOD RIVER	800.00	50,000		NA	NA
Rental Totals			800.00	50,000		NA	NA

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017.

Annual Rental Fee: \$0.00

The fee for rental of the above described water shall be \$0.00

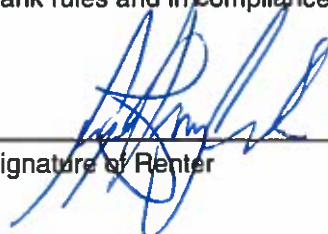
Total Water Use Authorized Under Rental Agreement 134

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
GROUND WATER RECHARGE	800.0	50,000		NA	NA
Combined Total	800.0	50,000		NA	NA

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 134

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

3/15/2017

Date

CYNTHIA BRIDGES CLARK

Printed Name

WATER PROJECTS SECTION MANAGER

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 3/15/2017

Rental approved by IDWR 

Date 3-16-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 134

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER
LITTLE WOOD RIVER

NESE
SWSE

Sec. 30, Twp 02S, Rge 17E,
Sec. 25, Twp 04S, Rge 19E,

BLAINE County
LINCOLN County

Beneficial Use
GROUND WATER RECHARGE

Diversion Rate
800.0 CFS

Volume
50,000 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.
37-7842

From
1/1

To
12/31

RENTERS PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	18E	2											X	X					
03S	18E	9	X			X													
03S	18E	10						X	X										
04S	19E	35															X LT 7		
04S	19E	36	X	X	X	X					X	X			X	X			
05S	17E	22			X	X			X	X	X	X	X	X	X	X			
05S	19E	2	X LT1	X LT2															

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

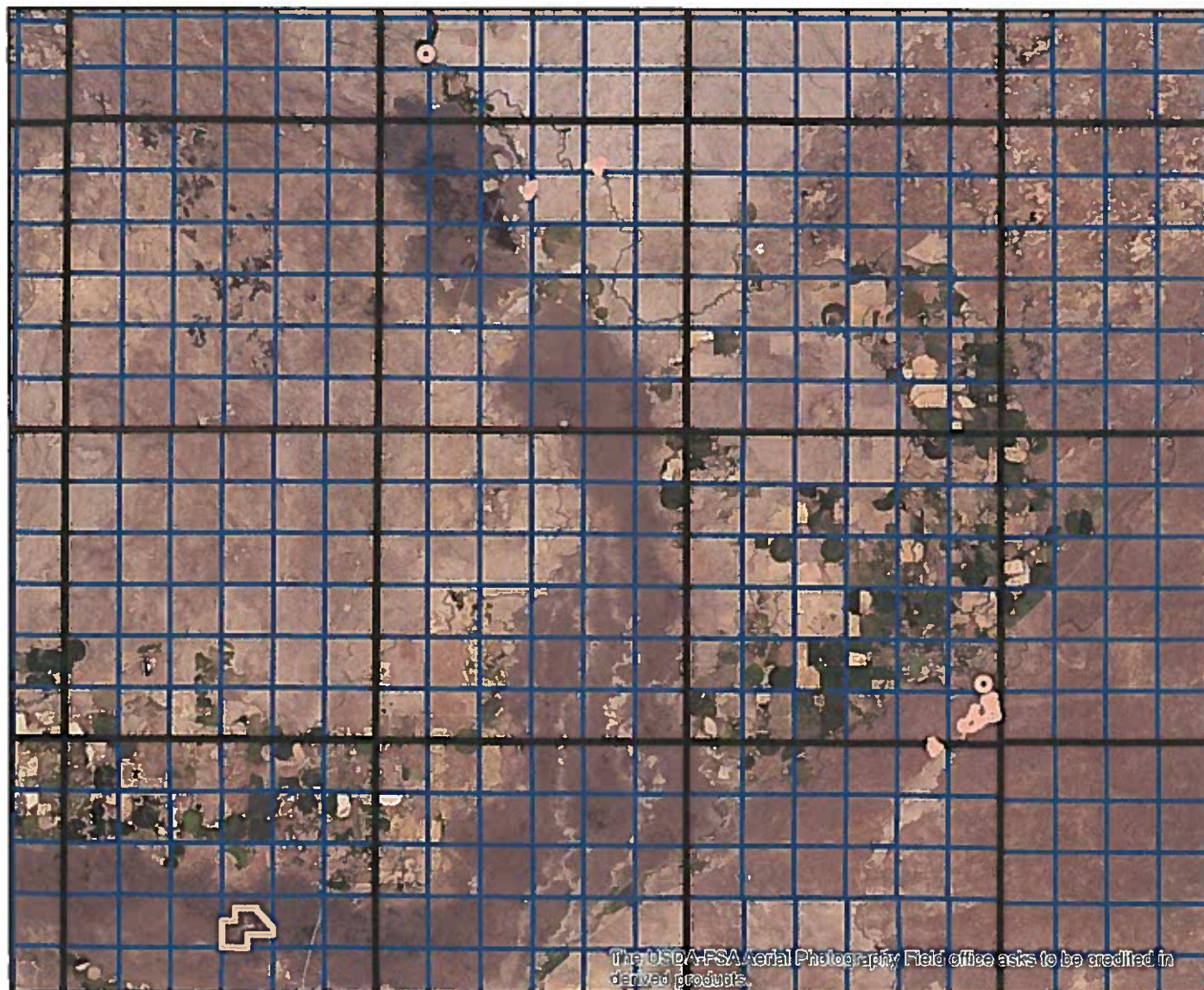
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.

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. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
9. Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Land Management authorization necessary to access the point of diversion or place of use or to convey water across federal land.
10. Pursuant to Section 42-234(4), Idaho Code, to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
11. Pursuant to Section 42-234(3), Idaho Code, the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
12. Consistent with Section 42-234(5), Idaho Code, seepage from canals incidental to or coincident with delivery of irrigation water shall not be considered ground water recharge under this right. Canal seepage will be considered to be ground water recharge only when the canals are not conveying water for irrigation or other beneficial uses.
13. The renter shall record the daily quantity of water diverted for ground water recharge at the rental location place of use and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Section 42-701, Idaho Code. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
14. Prior to the diversion and use of water under this approval, the renter shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
15. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, these water rights are within State Water District No. 37.
16. This rental is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this rental for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Section 42-1416B, or any other proposal to utilize credit for the recharge effort.
17. This water right shall be secondary to all prior water rights including rights held by any privately owned electrical generating company to appropriate waters in the reaches of the Snake River downstream from the Milner diversion for purposes of hydroelectric power generation.

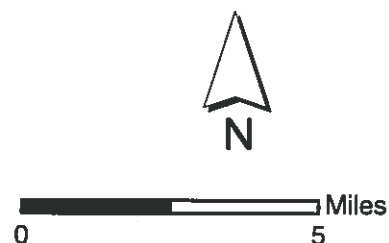
Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 134

Effective on Right 37-7842 until December 31, 2017

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

FEB 17 2017

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Idaho Water Resource Board

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☐ | ☒ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☐ | ☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☐ | ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

37-07842 - corrected water right number
per phone conversation with
Wesley Hipke

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Water Resource Board

Mailing Address PO Box 83720 Boise ID 83702
Street City State Zip Code
 Email Address _____ Phone Number _____

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 Wesley Hipke Professional Title Recharge Project Manager
 Organization Idaho Department of Water Resources Relationship to Applicant IWRB Staff
 Mailing Address PO Box 83720 Boise ID 83702
 Email Address wesley.hipke@idwr.idaho.gov Phone Number 208-287-4832

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 proposed use is for recharging the aquifer. If the water right is in priority before irrigation season the canal systems at the Proposed PODs would be used to recharge water along with the specific sites (Proposed POUs).
If the water right is in priority after the irrigation season than the Proposed POUs would be used for recharge.

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)
800 CFS	50,000 AF	20 CFS	1,600 AF	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?	
02/13/2017	07/01/2021	☒ 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.

**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):

The Richfield and Dietrich Canal systems along with the Milner-Gooding Canal will be utilized to deliver the water to the canal systems and the specified POUs for managed recharge

- 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
Richfield Canal - Headgate	Big Wood River	
Dietrich Canal - Headgate	Big & Little Wood Rivers	
Milner-Gooding Canal	Big & Little Wood Rivers	
Dry Bed - Big Wood River	Big Wood River	

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: Recharge from: 01/01 (mm/dd) to: 12/31 (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.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

N/A

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request. For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-04842	Rehcharge	800	63,000			600	50,000	
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			
						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**:

Any water that is recharged that would otherwise flow out of the Eastern Snake River Plain is a benefit to the aquifer.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? 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

Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

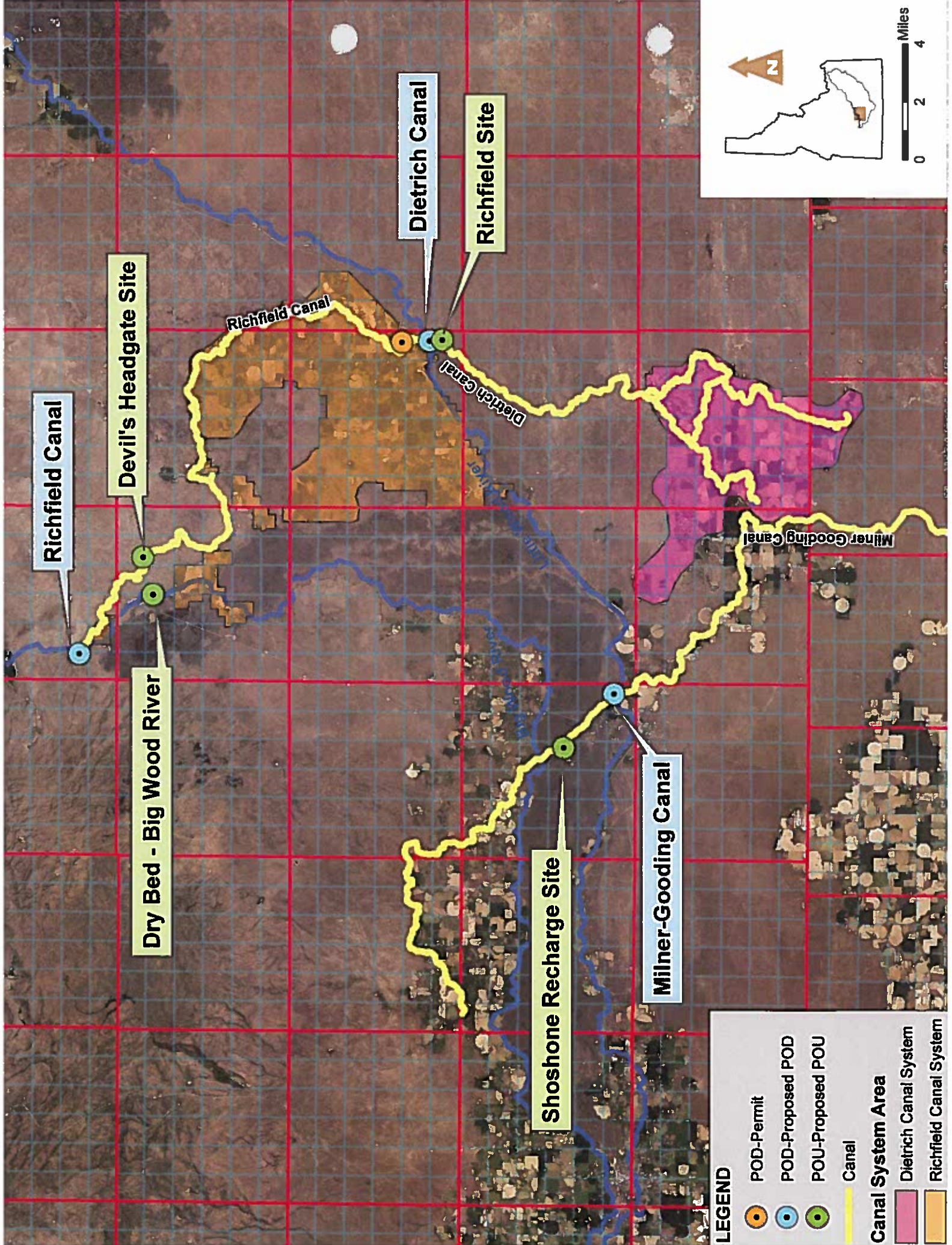
Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.



Richfield Canal

Devil's Headgate Site

Dry Bed - Big Wood River

Shoshone Recharge Site

Milner-Gooding Canal

Dietrich Canal

Richfield Site

Richfield Canal

Dietrich Canal

Milner Gooding Canal

LEGEND

- POD-Permit
- POD-Proposed POD
- POU-Proposed POU
- Canal

Canal System Area

- Dietrich Canal System
- Richfield Canal System



Edl, Michele

From: Patton, Brian
Sent: Wednesday, March 15, 2017 12:39 PM
To: Buyer, Remington; Chase, Roger (IWRB Member)
Cc: Hipke, Wesley; Clark, Cynthia (Bridge); Edl, Michele
Subject: RE: IWRB Signing Authority

Remington – that works from my end. Thanks for your expedited work on this one!

Brian

From: Buyer, Remington
Sent: Wednesday, March 15, 2017 12:12 PM
To: Patton, Brian <Brian.Patton@idwr.idaho.gov>; Chase, Roger (IWRB Member) <rwchase33@gmail.com>
Cc: Hipke, Wesley <Wesley.Hipke@idwr.idaho.gov>; Clark, Cynthia (Bridge) <Cynthia.Clark@idwr.idaho.gov>; Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: RE: IWRB Signing Authority

Brian,

Our review of the recharge lease/rental is complete and the documents only need to be signed and executed. With Wes out in the field today, I had Cynthia sign them.

Could you please respond to this email to confirm that there are no concerns with Cynthia signing the lease and rental document on behalf of the IWRB. Your signature stamp will be utilized to formally execute the documents once we receive your email confirmation.

Thanks,

Remington

From: Patton, Brian
Sent: Wednesday, March 08, 2017 4:20 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Chase, Roger (IWRB Member) <rwchase33@gmail.com>
Cc: Hipke, Wesley <Wesley.Hipke@idwr.idaho.gov>
Subject: RE: IWRB Signing Authority

Remington,

Wesley Hipke has signatory authority for the IWRB in this instance.

Brian Patton

----- Original message -----

From: "Buyer, Remington" <Remington.Buyer@idwr.idaho.gov>
Date: 3/8/17 1:57 PM (GMT-07:00)
To: "Patton, Brian" <Brian.Patton@idwr.idaho.gov>, "Chase, Roger (IWRB Member)" <rwchase33@gmail.com>
Cc: "Hipke, Wesley" <Wesley.Hipke@idwr.idaho.gov>

Subject: IWRB Signing Authority

Roger, Brian,

The Water Supply Bank has almost completed our processing of the lease/rental of water right 37-7842, to authorize 2017 recharge with flows from Magic at the various sites identified by Wes. One item is required before we can conclude our processing: we need to get documented IWRB confirmation that Wes is authorized on behalf of the Board to submit and sign the lease/rental documents. A letter or email from the Board should suffice. Please let me know if you have any questions.

Remington
287-4918

MEMORANDUM

To: Right(s) 37-7842

From: Michele Edl

Date: March 14, 2017

Re: Review and Analysis of the Idaho Water Resource Board (IWRB) Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On February 17, 2017, the Idaho Water Resource Board submitted applications to lease and rent Water Right Permit 37-7842 to and from the State Water Supply Bank. The rental application proposes to rent water for the purpose of recharge at six sites adjacent to the Big Wood Canal Company service area.

AUTHORITY TO FILE: The proposed rental points-of-diversion and points of re-diversion are located within the right-of-way for the Big Wood Canal Company. The application package contains a Water Conveyance Contract, dated January 9, 2015, between the IWRB and the Big Wood Canal Company. The contract is in effect for a maximum of 5 years or through 2019. However, in order to allow for the permit to be licensed this rental will be limited to 2017 only.

One of the proposed recharge sites (the Richfield site) is located on State of Idaho property. The four other sites are located within property owned by the BLM. The lease-rental application package doesn't include an active BLM special use permit or other authorization. However, water right permit file 37-7842 holds an email dated January 31, 2017, from Deputy Attorney General Ann Vonde to Water Rights Section Manager Shelley Keen. The email states that the IWRB has submitted a Right of Way application to the BLM for access to one of the sites proposed for recharge. IDWR policy allows our processing to proceed while another agency completes the review for its processes.

Wes Hipke signed the lease and rental applications but he is not a member of the Idaho Water Resources Board. I requested and received via email from Brian Patton which authorizes Mr. Hipke to sign on behalf of the board in this instance.

WATER RIGHT VALIDITY: Because right 37-7842 is still at permit status, forfeiture is not a concern at this time. The field exam and beneficial use report have been completed for right 37-7842. A license has not yet been issued but could be issued at any time in the near future. A companion lease application acting on Permit 37-7842 has been accepted into the bank for 2017. Leased water is available to supply this rental request.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. The rental proposes injection of surface water into the ESPA at six designated recharge sites. These sites do not contain any authorized PODs. Neither are they authorized as POUs for any other water rights.

The infiltration rates for the recharge water is expected to be high enough to avoid nuisance ponding conditions or mounding of groundwater outside of the recharge area.

The rental approval conditions will address monitoring of the project.

IWRRI Technical Completion Report 200901¹ indicated that the timing and location of benefits from recharge could be determined and that modeling of the ESPA could be one tool for that determination.

Modeling of the rental proposal's impact to the ESPA was provided using the ETransfer_V3_2 spreadsheet utility. The modeling shows no negative impact.

ENLARGEMENT OF USE:

The rental proposes to utilize up to 800 cfs, which is the full rate authorized by the permit. There will be no change in either the nature-of-use or the season-of-use. Both the leased recharge permit 37-7842 and the BWCC delivery system are available for year-round use. The water delivery will be limited by the priority of the recharge permit and capacity of the re-diversion structures.

Permit 37-7842 was issued without a volume. However the WSB bases its exchanges on volume. The renter requested diversion volumes ranging 1,600 AF – 50,000 AF beginning February 13, 2017.

According to the McVay prioritization report ², the proposed POU areas are limited either by infiltration capacity, diversion structure size or depth of the vadose zone. (Refer to the summary Table 10 on page 41.) The range of volumes is based on the expected range of infiltration at the sites.

Injection/recharge of 1600 AF could be accomplished in as few as 2 months at one site and could take as long 11.5 months at another site. The requested volume is reasonable.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The Water Supply Bank will not be responsible for determining the success of the recharge. The rental approval will be conditioned for regular measurements and reporting that complement the conveyance contract.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The proposed water right is subject to WD 37. Comment from Southern Region and the watermaster will be requested.

¹ I Monitoring of Egin, Idaho Recharge Experiment, Fall 2008. Contor, B.A., Taylor, S.L. (IWRRI); Quinn, G.W. (Bill), (IDWR), IWRRI Technical Completion Report 200901, June 2009.

<https://idwr.idaho.gov/files/publications/200906-OFR-Egin-Monitoring-Rpt-2008.pdf>

² Incorporating Recharge Limitations into the Prioritization of Aquifer Recharge Sites Based on Hydrologic Benefits Using ESPAM2.1 McVay, M., Idaho Department of Water Resources, November 2015.

<http://idwr.idaho.gov/files/publications/201511-OFR-Limitations-Prioritization-of-Aquifer-Recharge-Sites-EPAM21.pdf>

Edl, Michele

From: Kevin Lakey <watermanager@cableone.net>
Sent: Tuesday, March 14, 2017 2:11 PM
To: Edl, Michele
Subject: RE: request for comment WSB lease rental 37-7842

Michele,

As related to our recent phone conversations concerning this lease/rental, I have no comments or concerns. As to physical management of the water, I will work with Wes Hipke for clarifications. Thanks for answering all of my questions.

Kevin Lakey
Water District 37

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Monday, March 13, 2017 2:23 PM
To: watermanager@cableone.net; Skinner, Corey
Subject: request for comment WSB lease rental 37-7842

Kevin and Corey,

The IWRB's permit 37-7842 for recharge use within LSARD has been leased into the WSB. The IWRB has requested that it be rented out and used at several sites and as soon as possible.

The lease and rental are a package and will be sent to the IWRB for signature together as soon as I receive comment from both of you. The conveyance contract with the BWCC limits the rental to 2017-2019.

I have completed my review memo and have put together a map for your reference. Both are attached.

Please let me know if you have any concerns about these lease and rental applications.

Michele Edl
208-287-4946

Edl, Michele

From: Skinner, Corey
Sent: Tuesday, March 14, 2017 2:00 PM
To: Edl, Michele
Subject: RE: request for comment WSB lease rental 37-7842

I have no issues with this as long as Kevin is on board.

From: Edl, Michele
Sent: Monday, March 13, 2017 2:23 PM
To: watermanager@cableone.net; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: request for comment WSB lease rental 37-7842

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Michele Edl
208-287-4946

Edl, Michele

From: Buyer, Remington
Sent: Wednesday, March 08, 2017 5:10 PM
To: Edl, Michele
Cc: Keen, Shelley
Subject: FW: IWRB Signing Authority

Michele,

Please see Brian's email below to note Wes is authorized to act on behalf of the IWRB in this instance.

In the future, we will ensure official documentation is included with any application where an IDWR staff member is acting on behalf of the IWRB regarding recharge lease/rentals.

Remington
287-4918

From: Patton, Brian
Sent: Wednesday, March 08, 2017 4:20 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Chase, Roger (IWRB Member) <rwchase33@gmail.com>
Cc: Hipke, Wesley <Wesley.Hipke@idwr.idaho.gov>
Subject: RE: IWRB Signing Authority

Remington,

Wesley Hipke has signatory authority for the IWRB in this instance.

Brian Patton

----- Original message -----

From: "Buyer, Remington" <Remington.Buyer@idwr.idaho.gov>
Date: 3/8/17 1:57 PM (GMT-07:00)
To: "Patton, Brian" <Brian.Patton@idwr.idaho.gov>, "Chase, Roger (IWRB Member)" <rwchase33@gmail.com>
Cc: "Hipke, Wesley" <Wesley.Hipke@idwr.idaho.gov>
Subject: IWRB Signing Authority

Roger, Brian,

The Water Supply Bank has almost completed our processing of the lease/rental of water right 37-7842, to authorize 2017 recharge with flows from Magic at the various sites identified by Wes. One item is required before we can conclude our processing: we need to get documented IWRB confirmation that Wes is authorized on behalf of the Board to submit and sign the lease/rental documents. A letter or email from the Board should suffice. Please let me know if you have any questions.

Remington
287-4918