

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

RECEIVED
JUL 02 2014
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **UNITED STATES BUREAU OF RECLAMATION**
PN-3100 1150 N CURTIS ROAD STE 100
BOISE ID 83706-1234

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	Total Rented Acres
85-02146	05/24/1922	Webb Creek	Sweetwater Creek	NA	1576.6 af	NA	NA
85-04483	06/01/1907	Sweetwater Creek Lindsay Creek	Lapwai Creek Clearwater River	5.50 cfs	1576.6 af	NA	NA
85-15424	12/01/1935	Waha Lake	Sinks	NA	1576.6 af	NA	NA

Annual Combined Rental Totals **5.50 cfs 1576.6 af NA NA**

Term of Rental: **May 30, 2014 to December 31, 2014**

Rental Fee: **\$2,680.22**

The fee for rental of the above-described water is \$26,802.20. Because you own the above referenced water rights you are obligated to pay ten percent (\$2,680.22) to the Department for administrative costs only.

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

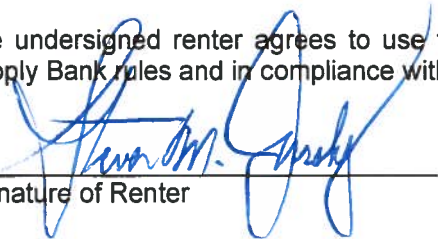
Detailed water right conditions are attached.

SUPPORT DATA
IN FILE # WR 85-02146

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

~~Acting for~~
LORRI LEE REGIONAL DIRECTOR

Printed Name and Title*

July 2, 2014

Date

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.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date September 25, 2014

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

LOCATION OF POINT(S) OF DIVERSION (all within NEZ PERCE County)

85-02146:

WEBB CREEK L18 (SE1/4SE1/4)	Sec. 17 Twp 35N Rge 04W, B.M. (Rediversion)
WEBB CREEK SE1/4SW1/4	Sec. 29 Twp 33N Rge 03W, B.M.
WEBB CREEK SE1/4SW1/4	Sec. 29 Twp 33N Rge 03W, B.M. (Injection)
WEBB CREEK L2 (NW1/4NE1/4)	Sec. 06 Twp 33N Rge 03W, B.M. (Rediversion)
WEBB CREEK NE1/4NE1/4)	Sec. 34 Twp 34N Rge 04W, B.M. (Injection)
WEBB CREEK L3 (NW1/4SW1/4)	Sec. 21 Twp 34N Rge 04W, B.M. (Rediversion)
WEBB CREEK L18 (SE1/4SE1/4)	Sec. 17 Twp 35N Rge 04W, B.M. (Injection)
LAPWAI CREEK L3 (SW1/4NE1/4)	Sec. 22 Twp 36N Rge 04W, B.M. (Ending of Reach)

85-04483:

SWEETWATER CREEK L3 (NW1/4SW1/4)	Sec. 21 Twp 34N Rge 04W, B.M.
LAPWAI CREEK L3 (SE1/4SW1/4NE1/4)	Sec. 22 Twp 36N Rge 04W, B.M. (Ending of Reach)

85-15424:

WAHA LAKE NW1/4NW1/4	Sec. 09 Twp 33N Rge 04W, B.M. (Injection)
WAHA LAKE L5 (SE1/4SE1/4)	Sec. 09 Twp 33N Rge 04W, B.M.
LAPWAI CREEK L3 (SE1/4SW1/4NE1/4)	Sec. 22 Twp 36N Rge 04W, B.M. (Ending of Reach)

BENEFICIAL USE

85-02146 AND 85-15424:

MINIMUM STREAM FLOW FROM STORAGE
MINIMUM STREAM FLOW STORAGE

85-04483:

MINIMUM STREAM FLOW

SEASON OF USE

06/01 TO 10/31

RENTER'S PLACE OF USE: MINIMUM STREAM FLOW IS IN SWEETWATER CREEK AND LAPWAI CREEK IN THE REACH ABOVE THE QUANTIFICATION POINT DESIGNATED FOR WATER RIGHT NO. 85-15603.

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. Rental of the leased portions of water rights 85-02146, 85-04483, and 85-15424 is limited to a total combined diversion rate of 5.5 cfs and diversion volume of 1576.6 acre-feet during the rental period.
11. 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.

CONDITIONS APPLICABLE TO RIGHT 85-02146:

12. Point of injection in T33N, R03W, S29, SESW is into Webb Creek. Point of rediversion in T33N, R03W, S06, Lot 2 (NWNE) is from Webb Creek via the Webb Creek Canal. Point of injection in T34N, R04W, S34, NENE is into the East Fork of Sweetwater Creek.
13. Use of water under right 85-02146, including the water use authorized under this rental agreement, may not exceed a total diversion volume of 2000 acre-feet.

CONDITIONS APPLICABLE TO RIGHT 85-04483:

14. Use of water under right 85-04483, including the water use authorized under this rental agreement, may not exceed a total diversion rate of 55.0 cfs or a total diversion volume of 10,500 acre-feet.
15. The renter may not divert water to fill the use authorized under this rental agreement unless it is water that could otherwise be diverted to storage from Mann Lake.

CONDITIONS APPLICABLE TO RIGHT 85-15424:

16. Point of injection in T33N, R04W, NWNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek.
17. Use of water under right 85-15424, including the water use authorized under this rental agreement, may not exceed a total diversion volume of 3497.5 acre-feet.

Total: 1,576.6 ac-ft

D. GENERAL INFORMATION

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

See Attachment A

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
IWRB Right No 85-15603

3. Will the proposed place of use receive water from any other source? N/A Yes ☐ No ☐

If yes, describe. _____

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. Instream use under IWRB's Right No. 85-15603

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. _____

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

Jerrold D. Gregg, Mangr, Snake Rvr Area Of
Printed Name and Title*

5/30/12
Date

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

Attachment A

The applicant, the Bureau of Reclamation, intends to rent its own water out of the water supply bank for endangered species needs associated with the Lewiston Orchards Project. There are two parts to the rental. The first part is intended to augment flow to ensure the following instream flow targets are met at the designated locations.

Instream Flow Targets		
	Webb Creek downstream of diversion dam (cfs)	Sweetwater Creek downstream of Sweetwater diversion dam (cfs)
June	2	3.5
July	2	3.5
Aug	2	3.5
Sep 1-15	2	3.5
Sep 16-30	1	2.5
Oct	1	2.5

The maximum volume based on the above table is 1,486 acre-feet. The rate of water to be released is unknown at present because some of the flow target will be met by natural flow not covered by this rental. Required releases under this rental will be made real-time, such that when added to the natural flow not covered by this lease the flow targets in the table above are met. The second part of the rental is for 90 acre-feet, which will be provided throughout the above time period at a rate and time as requested by the Nez Perce Tribe. The total maximum is 1,576 acre-ft (1,486 acre-ft plus 90 acre-ft). The water will be rented from a combination of the following three reservoirs which Reclamation owns: Soldiers Meadow Reservoir, Mann Lake, and Lake Waha, under Water Right Nos. 85-02146, 85-04483, and 85-15424 respectively. All three reservoirs supply water to the Lewiston Orchards Irrigation Project. The lease and rental is from June 1 through October 31, 2014.

The water rights are to be rented into the Idaho Water Resource Board's (IWRB's) instream right No. 85-15603, for which the measurement point is the mouth of Lapwai Creek. The water will be delivered from (1) Lake Waha, (2) Soldiers Meadow Reservoir, or (3) the diversion dams at Sweetwater Creek from water that is forgone from being stored at Mann Lake. It will be delivered down to the measurement point for the IWRB's water right No. 85-15603. Administration of rented water is to be accomplished under Idaho Code § 42-801.

The following measurements will occur to ensure there is not an expansion of the Applicant's storage rights as a result of this rental.

- a. Measurements of Mann Lake under water right No. 85-4483

i. Objective: Ensure the total of the volume stored for the year in Mann Lake and the volume attributed to the rental from Mann Lake storage does not exceed 10,500 acre-ft.

ii. Method: Lewiston Orchards Irrigation District will measure 1) the rate and the associated volume of flow into Mann Lake that is not attributable to storage at the upper reservoirs and 2) the volume of water delivered to Mann Lake from water that was previously stored in the above reservoirs. The volume of water delivered out of Mann Lake will be measured by an existing device on the outlet works for Mann Lake that totalizes the volume of water delivered out of Mann Lake. Additional storage for carry-over in Mann Lake will be calculated from elevation measurements. From these measurements, the volume of the water diverted to the creek that is attributable to storage water right No. 85-4483 will be calculated.

The District will also show that at any given time that both Mann Lake and Sweetwater Canal have the physical capacity to take the flow in the Creeks that is considered to be forgone storage water from right No. 85-4483 under this rental agreement.

b. Measurement of volume used in the rental program from the Soldiers Meadow Reservoir water right No. 85-2146 to ensure storage right is not enlarged

i. Objective: Ensure the total storage for Soldiers Meadow Reservoir in a given year does not exceed 2,000 acre-ft under water right No. 85-2146.

ii. Method: The volume released from storage for both irrigation and the water rental will be measured. The additional carryover accumulated will be calculated from elevation measurements. These two volumes together must not exceed 2,000 acre-ft.

c. Measurement of Volume used in the Rental Program from the Lake Waha water right No. 85-15424

i. Objective: Ensure that the total storage at Lake Waha does not exceed 3,497.5 acre-ft.

ii. Method: Calculate the volume released from storage for irrigation in addition to the additional carryover accumulated, which must not exceed 3,497.5 acre-ft.

2014 Lewiston Orchards Water Rights Rental						
Month	Days in the month	Webb Creek instream flow pg 9 of B.O. w/o additional (cfs)	Sweetwater creek instream flow pg 9 of Biop w/o additional (cfs)cfs	Total flow (cfs) in month	Acre-ft per day (* 1.983)	Acre-ft per month
June	30	2	3.5	5.5	10.9065	327
July	31	2	3.5	5.5	10.9065	338
August	31	2	3.5	5.5	10.9065	338
September 1-15	15	2	3.5	5.5	10.9065	164
September 16-30	15	1	2.5	3.5	6.9405	104
October	31	1	2.5	3.5	6.9405	215
Total	153					1486
				extra per settlement		90
			total acre-ft to transfer instream thru bank			1576



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

September 29, 2014

UNITED STATES BUREAU OF RECLAMATION
PN – 3100 1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 85-02146, 85-04483, & 85-15424**

Dear Renter:

Idaho Department of Water Resources acknowledges receipt of payment in the amount of \$2,680.22 via electronic funds transfer. Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1576.6 acre-feet of water for minimum stream flow. 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, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the right(s).

If you have any questions, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure(s): Rental Agreement (copy)

c: Sascha Marston – Fiscal
Keith Franklin – IDWR Northern Regional Manager

Webster, Clay

From: Palmer, Cherie
Sent: Tuesday, September 02, 2014 1:16 PM
To: Webster, Clay
Subject: FW: LOID lease

From: Palmer, Cherie
Sent: Tuesday, September 02, 2014 9:07 AM
To: Sutcliffe, Lorna
Subject: FW: LOID lease

Looks like we might be seeing a payment from the Bureau of Reclamation soon. See below emails.

Thanks again for your help.

From: Keen, Shelley
Sent: Tuesday, September 02, 2014 7:48 AM
To: McGarry, Elizabeth
Cc: Palmer, Cherie
Subject: RE: LOID lease

Gail,

Thanks for looking into it. That will help Cherie wrap up another loose end in the Water Supply Bank.

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: McGarry, Elizabeth [<mailto:emcgarry@usbr.gov>]
Sent: Monday, September 01, 2014 2:27 PM
To: Keen, Shelley
Subject: LOID lease

I talked to our finance lady, Paula Collins. She said she's issuing a check to the Department. I'll check with her later this week to see if she did.

E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-3100, Bureau of Reclamation Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706
208-378-5306

Palmer, Cherie

From: Sutcliffe, Lorna
Sent: Tuesday, August 26, 2014 11:08 AM
To: Palmer, Cherie
Cc: Webster, Clay
Subject: FW: FW: IPP PO#R14PX00728

I hate to bring this up; but, I do not show we received the \$2680.22 from USBR.

As you can see they were going to pay through an the online IPP; but, then switched to EFT. I inquired of Paula Collins where that might be last Monday; and, did not hear back from her, yet.

Thanks,
Lorna

From: Sutcliffe, Lorna
Sent: Monday, August 18, 2014 3:30 PM
To: 'Collins, Paula'
Subject: RE: FW: IPP PO#R14PX00728

Hi Paula,
We have not received notice of an EFT in the amount of \$2680.22. How long might this take?

Thanks,
Lorna

From: Collins, Paula [<mailto:pcollins@usbr.gov>]
Sent: Thursday, August 07, 2014 9:10 AM
To: Sutcliffe, Lorna
Cc: Palmer, Cherie
Subject: Re: FW: IPP PO#R14PX00728

too funny..... :)

No, it will be EFT.

Paula

*Paula Collins
Supervisory Contract Specialist
Regional Lead Simplified Acquisitions
FBMS - Acquisition SME
Pacific Northwest Regional Office
ph - 208-378-5110
fax - 208-378-5108*

On Thu, Aug 7, 2014 at 8:03 AM, Sutcliffe, Lorna <Lorna.Sutcliffe@idwr.idaho.gov> wrote:

Hi Paula,

Here is the original invoice. Since it won't be paid through IPP, will we be receiving one of those ancient checks in the mail?

Thanks,

Lorna

From: Collins, Paula [<mailto:pcollins@usbr.gov>]

Sent: Wednesday, August 06, 2014 12:50 PM

To: Sutcliffe, Lorna

Subject: Re: FW: IPP PO#R14PX00728

Yes - for that PO that you are TRYING to get paid, please send me the invoice for payment. Because of the coding we put in the PO (basically a 'utility'-type award), it will not be paid through IPP.

I will submit the invoice the old-fashioned way! Which is better!!!

P

Paula Collins

Supervisory Contract Specialist

Regional Lead Simplified Acquisitions

FBMS - Acquisition SME

Pacific Northwest Regional Office

ph - 208-378-5110

fax - 208-378-5108

On Wed, Aug 6, 2014 at 7:55 AM, Sutcliffe, Lorna <Lorna.Sutcliffe@idwr.idaho.gov> wrote:

Hi Paula,

Did you hear back from the help desk?

Thanks,

Lorna

From: Sutcliffe, Lorna
Sent: Friday, August 01, 2014 2:30 PM
To: 'pcollins@usbr.gov'
Subject: IPP PO#R14PX00728

Hi Paula,

IDWR is not able to see purchase order R14PX00728 in IPP. We do see purchase order R14PX00709, which you said is a purchase order for State of Idaho Division of Military.

I was on the phone with the help desk when trying to make the invoice off the PO R14PX00728. The helper said to contact your Department and have you enter the PO in IPP. You and I talked on the phone. You were going to submit a helpline ticket to see what the problem was. Thank You. Please let me know when you hear back from them on how to proceed.

Thanks,

Lorna Sutcliffe

Financial Specialist Sr

Idaho Department of Water Resources

322 East Front Street

Palmer, Cherie

From: McGarry, Elizabeth [emcgarry@usbr.gov]
Sent: Thursday, August 07, 2014 9:06 AM
To: Sutcliffe, Lorna; Palmer, Cherie
Subject: Re: Payment for Lewiston Orchards lease

Have you had success yet with invoicing the LOID lease payment with the Department of Treasury's Internet Payment Platform System?

Gail

E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-3100, Bureau of Reclamation Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706
208-378-5306

On Mon, Jul 28, 2014 at 9:30 AM, McGarry, Elizabeth <emcgarry@usbr.gov> wrote:
Resending with Lorna's correct email address.

E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-3100, Bureau of Reclamation Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706
208-378-5306

----- Forwarded message -----

From: McGarry, Elizabeth <emcgarry@usbr.gov>
Date: Mon, Jul 28, 2014 at 9:24 AM
Subject: Payment for Lewiston Orchards lease
To: Lorna.Sutcliffe@idwr.gov, Cherie.Palmer@idwr.idaho.gov

Please see attached award for contract (and background documents you already have.)
BOR has to use electronic invoicing now. Hopefully, you have done this with some of our grants before, but if not, the instructions are on the fourth page.

If you have questions, Paula Collins should be able to answer them 378-5110.

Thanks,
Gail

E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-3100, Bureau of Reclamation Pacific Northwest Region



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 25, 2014

UNITED STATES BUREAU OF RECLAMATION
ATTN: PN-3100 1150 N CURTIS RD STE 100
BOISE ID 83706-1234

RE: RENTAL FEE DUE FOR RENTAL OF WATER RIGHT NO(S) 85-02146, 85-04483 AND 85-15424

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

Dear Renter:

The Department of Water Resources is unable to execute the rental agreement for Water Right Nos. 85-02146, 85-04483 and 85-15424 until rental payment is received. In accordance with the Water Supply Bank Rental Agreement signed by you on July 2, 2014, the rental fee for these water right(s) is \$2,680.22, since you are both the lessor and the renter of the rights.

Please submit payment of \$2,680.22 made payable to the Idaho Department of Water Resources no later than **August 11, 2014** if you propose to continue the water use authorized under this rental agreement. The rental agreement will be void if the payment is not received by the due date.

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

IN REPLY REFER TO:

PN-3100
ENV 1.00

JUL 02 2014

Ms. Cherie Palmer
Sr. Water Resource Agent
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
JUL 02 2014
DEPARTMENT OF
WATER RESOURCES

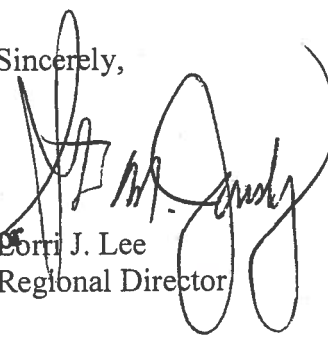
Subject: Application to Rent Water from the Water Supply Bank, Water Right Numbers
85-02146, 85-04483 and 85-15424

Dear Ms. Palmer:

Please find enclosed Reclamation's signature on the Rental Agreement sent to us on June 24, 2014. As my staff discussed with you, funds for the administrative fee will be transferred electronically rather than by check as requested in your correspondence, because the sum exceeds our limit for checks.

Please contact Ms. Gail McGarry, Program Manager, Water Rights, at 208-378-5306, if you have any questions.

Sincerely,


Acting for Lorri J. Lee
Regional Director

Enclosures



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

June 24, 2013

UNITED STATES BUREAU OF RECLAMATION
ATTN: PN-3100 1150 N CURTIS RD STE 100
BOISE ID 83706-1234

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 85-02146, 85-04483 AND 85-15424**

*****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 \$2,680.20 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 1,576.6 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$2,680.22.**

Please send a check for \$2,680.22 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) 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

To: Water Right(s). 85-2146, 85-4483, and 85-15424
From: Brian Ragan
Date: June 19, 2014
Re: 2014 Bureau of Reclamation Water Supply Bank Rental Application

PURPOSE/NARRATIVE: On May 30, 2014, the Department received an application from the US Bureau of Reclamation (BOR) to rent its own surface water from the WSB for a period of one-year from June 1 to October 31, 2014. The application was signed by Jerrold Gregg, Area Manager from the Snake River Area Office.

The water will be used for endangered species needs associated with the Lewiston Orchards Project and will be administered as two parts. The first part, using 1,486.6-AF, is intended to augment stream flows to fulfill the IWRB's instream right (85-15603), and the second part, using 90-AF, will release water as requested by the Nez Perce Tribe.

The total 1,576.6-AF of water will come from the following three reservoirs which the BOR owns: Soldiers Meadow Reservoir, Mann Lake, and Lake Waha.

Similar rentals have been approved, at least since 2007.

AUTHORITY TO FILE: Jerrold Gregg is listed on the BOR webpage as the Area Manager from the Snake River Area Office.

WATER RIGHT VALIDITY: The water rights in the Bank, 85-2146, 85-4483, 85-15424, provide a sufficient supply to satisfy the rental. The portions of water rights in the bank will be used for IWRB's instream right 85-15603.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the rental. The rental application came attached with an outline of how significant effort will be put forth measuring flows and reservoir levels to ensure no enlargement of the applicant's storage rights.

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right(s) are not subject to a Water District but are within the Lindsay Creek Ground Water Management Area.

US Bureau of Reclamation
2014 Rental

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2013-2017)	Rental Amounts		Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-2022)
					Rate (cfs)	Acres			
85-2146	up to 1576.6 AF	NA	2680.22	2680.22	NA	NA	0	0	0.00
85-4483	up to 1576.6 AF	NA	NA	NA	up to 5.5	NA	0	0	0.00
85-15424	up to 1576.6 AF	NA	NA	NA	NA	NA	0	0	0.00
xx-xxxx	0	0	0	0	0.00	0.00	0	0	0.00
xx-xxxx	0	0	0	0	0.00	0.00	0	0	0.00
xx-xxxx	0	0	0	0	0.00	0.00	0	0	0.00
xx-xxxx	0	0	0	0	0.00	0.00	0	0	0.00
Total	0	NA	2680.22	2680.22	0.00	0.00	0	0	0.00

Applicant is renting their own right so only the 10% administrative fee is being charged.