

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

This is to certify that: **IDAHO WATER RESOURCE BOARD**
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098
208-287-4800

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	Tributary	Rented Rate	Annual Rented Volume	Total Rented Acres
71-2091D	1/31/1964	Beaver Creek	Salmon River	0.36 cfs	54.3 af	N/A ac
71-7009	5/4/1970	Salmon River	Snake River	0.75 cfs	111.9 af	N/A ac
71-10665B	5/1/1954	Beaver Creek	Salmon River	1.31 cfs	32.4 af	N/A ac
71-2091C	1/31/1964	Beaver Creek	Salmon River	0.70 cfs	105.6 af	N/A ac
71-7008	5/4/1970	Beaver Creek	Salmon River	2.92 cfs	438.0 af	N/A ac
*71-7083	7/13/1982	Ground water	N/A	3.48 cfs	600.0 af	N/A ac
71-10665A	5/1/1954	Beaver Creek	Salmon River	3.48 cfs	92.4 af	N/A ac
Combined Limits				3.48 cfs	636.0 af	N/A ac

Annual Combined Rental Totals

5.90 cfs 834.6 af N/A ac

***Annual Actual Rental Totals**

3.93 cfs 556.4 af N/A ac

****Actual rental totals reflect the consumptive use amounts of the original water rights that are deliverable to the rental point of diversion under this rental agreement.***

Rental Fee:

Years	2015-2017	\$14,188.20 annually
Years	2018-2022	\$16,692.00 annually
Years	2023-2034	\$19,195.80 annually

The fee for rental of the above-described water is \$14,188.20 for years 2015-2017, \$16,692.00 for years 2018-2022 and \$19,195.80 for years 2023-2034. Because the renter has a private agreement in place with the lessor, only the administrative fee for ten percent of the total rental will be charged to cover administrative costs: \$1,418.82 for years 2015-2017, \$1,669.20 for years 2018-2022, and \$1,919.58 for years 2023-2034. 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 rental 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.

*Water right 71-7083 is leased into the Bank in combination with 71-2091C, 71-7008 and 71-10665A. For the purposes of this Rental Agreement, water right 71-7083 does not add a benefit and is not necessary for the rental. Conversely, the Department and the lessee gain nothing by having right 71-7083 rented. Water right 71-7083 cannot be rented on its own as it is only used to supplement surface water at the place-of-use.

SUPPORT DATA
IN FILE # 71-2091C

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 5/14/2015
Signature of Renter Printed Name and Title* Date
IWRB EXEC-OFFICER

Signature of Renter Printed Name and Title* 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.


for By
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date May 19, 2015

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

The Quantification point:

SALMON RIVER Lot 5 (NW¼NE¼SW¼) Sec. 22 Twp 11N Rge 18E CUSTER County

BENEFICIAL USE

INSTREAM FLOW

SEASON OF USE

04/15 TO 10/15 FOR WATER RIGHTS: 71-2091C, and 71-2091D

05/01 TO 09/30 FOR WATER RIGHT: 71-7008

05/15 TO 09/30 FOR WATER RIGHT: 71-7009

05/01 TO 10/31 FOR WATER RIGHTS: 71-10665A, and 71-10665B

RENTER'S PLACE OF USE:

Instream flow in the reach of the Salmon Wild and Scenic River from confluence of Beaver Creek and the Salmon River (Sec 22, Twp 7N, Rge 14E) to the Quantification Point described for Water Right No 72-16668.

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 pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
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 278.2 acres.

11. 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. 170, sub-district 71.
12. The water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. Administrative fees will be paid based on the current rental rate.
13. The water use of 71-2091C, 71-7008, 71-7083 and 71-10665A under this rental agreement shall not exceed a maximum diversion rate of 3.48 cfs and 636 af at the field headgate.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 14 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Idaho Water Resource BoardMailing Address 322 E Front St. PO Box 83720 Boise, ID 83720-0098Phone 208.287.4800

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.75cfs Maximum Volume (ac-ft) 111.9 Nature of Use Minimum Stream Flow Period of Use 05/01 to 10/31

_____ to _____

_____ to _____

Total: _____

2. Source of water Salmon Rivertributary to Snake River

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
11N	18E	22	5	NW	NE	SW	Custer

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres N/A

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. No diversion, instream use.

2. Do you own the land at the proposed place of use?

Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. No POU - instream use.

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

The rented water will be delivered to the IWRB Salmon River Minimum Stream Flow (72-16668).

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

3. Will the proposed place of use receive water from any other source?

Yes ☒ No ☐

If yes, describe. Other water bank rentals from Beaver Creek and Fourth of July Creek will provide flows to the MSF.

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. The rented water will be used to increase instream flow for ESA-listed species through the Columbia Basin Water Transactions Program. The rented water will be delivered to the MSF reach of WR 72-16668.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☐ No ☒

If yes, describe. _____

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒

If yes, describe. _____

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☒ No ☐

If yes, please specify the number of years desired through proposed rental. 20 (IWRB authorized)

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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Signature of Applicant

Roger Chase, IWRB Chairman

Printed Name and Title*

Date

1-14-15

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

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Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 8.77 cfs Maximum Volume (ac-ft) 722.7 Nature of Use Minimum Stream Flow Period of Use 05/01 to 10/31

_____ to _____

_____ to _____

Total: _____

2. Source of water Beaver Creek tributary to Salmon River

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
11N	18E	22	5	NW	NE	SW	Custer

4. Lands to be irrigated or place of use:

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Roger Chase, IWRB Chairman

Printed Name and Title*

Date

1-14-15

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

_____)

A FUNDING COMMITMENT

WHEREAS, Chinook salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by seasonally disconnected tributaries; and

WHEREAS, Beaver Creek has been identified as a high priority stream for flow restoration efforts, to provide high quality habitat for anadromous Chinook salmon and steelhead and resident bull trout, 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 Beaver Creek to encourage recovery of ESA-listed Chinook salmon, steelhead, and bull trout;

WHEREAS, the Idaho Water Resource Board (Board) has contracted with DOT LLP to rent their water rights from Beaver Creek and Salmon River for instream purposes since 2004; and

WHEREAS, there is funding available to secure 20-year lease and rental agreements with DOT LLP, or its successors, to protect 9.88 cfs instream in Beaver Creek and the Salmon River, and

WHEREAS, the Board will compensate DOT LLP or its successors, \$20 per acre per irrigation season for said rental for an annual payment of \$5564 for 278.2 acres and a 20-year total of \$111,280; and

WHEREAS, the lease and rental fees for said agreement will not exceed \$36,887.42, and

WHEREAS, a proposal for \$148,167.42 has been submitted to the Columbia Basin Water Transactions Program to be used to fund 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

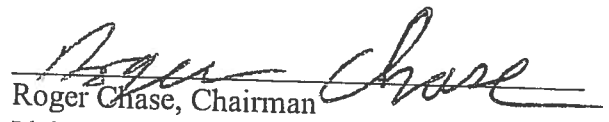
WHEREAS, the Beaver Creek transaction is in the public interest and is in compliance with the State Water Plan.

WHEREAS, this resolution supercedes the Beaver Creek funding resolution approved by the Idaho Water Resource Board at the November 5, 2014 meeting; and

NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into a lease/rental agreement for water rights 71- 2091C, 71-2091D, 71-7008, 71-7009, 71-7083, 71-10665A, and 71-10665B for delivery to minimum stream flow 72-16668, using an amount not to exceed \$148,167.42.

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 Columbia Basin Water Transaction Program in the amount of \$148,167.42.

DATED this 20th day of March, 2015.


Roger Chase, Chairman
Idaho Water Resource Board

ATTEST: 
VINCE ALBERDI, Secretary

Salmon River MSF WR 72-6668

