

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

RECEIVED

OCT 06 2016

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **IDAHO WATER RESOURCE BOARD**
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	Priority Date	Source	Diversion Rate	Diversion Volume	Acres	Rate/ Acre	Vol./ Acre
73-11992	11/05/1889	PAHSIMEROI RIVER, tributary to SALMON RIVER	1.68 cfs	147.0 AF	42.0 AC	0.04	3.5
73-11988	11/05/1889	PAHSIMEROI RIVER, tributary to SALMON RIVER	0.14 cfs	24.5 AF	7.0 AC	0.02	3.5
73-10005	11/05/1889	PAHSIMEROI RIVER, tributary to SALMON RIVER	1.99 cfs	348.3 AF	99.5 AC	0.04	3.5
73-11981	02/18/1926	SPRING, tributary to LITTLE MUD CREEK	0.76 cfs	348.3 AF	99.5 AC	0.04	3.5
73-11982	02/18/1926	PAHSIMEROI RIVER, tributary to SALMON RIVER	0.33 cfs	348.3 AF	99.5 AC	0.04	3.5
73-11987	02/18/1926	SPRINGS, tributary to PAHSIMEROI RIVER	0.10 cfs	266.0 AF	99.5 AC	0.04	3.4
73-11993	04/01/1950	GROUND WATER	0.88 cfs	348.3 AF	99.5 AC	0.04	3.5
Annual Combined Rental Limits			4.06 cfs	348.3 AF	99.5 AC	0.04	3.5
73-90	04/18/1888	PAHSIMEROI RIVER, tributary to SALMON RIVER	0.26 cfs	42.0 AF	12.0 AC	0.03	3.5
73-11978	02/18/1926	PAHSIMEROI RIVER, tributary to SALMON RIVER	0.07 cfs	42.0 AF	12.0 AC	0.01	3.5
73-11983	04/01/1926	UNNAMED STREAM	0.21 cfs	42.0 AF	12.0 AC	0.02	0.0
Annual Combined Rental Limits			0.33 cfs	42.0 AF	12.0 AC	0.03	3.5
Annual Combined Rental Totals			6.21 cfs	561.8 AF	160.5 AC	0.04	3.5

*This rental is limited to an authorized diversion rate of 3.8 cfs, which reflects a consumptive use reduction of a total diversion rate of 5.33 cfs, which is the sum of all surface water rights being rented.

Term of Rental: This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2018.

Rental Fee: \$ 955.06 for 2016-2017
\$1,123.60 for 2018

Because of a private agreement between the renter and lessor, only administrative fees are being collected. The full fee for rental of the above-described water is \$955.06 per year for years 2016 and 2017 and \$1,123.60 for 2018. An annual payment shall be received by the Department each year for the duration of the rental period. The agreement will be void if payment is not received in a given year. No administrative fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 73-90

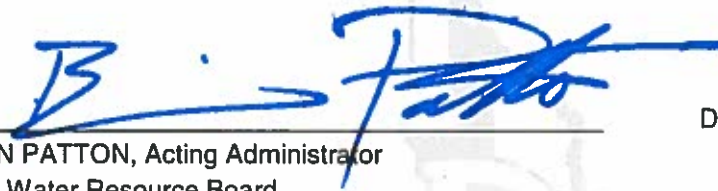
STATE OF IDAHO
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The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 BRIAN PATTON, FOR
Signature of Renter Printed Name and Title* THE IDAHO WATER
RESOURCE BOARD 6 OCT 2016
Date

*Please provide title of signatory 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  Date 10/6/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR  Date 10-6-2016

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

WATER USE DETAILS

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO(S): 73-10005, 73-11982

PAHSIMEROI RIVER NESESW Sec. 1 Twp 14N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO: 73-11981

SPRINGS SESW Sec. 35 Twp 15N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO: 73-11987

SPRINGS NESW Sec. 35 Twp 15N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO(S): 73-90, 73-11978

PAHSIMEROI SESW Sec. 1 Twp 14N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO: 73-11983

UNNAMED SESW Sec. 1 Twp 14N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO: 73-11993

GROUND WATER NESW Sec. 35 Twp 15N Rge 21E CUSTER County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO(S): 73-11988

SPRINGS	NWNW	Sec. 35,	Twp 15N,	Rge 21E,	LEMHI County
SPRINGS	NWNW	Sec. 35,	Twp 15N,	Rge 21E,	LEMHI County
SPRINGS	NWNW	Sec. 35,	Twp 15N,	Rge 21E,	LEMHI County
SPRINGS	NWNW	Sec. 35,	Twp 15N,	Rge 21E,	LEMHI County

SOURCE AND LOCATION OF POINT(S) OF DIVERSION FOR WATER RIGHT NO: 73-11992

PAHSIMEROI RIVER SWNW Sec. 35, Twp 15N, Rge 21E, CUSTER County

BENEFICIAL USE

MINIMUM STREAM FLOW

SEASON OF USE

04/01 TO 10/31

RENTER'S PLACE OF USE: MINIMUM STREAM FLOW

Stream flow in the reach above the quantification point designated for water right no 73-7045.

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

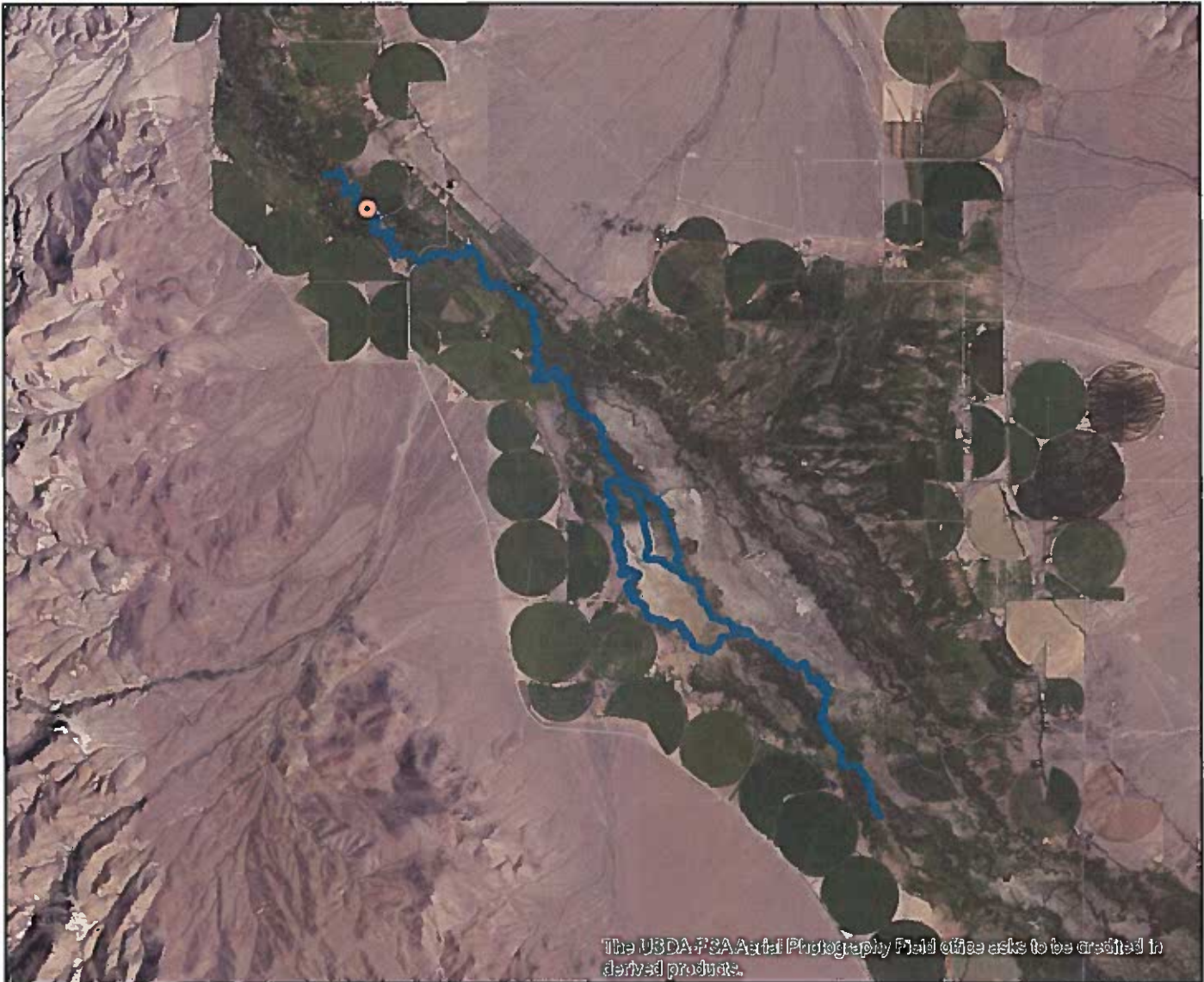
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. 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, this water right is within State Water District No. 37.
11. The water rented under this agreement is appurtenant to irrigation of 160.5 acres.
12. The water right(s) referenced above are accepted into the Bank and rented in accordance with a private agreement formulated between the lessor and renter.
13. Rental of water rights for the beneficial use of minimum stream flow is to satisfy minimum stream flow water right 73-7045. Rental will also increase natural flow in the flow-limited reaches of the Pahsimeroi River to improve habitat for ESA-listed Chinook Salmon and steelhead.

Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2018

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



 Miles