

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
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:

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

*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



0 1 2 Miles

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

RECEIVED**APR 25 2016****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	N/A	Yes
	☒		Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	☒		Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment			
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)

73-11992 ✓	73-10005 ✓	73-11982	73-11993	73-11978
73-11988 ✓	73-11981	73-11987	73-90	73-11983

**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, ID 83720-0098
- 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 Pahsimeroi Minimum Stream Flow Water Right No. 73-7045. The rental to the MSF is intended to increase natural flow in the flow-limited reaches of the Pahsimeroi River to improve habitat for ESA-listed Chinook Salmon and steelhead.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
5.56 CFS	561.75 AF	5.56 CFS	AF	160.5 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?	
05/01/2016	5/30/2016	☐ 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):

No distribution of water, instream use only.

- 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
Head gate	Pahsimeroi River	73-78, 73-12231
Pump	Pahsimeroi River	
Head gate	Springs - Little Mud Creek	
Pump	Springs - Pahsimeroi	

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

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

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

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

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: Instream flow from: 04/01 (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.

- 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:

Water Right No. 73-7045. The rental of additional rights is intended to supply additional flows in a flow-limited reach of the Pahsimeroi River to improve fish habitat for ESA-listed fish.

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)
73-11992	Irrigation	1.68	147	42		1.68	147	42
73-11988	Irrigation	0.14	24.5	7		0.14	24.5	7
73-10005	Irrigation	1.99	348.25	99.5		1.99	348.25	99.5
73-11981	Irrigation	0.75	348.25	99.5		0.75	348.25	99.5
73-11982	Irrigation	0.33	348.25	99.5		0.33	348.25	99.5
73-11987	Irrigation	0.1	266	76		0.1	266	76
73-11993	Irrigation	0.88	348.25	99.5		*Note		
73-90	Irrigation	0.28	42	12		0.28	42	12
73-11978	Irrigation	0.07	42	12		0.07	42	12
73-11983	Irrigation	0.22	42	12		0.22	42	12
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	5.56	561.75	160.5
						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 3.5 AF/Acre at the original PODs and deliver the standard consumptive use volume of 2.5 AF/Acre to the Pahsimeroi MSF.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Previous agreements include the rental of Sulphur Creek water rights 73-12206 and 73-12211.

- 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:

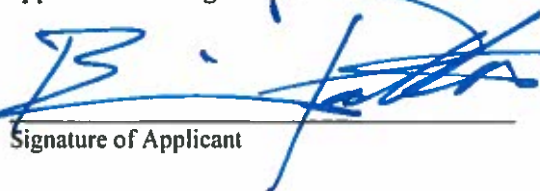
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

D. Additional Information

Rental rate will be \$36.97/acre/year. Rental fees are \$1.70/AF in 2016 and 2017 and \$2.00/AF in 2018. See Attachment 1 for additional information.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

BRIAN PATTON
FOR THE
T.W.R.B.
Printed Name of Applicant

4/25/16
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.

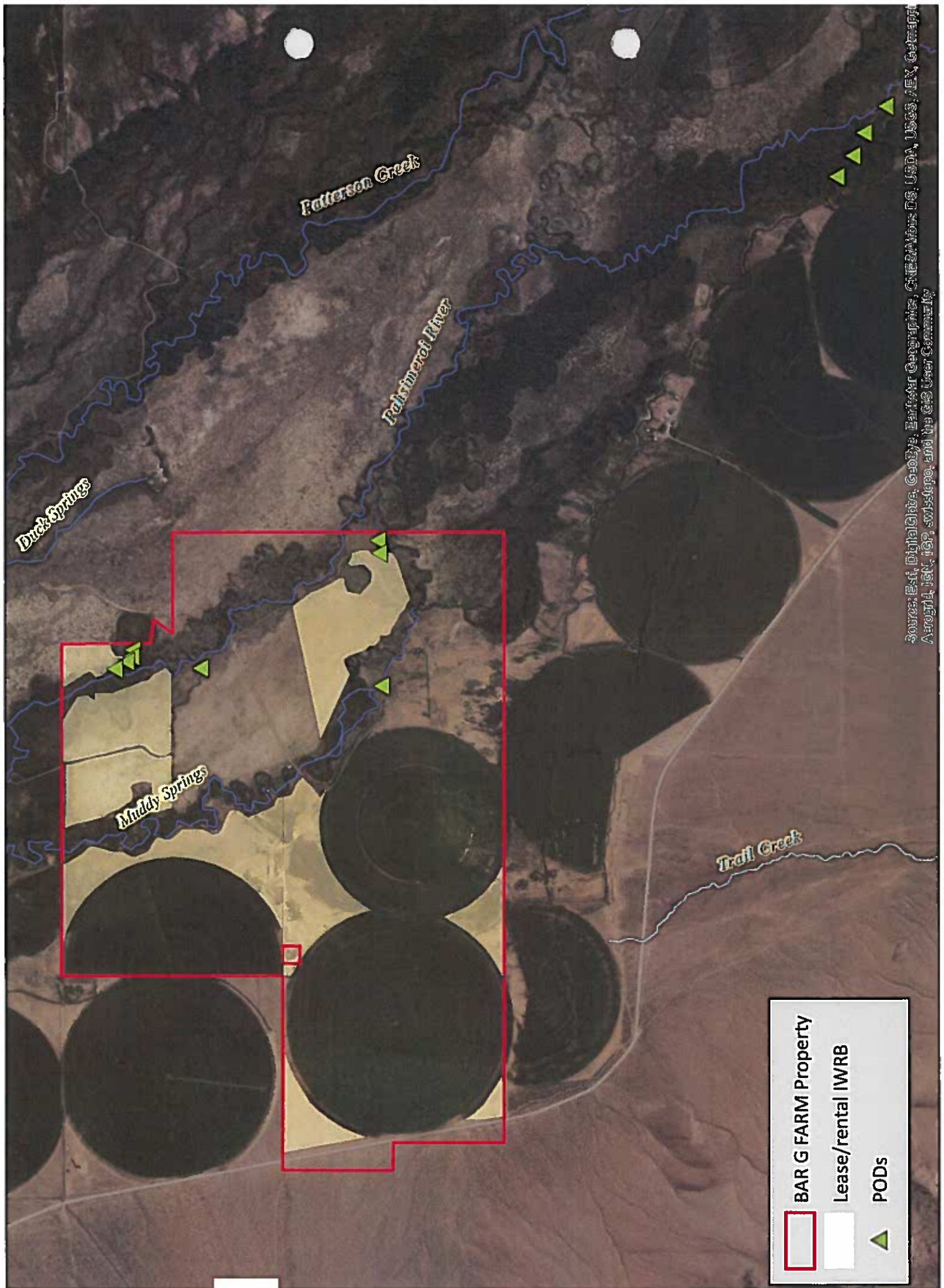
Modeling situations may include:

- 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.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, iGeo, swisstopo, and the GIS User Community

Attachment 1

*NOTE: WR 73-11993 is a groundwater right that is stacked with 73-10005, 73-11981, 73-11982, and 73-11987. Although that right is leased into the bank as part of the other stacked rights appurtenant to the same place of use, it will not be rented for instream flow.

COPY

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE LITTLE)
LITTLE MUD CREEK AND)
PAHSIMEROI RIVER TRANSACTION)
_____)

A RESOLUTION TO MAKE
A FUNDING COMMITMENT

WHEREAS, Chinook salmon and steelhead habitat in the Pahsimeroi River basin is limited by low flow in the main-stem and disconnected tributaries; and

WHEREAS, Little Mud Creek and the Pahsimeroi River have been identified as high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead, and the 2004 Snake River Water Rights Agreement (also known as the 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, it is in the interest of the State of Idaho to maintain the reconnection of Little Mud Creek to encourage recovery of ESA-listed Chinook salmon and steelhead; and

WHEREAS, the Board will compensate BAR G FARM or its successors, \$36.97 per acre per irrigation season for said rental for an annual payment of \$5970.66 for 161.5 acres and a 3-year total of \$17,911.98; and

WHEREAS, the lease and rental fees for said agreement will not exceed \$4533.46; and

WHEREAS, a proposal for \$22,445.44 has been submitted to the Columbia Basin Water Transactions Program for approval; and

WHEREAS, funding is available through the Idaho Fish Accord Water Transactions Fund for said lease/rental agreement; and

WHEREAS, staff anticipates the funds being placed in the Idaho Water Resource Board (IWRB) Revolving Development Account for annual payment to the water right owners; and

WHEREAS, the Little Mud Creek and Pahsimeroi transaction is in the public interest and is in compliance with the State Water Plan.

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into a lease/rental agreement for water rights 73-10005, 73-11982, 73-90, 73-11978, 73-11992, 73-11988, 73-11987, and 73-11981 for delivery to minimum stream flow 73-7045, using an amount not to exceed \$22,445.44

Attachment No. 6, Meeting No. 2-16
Idaho Water Resource Board

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 Idaho Fish Accord Water Transactions Fund in the amount of \$22,445.44

DATED this 18th day of March, 2016.



Roger Chase, Chairman
Idaho Water Resource Board

ATTEST: 

VINCE ALBERDI, Secretary
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

October 7, 2016

IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 73-90, 73-10005, 73-11978, 73-11981, 73-11982, 73-11983,
73-11987, 73-11988, 73-11992, and 73-11993**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$9,550.60** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 561.8 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$955.06.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$955.06 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

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

Sincerely,

John Bold
Water Supply Bank

Enclosure

c: Sascha Marston - IDWR
Amy Cassel - IDWR

Buyer, Remington

From: Cassel, Amy
Sent: Wednesday, October 05, 2016 3:00 PM
To: Buyer, Remington
Subject: BAR G Lease WM comments

Hi Remington,

I did finally get a return call from Ted O'Neal, Watermaster for Basin 73, and I went over the water rights getting leased into the bank. He had some specific questions about the diversions and the amounts, so we reviewed that as well. I explained that the Warm Springs water is a 5-year lease, and the other rights are a 3-year lease. He said he's fine with those rights going into the bank and he doesn't have any issues with the delivery/rental to the MSF 73-7045.

Thanks,

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

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, September 29, 2016 2:50 PM
To: Cassel, Amy; Cefalo, James
Subject: WSB IWRB Transaction Comments
Attachments: Rental Agreement.docx; Rental Review Memo.docx; rental_map.pdf; Idled Acres 73-11992.pdf; Lease contract 73-11992.docx; Lease Contract 73-11988.docx; Idled acres 73-11988.pdf; Lease Contract v2.docx; Lease Review Memo.docx; lease_map.pdf; Lease Contract.docx; lease_map.pdf; Lease Contract 73-90 73-11978 73-11983.docx; Idled Acres.pdf

James, Amy,

Attached to this email are draft lease contracts and rental agreements for an IWRB rental of irrigation water rights to the Pahsimeroi MSF. (Apologies in advance for the laundry list of attachments).

James, could you please provide regional comments on this transaction (or direct this email to a staff member who might comment). Amy, cc'ing you on this email so that you can bring the attached to the attention of WD 73 watermaster for his input as well. Please have him contact me via phone or email to express comments or concerns.

Thanks,

Remington
287-4918

Memorandum

To: Water Rights 73-11992, 73-11988, 73-10005, 73-11981, 73-11982, 73-11987, 73-11993, 73-90, 73-11978, 73-11983

From: Remington Buyer

Date: September 30, 2016

Re: Water Supply Bank Rental Agreement

Purpose/Narrative: The Idaho Water Resource Board (IWRB) is seeking to rent these water rights to supplement their minimum streamflow (MSF) water right 73-7045.

Authority to File: Application is filed by IWRB staff member Amy Cassel and signed by IWRB administrator, Brian Patton. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights being rented are valid and there are no concerns about the validity/potential forfeiture of the

Injury Evaluation/Rentability: This is a non-consumptive use rental. Effectively, water has been left in stream within the Pahsimeroi River through the lease into the Bank of the above listed water rights. The rental is seeking to deliver the consumptive use portion of the water rights to beginning point of the Pahsimeroi River MSF right 73-7045. There are two reaches of the MSF water right and this rental appears to be supplementing the upper reach, which is for 45 cfs. The total cfs being contributed to the MSF through this rental is 5.56 cfs.

Enlargement of Use/Rentability: Enlargement will be avoided as only the consumptive use element of this water right is being rented.

Local Public Interest: This rental will contribute to the State of Idaho's commitments to meeting Nez Perce Settlement Agreement goals, through improved fish habitat conditions in the Pahsimeroi River. There is a positive public interest in this rental.

Beneficial Use/Conservation of Water Resources: The rental purpose of use is minimum stream flow, which is a recognized beneficial use. The rental does not appear to be inconsistent with the conservation of water resources.

Department/Watermaster Comments: Regional and watermaster comments have been sought.

Water Supply Bank Evaluation: The rental is permissible.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2016

IDWR RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) to improve habitat for Chinook Salmon and Steelhead. Filing a Bank rental application does not automatically result in approval. Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties. Consequently, few rental applications are processed after May 1.

Because your application was received near the beginning of the irrigation season, which is now well underway, it is unlikely the Department will be able to process your application in time for approval in 2016 unless you have proposed a start date late in the year. If your application was for 2016 only and the latest possible start date on your application has passed, the application may be returned to you. If your application requests a rental for more than one year, the rental application may be retained by the Department and evaluated for 2017.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Additional information about the Bank may be found on the Department's website at <http://idwr.idaho.gov/water-supply-bank/>.

If you have questions regarding this matter, please contact me at 287-4800.

Sincerely,

Water Supply Bank