

RECEIVED
JUL 21 2015
DEPARTMENT OF
WATER RESOURCES

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

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

 _____ Signature of Renter	<u>Jonathan C Bowling</u> _____ Printed Name and Title* <u>ENGINEERING Leader</u>	<u>7/20/15</u> _____ Date
---	--	---------------------------------

_____ Signature of Renter	_____ Printed Name and Title*	_____ Date
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*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 BRIAN PATTON, Acting Administrator Idaho Water Resource Board	Date <u>July 22, 2015</u>
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT
WATER USE DETAILS

BENEFICIAL USE

MITIGATION BY NON USE

SEASON OF USE

06/10 TO 12/31

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. The water rented under this agreement is appurtenant to irrigation of 436.8 acres.
11. Non-use of this rental is for the mitigation of water permit 3-10265 in the event that the Weiser Gage drops below the minimum stream flow level of 4,750 cfs.
12. The watermaster will deliver this water to the Middleton Gage.
13. Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

14. The water under this rental will not be diverted or used.
15. 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. 63.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 24 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Idaho PowerIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

Completed *Application to Rent Water from the Board's 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

3E



Authorization from the owner/operator of the rental point(s) of diversion

3G



Water modeling to account for the impacts of the rental request

3J



Documents justifying a need to rent water for irrigation at 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)

63-179c , 63-32580, 63-33392, 63-138E, 63-233E, 63-252 and 63-369

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Power

Mailing Address P.O. Box 70 Boise, ID 83707

Email Address jbowling@idahopower.com

Phone Number (208) 388-2905

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 Jonathon C. Bowling

Professional Title Engineering Leader

Organization Idaho Power

Relationship to Applicant Employee

Mailing Address P.O. Box 70 Boise, ID 83707

Email Address jbowling@idahopower.com

Phone Number (208) 388-2905

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**:
Power generation at Brownlee Power Plant or mitigation water for Langley Gulch Power plant diversion if Snake river at Weiser 4,750 minimum flow is breached.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
4.7 CFS	2,200 AF	4.7 CFS	2,200 AF	AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
5/1	5/1	1 yr	☐ Yes, approve rental for all remaining future years.	☐ No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Basin 63/Mason Crk	17N	5W	2	SE	SE		Washington	

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.

- F. Do any POD(s) identified in Question 3D 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.

- G. Has water modeling been provided with your rental request? Yes ☐ No ☒

If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
17N	5W	2																X		
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)	NA

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):

Brownlee Dam and Power Plant and/or Langley Gulch Power Plant

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

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

Brownlee (3-2018,3-2023,3-7018) Langley Gulch (3-10265, 65-23342)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
63-179c	Irrigation	Boise River	13.92			May 1	Oct 31		4.7	2,200	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been 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**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

Water will be used for power generation at Brownlee Dam and/or mitigation for a junior 2010 WR Langley Gulch

Power Plant diversion if Snake River at Weiser minimum flow is breached.

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:

Idaho Power rented this water in recent years for same purpose. Rental has been for additional generation at

Brownlee if not needed for Snake at Weiser minimum flow mitigation. To date water has not been needed for

mitigation and has been used entirely for generation at Brownlee. This rental is a risk management activity.

- 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.

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.

Signature of Applicant

Printed Name of Applicant

Date



Jonathon C. Bowling

4/24/15

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Legend



ESPA



GCDB Township/Range



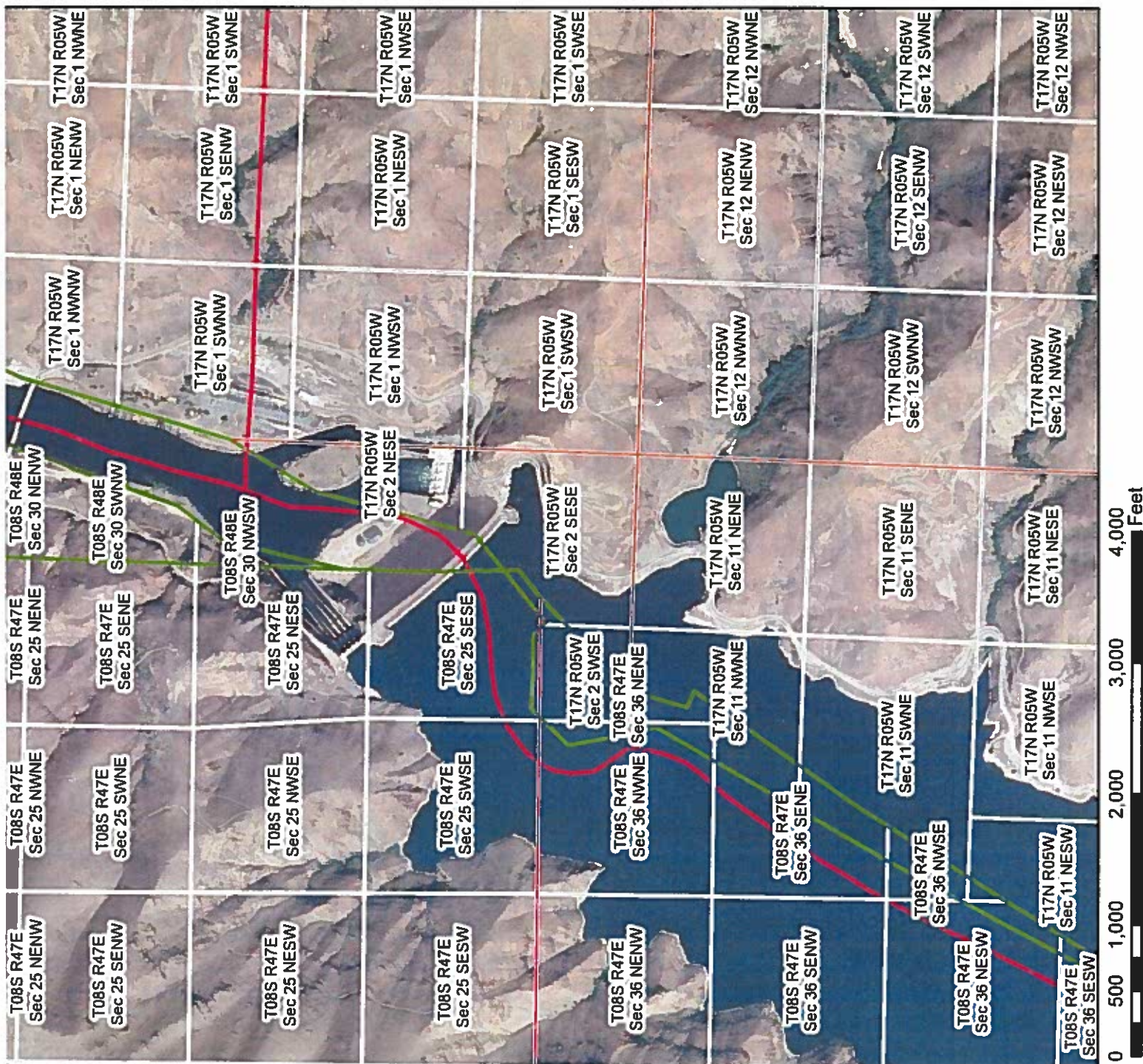
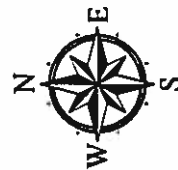
GCDDB Section

GCDB Quarter-Quarter

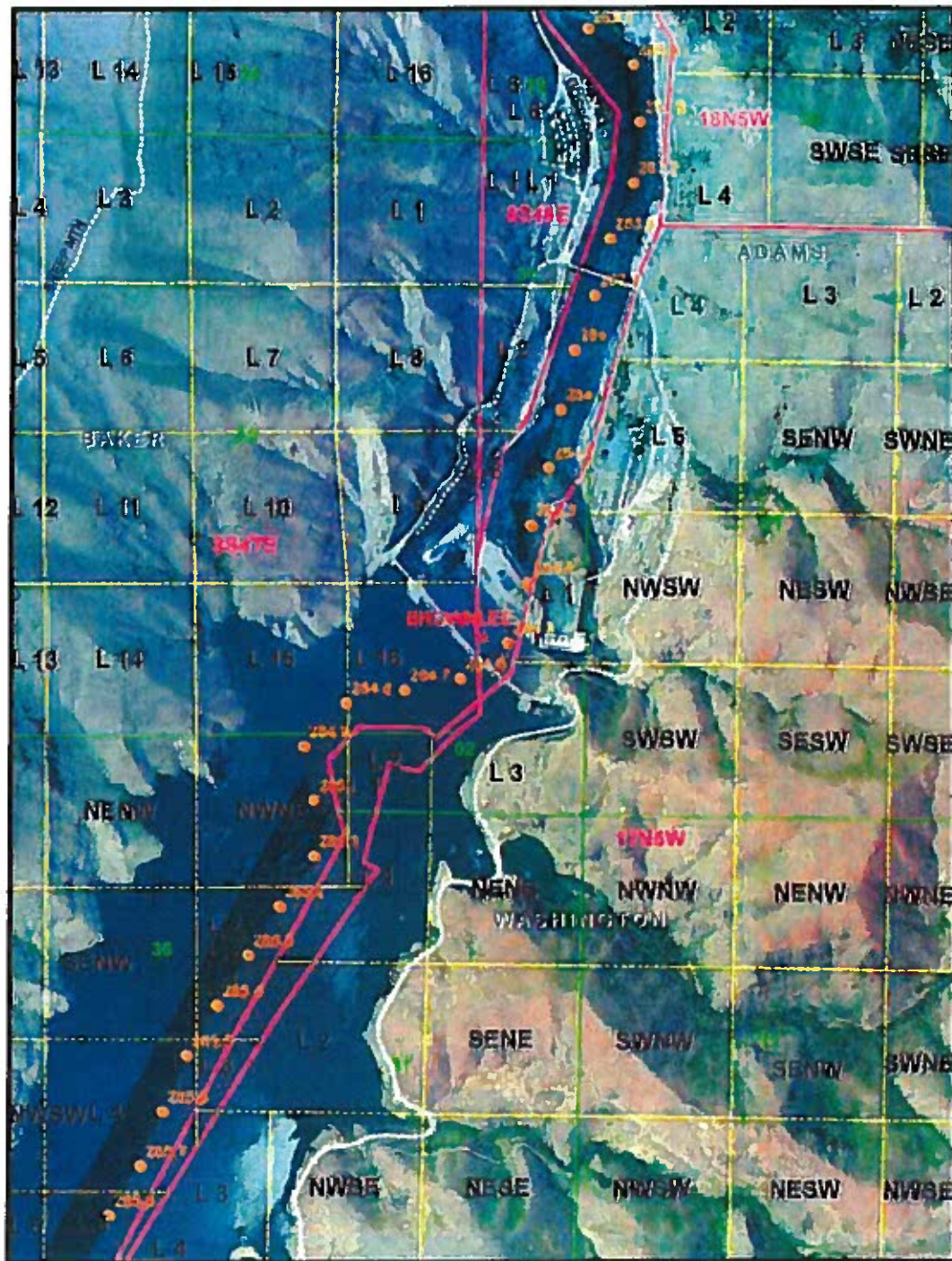


Counties

Brownlee Dam

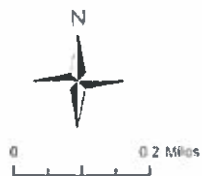


BROWNLEE DAM, T.17N., R.5W. SESE SEC. 2 LOT 3



Legend

-  zodiac GIS Dam
-  zodiac GIS River Mile Markers
-  zodiac GIS Roads/Nav/eq
-  Zodiac GIS townships
-  zodiac GIS PLSS
-  zodiac GIS PLSS line



DISCLAIMER:

This drawing is not a formal survey and only provides geographic representation of Idaho Power facilities. A professional survey is recommended for accurate and documented locations of all easements, lines, facilities and property boundaries depicted herein.



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 23, 2015

IDAHO POWER
C/O JONATHON BOWLING
PO BOX 70
BOISE ID 83707-0070

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-179C, 63-32580 AND 63-33392**

Dear Renter:

Please find enclosed a receipt in the amount of **\$33,415.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1965.6 acre-feet of water for mitigation by nonuse during 2015. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$30,073.68 of the rental fee will be paid to the lessor(s) and 10% or \$3,341.52 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

FCR. Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100799
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angela Grimm – IDWR Western Regional Office
Rex Barrie – State Water District No. 63



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

July 7, 2015

IDAHO POWER
C/O JONATHON BOWLING
PO BOX 70
BOISE ID 83707-0070

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-179C, 63-32580 AND 63-33392**

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

Dear Applicant:

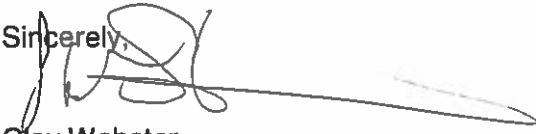
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$33,415.20 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 1965.6 acre-feet.

Please send a check for \$33,415.20 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$30,073.68 of the rental fee will be paid to the lessor(s) and 10% or \$3,341.52 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,



For - Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Rental Agreement

c: IDWR Front Desk

Webster, Clay

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Tuesday, July 07, 2015 7:05 AM
To: Webster, Clay
Subject: RE: Region and Watermaster comments on WSB Rental for Idaho Power 63-179C, 63-32580 and 63-33392

I have no objections!

Rex R. Barrie
Boise River Watermaster

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Monday, July 06, 2015 7:35 AM
To: Grimm, Angie; Rex Barrie
Subject: Region and Watermaster comments on WSB Rental for Idaho Power 63-179C, 63-32580 and 63-33392

Angie and Rex,

We are currently processing this rental application. Do you have any concerns?

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

MEMORANDUM

To: Water Right(s) 63-179C, 63-32580, 63-33392
From: Clay Webster
Date: 7/2/2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the applications to rent 4.7 cfs and 2,200 af for power generation at the Brownlee or to mitigate for minimum stream flow at Langley Gulch Power Plant in the event that the Weiser River 4,750 cfs Minimum Stream Flow (MSF) is breached from Idaho Power on April 24, 2015.

This rental has been accomplished in the past as a power rental only. According to the applicant, it has historically been used at Brownlee Dam.

After extensive discussion about this rental, the application will be processed as Mitigation Non Use for permit 3-10265 for Langley Gulch. The applicant cannot use this rental for both purposes. This could cause an enlargement of the rented rights. After further discussion, we concluded that the important part of this rental would be for the rate. Therefore we have calculated the rate to reach what they will need to rent for this right. They will have to rent enough of these rights to get them 4.7 cfs.

$10.50 \text{ cfs} \times .75 \text{ (consumptive use)} = 7.88 \text{ cfs}$. When the MSF is breached they will be able to divert 60% of the 7.88 cfs. $7.8 \times .60 = 4.73 \text{ cfs}$
They will have to rent 436.8 acres worth of water to accomplish this.

$580 \text{ (leased acres)} / 13.92 \text{ (CFS)} = 41.6 \times 10.5 = 436.8 \text{ acres}$

AUTHORITY TO FILE: This application was signed by Jonathon Bowling, Engineering leader for Idaho Power.

WATER RIGHT VALIDITY: 63-179C, 63-32580 and 63-33392 were decreed in the SRBA in 2012. The same portions of these rights have been leased into the bank since 2012. The lease was renewed this year for 5 years.

INJURY TO OTHER WATER RIGHTS: No injury concerns are noted.

ENLARGEMENT OF USE: The applicant only identified right 63-179C. However, to avoid enlarging this right, a portion of the overlapping rights need to be rented also.

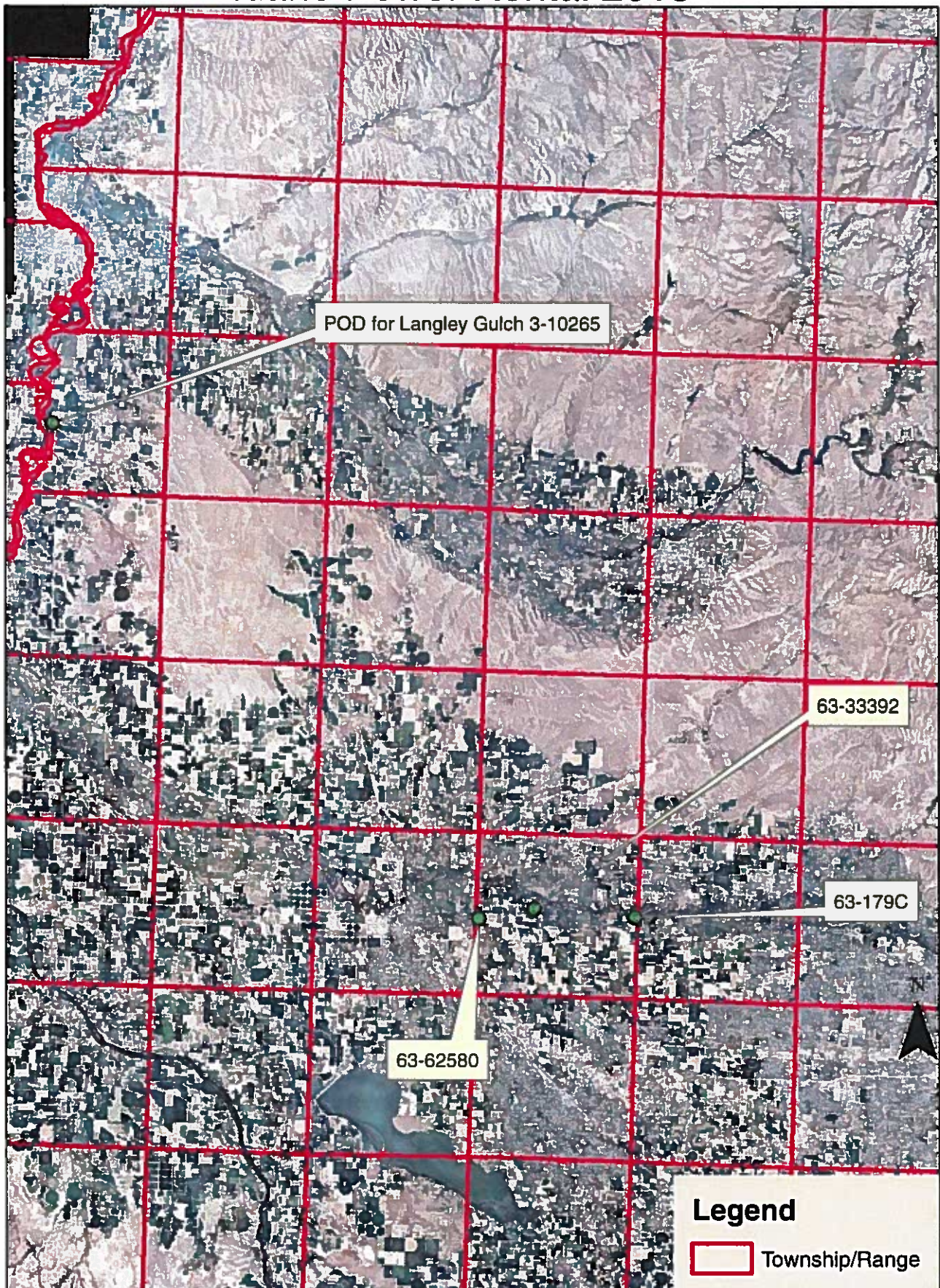
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The nature of use will be changed from irrigation to Mitigation Non Use. Therefore, they will only be able to rent the consumptive portion of these rights. The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right(s) are subject to Water District # 63.

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2013-2017)	Rental Amounts	
					Rate (cfs)	Acres
63-179C	1965.6	30073.68	3341.52	33415.20	10.50	0.00
63-32580	0	0	0	0.00	0.00	0.00
63-33392	0	0	0	0.00	0.00	0.00
Total	1965.6	30073.68	3341.52	33415.20	10.50	0.00

Idaho Power Rental 2015



Webster, Clay

From: Webster, Clay
Sent: Wednesday, June 10, 2015 12:38 PM
To: 'jbowling@idahopower.com'
Subject: Idaho Power Rental Application for Mitigation concerns for Langley Gulch Power Facility

Mr. Bowling,

Per our telephone conversation today,

The rental is being processed for Mitigation By Non-Use. This option will protect 3-10265 from having to curtail in the event that the Weiser Gage MSF is breached.

I wanted to give you an opportunity to have this rental go through 2018. The rights that I used to round out the Mason Creek Rights, to make sure you had the 2,200 AF requested on the application, are in the WSB through 2018. These rights are 63-138E, 63-233E, 63-252 and 63-369.

The consumptive use cut was in accordance with our transfer procedures for changing beneficial use. The Headgate requirement for the rights is 4.5 af/acre. The consumptive portion is 3.5 af/acre. The water rented is appurtenant to irrigation of 628.6 acres. Below you will see what the rental of these rights will look like. The fee for rental of the above-described water is \$48,087.90 per year.

The advantage of renting these rights through 2018 is that this will ensure that the rental is in place. This would eliminate the possibility of these rights being rented by someone else before your application came in to the department for the term of your rental. Please let me know if you wish to proceed with the 1 year rental or if you want me to process this for a longer period. Thanks.

63-179C	6/1/1869	Boise River	Snake River	13.92 cfs	2610.0 af	NA	NA
63-32580	3/1/1922	Mason Creek	Boise River	NA	NA	NA	NA
63-33392	8/1/1888	Fifteen Mile Creek	Boise River	NA	NA	NA	NA
Total Annual Combined Limit				10.56 cfs	2,610.0 af	NA	NA

63-138E	6/1/1865	Boise River	Snake River	0.03 cfs	4.4 af	NA	NA
63-233E	10/8/1887	Boise River	Snake River	0.73 cfs	91.9 af	NA	NA
63-252	10/25/1981	Boise River	Snake River	0.34 cfs	43.7 af	NA	NA
63-369	5/17/1900	Boise River	Snake River	0.61 cfs	78.7 af	NA	NA
Total Annual Combined Limit				1.71 cfs	218.7 af	NA	NA

Annual Combined Rental Totals				12.27 cfs	2,828.7 af*	NA	NA
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*Rental is limited to the consumptive volume of 2,200.1 AF

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Webster, Clay

From: Buyer, Remington
Sent: Tuesday, June 02, 2015 4:58 PM
To: Webster, Clay
Subject: Mason Creek

I just spoke with Liz. Water right accounting will want to know how much flow IPCO ultimately rents, however the purpose of use and intent for the rental will be left to the Bank to evaluate. Speaking of which, the MSF for the Weiser gage is 4750 cfs and [the current USGS discharge ratings](#) indicate the flow rate is more than double the MSF, at 12,800 cfs. I don't see how a rental of these irrigation water rights for mitigation would be possible, so it looks as if the rental for hydropower generation at Brownlee is their only permissible rental option.

Remington
287-4918

Webster, Clay

From: Bowling, Jon [JBowling@idahopower.com]
Sent: Tuesday, May 26, 2015 4:19 PM
To: Buyer, Remington
Cc: Webster, Clay; Patton, Brian
Subject: RE: WSB Rental

Remington,

As explained in the application and previous discussions with you, this Boise Basin rental is necessary to mitigate for the diversion of the junior priority Langley Gulch power plant water right (2010), should the minimum flow of 4,750 at the Snake River at Weiser be breached. I do not know when or if this will occur, but wanted to ensure that this rental be in place if and when the minimum flow is breached. The May 1 start date that is in the application was to ensure that the this mitigation was in place as soon as possible given uncertainty in this year's potential low water supply. Therefore the sooner that this application can be processed, with the earliest possible start date, the better. Going forward, I would request a start date no later than June 10.

Thanks for your consideration in this matter.

Jon

Jonathon C. Bowling, P.E.
Engineering Leader
Water Policy
Resource Planning and Operations
Idaho Power Company
PO Box 70, Boise Idaho 83707
(208) 388-2905
jbowling@idahopower.com

From: Buyer, Remington [<mailto:Remington.Buyer@idwr.idaho.gov>]
Sent: Wednesday, May 20, 2015 2:27 PM
To: Bowling, Jon
Cc: Webster, Clay
Subject: WSB Rental

Jon,

The Bank will soon begin review of your rental request of the Mason Creek water rights for 2015. FYI, we're not retroactively backdating the start date for rental requests and we've been returning rental applications that request to rent water in the past. From your recent voicemail, we understand that IPCO doesn't need the rental water until early June, so we've held your rental request pending an update from you. Could you please respond back to this email and confirm a hard start date when you will require a rental of these water rights. From our position, an early June rental may be possible, but a late June start date is better and a July or later rental would be best.

Thanks,

Remington
287-4918



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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 5, 2015

IDAHO POWER
C/O JONATHON BOWLING
PO BOX 70
BOISE ID 83707-0070

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) for mitigation. 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.

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 2015 unless you have proposed a start date late in the year. If your application was for 2015 only and the latest possible start date on your application has passed, the application will 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 2016.

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/WaterManagement/WaterRights/WaterSupply/ws_default.htm.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

fix
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Buyer, Remington

From: Buyer, Remington
Sent: Friday, April 24, 2015 11:04 AM
To: 'Bowling, Jon'
Subject: RE: Boise Basin Mason Creek Rental

Jon,

A few quick flags:

- 1) The Bank updated our rental application form at the end of 2014. You've completed your rental request on the old form and will need to redo it on the new form.
- 2) The Mason Creek lease is for 580 acres between three rights, for a total of 20.5 cfs (13.96 cfs from the Boise River right 63-179C). Together, they provide an estimated diversion volume of 2610 AF of volume. A change in use (from irrigation to hydropower) typically involves a consumptive use analysis/reduction, which at 78% of total use being consumptive (3.5 AF consumed from 4.5 AF authorized to be diverted) would result in only 2035.8 AF of water being available to rent from these rights for hydropower use. Your rental being for 184 days (May 1 through Oct 31), would provide you with 5.6 cfs/day (11.1 AF/day). If you require a rental of 6.5 cfs, that would need to be satisfied by renting additional water rights.
- 3) To rent the full 2035.8 AF through a change in nature of use to hydropower would still require a full rental of the 2610 AF irrigation water right volume, which would be a rental fee of \$44,370.

In light of the above flags, please submit your rental request to our office on the new form and ensure to describe your full required flow rates and/or volume requirements. We will ensure the full duty of water is dedicated to your rental request under the Mason Creek water rights and look to see if additional water rights can be rented to make up any shortage.

Please hold off on submitting payment until we've completed our review of the rental request and a final rental fee can be calculated.

Remington
287-4918

From: Bowling, Jon [<mailto:JBowling@idahopower.com>]
Sent: Friday, April 24, 2015 8:42 AM
To: Buyer, Remington
Subject: Boise Basin Mason Creek Rental

Remington, Attached is a pdf of the rental that we discussed. Thanks for your help with this. Anything you can do to expedite this is appreciated.

Jon

Jonathon C. Bowling, P.E.
Engineering Leader
Resource Planning and Operations
Idaho Power Company
PO Box 70, Boise Idaho 83707
(208) 388-2905
jbowling@idahopower.com



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