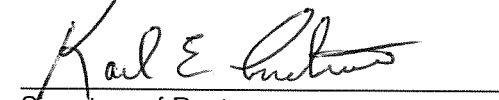
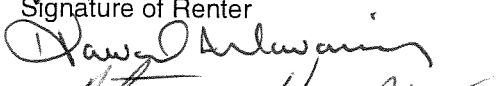
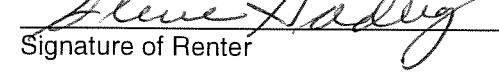


RECEIVED
JUL 02 2014
DEPARTMENT OF
WATER RESOURCES

FILE # 29-2292

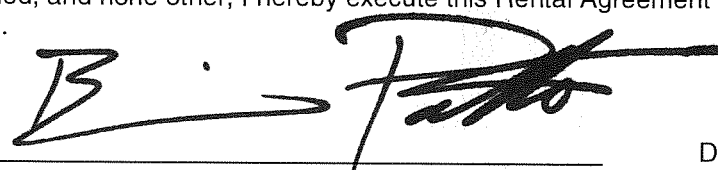
WATER SUPPLY BANK RENTAL AGREEMENT

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>KARL E. ANDERSON</u> Printed Name and Title*	<u>6-5-2014</u> Date
 Signature of Renter	<u>HOWARD MANWARING</u> Printed Name and Title*	<u>6-5-2014</u> Date
 Signature of Renter	<u>STEVE HADLEY</u> Printed Name and Title*	<u>6/5/2014</u> 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

July 2, 2014

WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SW ¼ NW ¼ Sec. 12 Twp 06s Rge 34E BANNOCK County

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	2/24	12/31	1.3 cfs	24 af
DIVERSION TO STORAGE	2/24	12/31	1.3 cfs	
RECREATION STORAGE	2/24	12/31		57 af
TOTAL:			1.3 cfs	81 af

SEASON OF USE

02/24 TO 12/31

RENTER'S PLACE OF USE:

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	34E	12						X											

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	34E	12					X	X											

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 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.
7. 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.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

10. The water rented under this agreement is appurtenant to irrigation as follows: 29-14096, 20.8 acres; 29-13143, 24.2 ac; 29-13144, 54.3 ac; 29-2292, 7.0 ac.
11. This rental agreement does not authorize the construction of a well.
12. Recreation storage is for the initial fill of a pond.
13. The impoundment of water under this rental is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

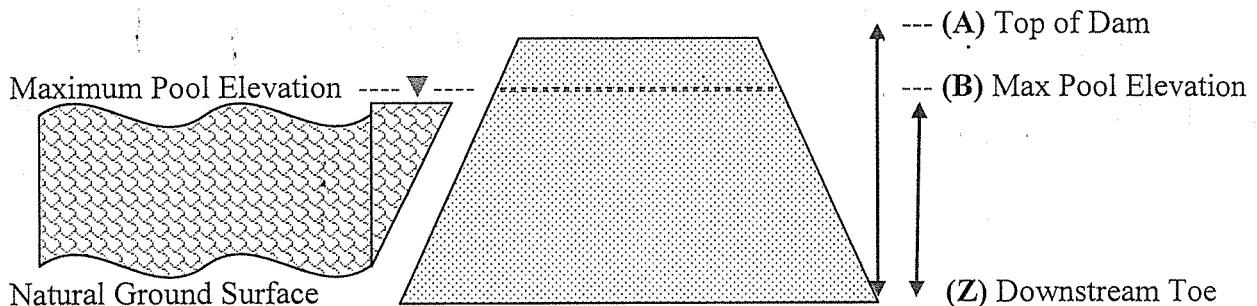
RECEIVED

JUN 05 2014

DEPARTMENT OF
WATER RESOURCESCorresponding Water Use
Identification No. 29-7329, 29-7972**APPLICATION FOR CONSTRUCTION OR ENLARGEMENT OF A NEW OR EXISTING DAM**

Required for construction or enlargement of a dam 10 feet or more in height or a reservoir with a storage capacity of 50 acre-feet or more. Please complete this application to reflect the final project dimensions.*

- 1) Is this application for enlargement of an existing dam or reservoir? Yes ☐ No ☒ **XX**
- 2) Name of Dam or Reservoir: Portneuf Wellness Complex Dam
- 3) Name of Applicant: A & E Engineering, Inc.
Address: PO Box 1327 City/ State: Pocatello, ID ZIP: 83204
- 4) Dam Location: Township 6S Range 34E Section 12 County Bannock
- 5) Is the dam/reservoir located out-of-channel (off stream)? Yes ☐ No ☒ **XX**
- 6) Source of Water: Well Tributary to: N.A.
- 7) Reservoir: Surface Area 5.4 (acres) Storage Capacity: 60.4 (acre-feet)
- 8) Proposed Use(s): Fishing, Irrigation, Swimming
- 9) Type of Dam/ Construction Materials: earth (earth, concrete, rock, etc.)
- 10) Dam Height: 39 (feet) → (A) to (Z)
Dam height corresponds to the vertical distance measured at the downstream toe of the dam, from the original /natural ground surface to the top of the dam (see below).
- 11) Hydraulic Height: 32 (feet) → (B) to (Z)
Hydraulic height corresponds to the vertical distance measured at the downstream toe of the dam to the maximum reservoir surface elevation (see below).



* **Note!** Design plans and specifications must be reviewed and approved by IDWR Dam Safety prior to beginning construction. Dams more than 20 feet in height or reservoirs with a storage capacity 100 acre-feet or more require a design prepared by an Idaho licensed professional engineer (§ 42-1712).

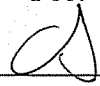
- 12) What is the size and composition of the outlet conduit (pipe)? No pipe
 Inside Dimension: N.A. (inches) Composition: N.A. (steel, plastic, etc.)
- 13) Where is the emergency spillway located relative to the dam (looking downstream)?
 Left Abutment XX Right Abutment Other (explain)
- 14) Describe the spillway channel lining material: 60 mil HDPE with soil cover (concrete, rock, etc.)
- 15) List the depth of the spillway channel entrance as measured from the top of the dam: 3 (feet)
- 16) Spillway channel dimensions: Bottom Width 10 (ft), Top Width 34 (ft), Side slopes 12 H : 1 V
- 17) Proposed date for start of construction (month and year): June 2014
- 18) Estimated completion of construction (month and year): September 2014
- 19) Do you own the real property where the dam and reservoir are located? Yes No XX
- 20) If "No", list the name and address of the property owner: Portneuf Health Care Foundation
 Address: 500 S. 11th, Suite 503 City/ State: Pocatello, ID ZIP: 83201
- 21) Applicant Signature:  Date: 05/01/2014

----- Fee Schedule -----

The fee collected for construction of a new dam, or for enlarging an existing dam or increasing the storage capacity of an existing reservoir (§ 42-1713) is additional to other Water Right Application fee(s). Note also that certain types of hydraulic barriers are exempt from IDWR dam safety regulation (§ 42-1711).

10 acre-feet total capacity, or less	No fee is required for hydraulic barriers constructed in low hazard areas impounding 10 acre-feet or less, regardless of height.
1000 acre-feet capacity, or less	\$200, plus \$10 for each ten (10) acre-feet of reservoir capacity or part thereof.
1001 acre-feet to 10,000 acre feet	\$1000, plus an additional \$1.00 for each ten (10) acre-feet or part thereof over the first one-thousand acre-feet capacity.
More than 10,000 acre-feet	\$1900, plus \$0.20 for each ten-thousand acre-feet of reservoir capacity; total fee shall not exceed \$6000.

----- For Department Use Only -----

Application Received By:  Fee: \$ 270⁰⁰
 Receipt No: C098955 Receipted By:  Date: 06/05/14

*** Note!** Design plans and specifications must be reviewed and approved by IDWR Dam Safety prior to beginning construction. Dams more than 20 feet in height or reservoirs with a storage capacity 100 acre-feet or more require a design prepared by an Idaho licensed professional engineer (§ 42-1712).

A & E ENGINEERING, INC.

P.O. BOX 1327
POCATELLO, ID 83204
PH. (208) 233-4226

JUN 05 2014

IDAHO CENTRAL CREDIT UNION
POCATELLO, ID 83204

9391

92-7362/3241

5/30/14

PAY TO THE ORDER OF ID Dept of Water Resources

\$ **270.00

Two Hundred Seventy and 00/100*****

DOLLARS

ID Dept of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

MEMO



AUTHORIZED SIGNATURE MP

A & E ENGINEERING, INC.

ID Dept of Water Resources

5/30/14

9391

ID Dept of Water Resources: Dam application fee

270.00

COPY

IC checking

270.00

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
FEB 24 2014
DEPARTMENT OF
WATER RESOURCES

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) Bannock County
 Mailing Address 5500 South 5th, Pocatello ID 83204
 Phone 208 236-7211 Email cindyh@bannockcounty.us
 F

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 1.3 Maximum Volume (ac-ft) 65 Nature of Use Recreation Storage Period of Use 01/01 to 12/31
 _____ to _____
 _____ to _____

Total: _____

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
06S	34E	12	5	SW	NW		Bannock

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	
06S	34E	12						R											

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

Total Acres _____

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. _____

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.

Portneuf Health Care Foundation (see attached letter)

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.

Bannock County Fairgrounds well

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

29-7972 29-7329

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

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.

This application is for the initial fill of a pond to be constructed as part of a new outdoor recreation area. The pond will be lined and has a surface area of 5.3 acres

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. Bannock County has submitted an application to transfer part of water right 29-7972 and 29-7329 for recreation storage and change in POU

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?

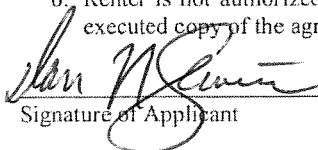
Yes ☐ No ☒

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

Bannock County
Chief Civil Deputy Prosecutor
Printed Name and Title*
IAN N. SERVICE

2/20/14
Date

Signature of Applicant

Printed Name and Title*

Date

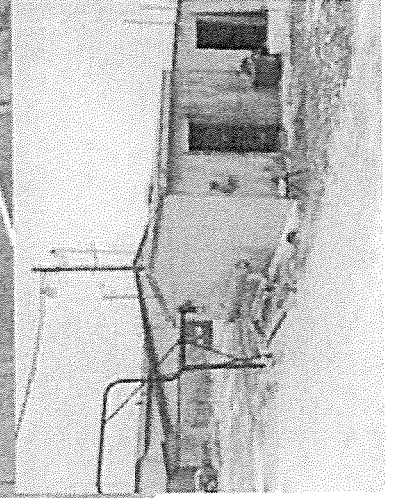
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

Application to rent water from the water supply bank
Bannock County Fairgrounds / initial fill of pond



POD for Bannock County rights 29-7972 and 29-7329
Groundwater/SWNW Lt 5/Sec 12/Township 06S/ Range 34E





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Bannock County Prosecuting Attorney

[Home](#)
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The Attorneys

Stephen F. Herzog, Prosecuting Attorney

Mr. Herzog was born and raised in Pocatello, graduating from Pocatello High School in 1979. He obtained a BA in English from the University of Idaho in 1981 and returned to Pocatello where he practiced civil law, criminal defense, and was a deputy prosecutor for the City of Pocatello before being elected Bannock County Prosecutor in 2003. Mr. Herzog enjoys getting out on the mountains and rivers of Idaho.

Zachary G. Parris, Deputy Attorney

Mr. Parris was born and raised in Pocatello, graduating from Highland High School. He operated a contracting business for two years and subsequently worked as a construction manager. While working for Union Pacific, Mr. Parris obtained an undergraduate degree in Economics from Idaho State University, graduating with honors in 2000. Mr. Parris returned to Pocatello and practiced law at the Public Defender's Office for over a year before leaving to work in a private law firm. Mr. Parris is married with two children and resides in the Pocatello area.

Email Mr. Parris

Ms. Ashley Graham, Deputy Attorney

Ms. Graham grew up in Portland, Oregon and graduated from the University of Oregon in 2007 with a Bachelor degree in Political Science. Shortly after she graduated from the University of Oregon, Ms. Graham transferred to the University of Idaho College of Law where she graduated with honors in 2010. Ms. Graham joined the Bannock County Prosecuting Attorney's Office in 2010.

Email Ms. Graham

Ian N. Service, Deputy Prosecutor

Mr. Service has been a Deputy Prosecutor in Bannock County since August 2009. He was born in Salt Lake City, Utah and grew up in Tempe, Arizona. He attended Arizona State University where he earned a Bachelor of Arts Degree in English. Mr. Service received his law degree from Thomas M. Cooley Law School, Lansing, Michigan, in 2007. Mr. Service enjoyed Mock Trial and Moot Court classes and competitions. In a large school-wide Moot Court competition, his team placed third overall, and he was awarded the title of Moot Court Champion. Mr. Service began his legal career as an Extern-Judicial Law Clerk in the United States District Court of Idaho for the Honorable B. Lynn Winnmill. Mr. Service was a Deputy Public Defender before accepting - and enjoying - his current opportunity with Bannock County. He is licensed to practice before all Idaho and Federal Courts.

Email Mr. Service

Ryan K. Godfrey, Deputy Attorney

Godfrey was raised in Idaho Falls, Idaho and received his Bachelor's degree in Spanish from Brigham Young University in 1999. He also earned a minor in Criminal Justice. Mr. Godfrey's enforcement career began working for a private multi-national corporation as an executive security/personal protection officer. Mr. Godfrey returned to school and obtained his Juris Doctor from the University of Denver Sturm College of Law. He obtained civil litigation experience while clerking for a private practice firm in Northwest Indiana for two years. Mr. Godfrey joined the Bannock County Prosecuting Attorney's Office in May of 2007.

Email Mr. Godfrey

JaNiece Price, Deputy Attorney

Ms. Price was born in American Falls, Idaho, and lived there for the first two years of her life. Her family then moved to Big Piney, Wyoming, where she was raised. Ms. Price obtained her undergraduate degree in Political Science from Utah State University and then obtained her law degree at the University of Denver Sturm College of Law in 2006. Ms. Price worked as a paralegal at a personal injury firm while attending law school at night. After passing the Colorado Bar, she practiced Family Law and Estate Planning Law in Idaho and joined the Bannock County Prosecutor's Office in April 2006.

Email Ms. Price

Jared Johnson, Deputy Attorney

Johnson was born and raised in Pocatello, Idaho. He graduated from Highland High School and went on to complete his undergraduate work at Idaho State University where he earned a Bachelor's degree in Communication and Rhetorical Studies. Mr. Johnson earned his law degree from the University of Idaho, College of Law in May of 2007 and has been a Deputy Prosecutor in Bannock County since August 2009.

Email Mr. Johnson

Matt Kerbs, Deputy Attorney

Mr. Kerbs was born and raised in Eastern Idaho. He attended Idaho State University where he completed his undergraduate work and received a Bachelor's degree in Political Science. Mr. Kerbs obtained his Juris Doctor from the University of Idaho, College of Law. Shortly after graduating, Matt went to work for the U.S. Senate, an opportunity that he worked as a Regional Director. After leaving the Senate, Matt opened up his own law practice representing clients in various civil and criminal matters. Mr. Kerbs joined the Bannock County Prosecuting Attorney's Office in 2013.

E-mail Mr. Kerbs

Jeff Cronin, Deputy Attorney

Mr. Cronin was born in Ohio and raised in Florida. He attended Humboldt State University, in Arcata, CA, where he earned a Bachelor of Arts Degree in Political Science. Mr. Cronin worked for the U.S. Attorney's Office in San Francisco, CA, and then for the U.S. Attorney's Office in Portland, OR, before joining the Bannock County Prosecuting Attorney's Office in 2014.

1-30-14 - ch



500 South 11th Ave.
Suite 503
Pocatello, Idaho 83201
Phone: 208.239.1953
Fax: 208.233.4644
www.portfound.org

January 27, 2014

Karl Anderson
Chairman, Bannock County Commission
624 East Center
Pocatello, ID 83201

Dear Chairman Anderson,

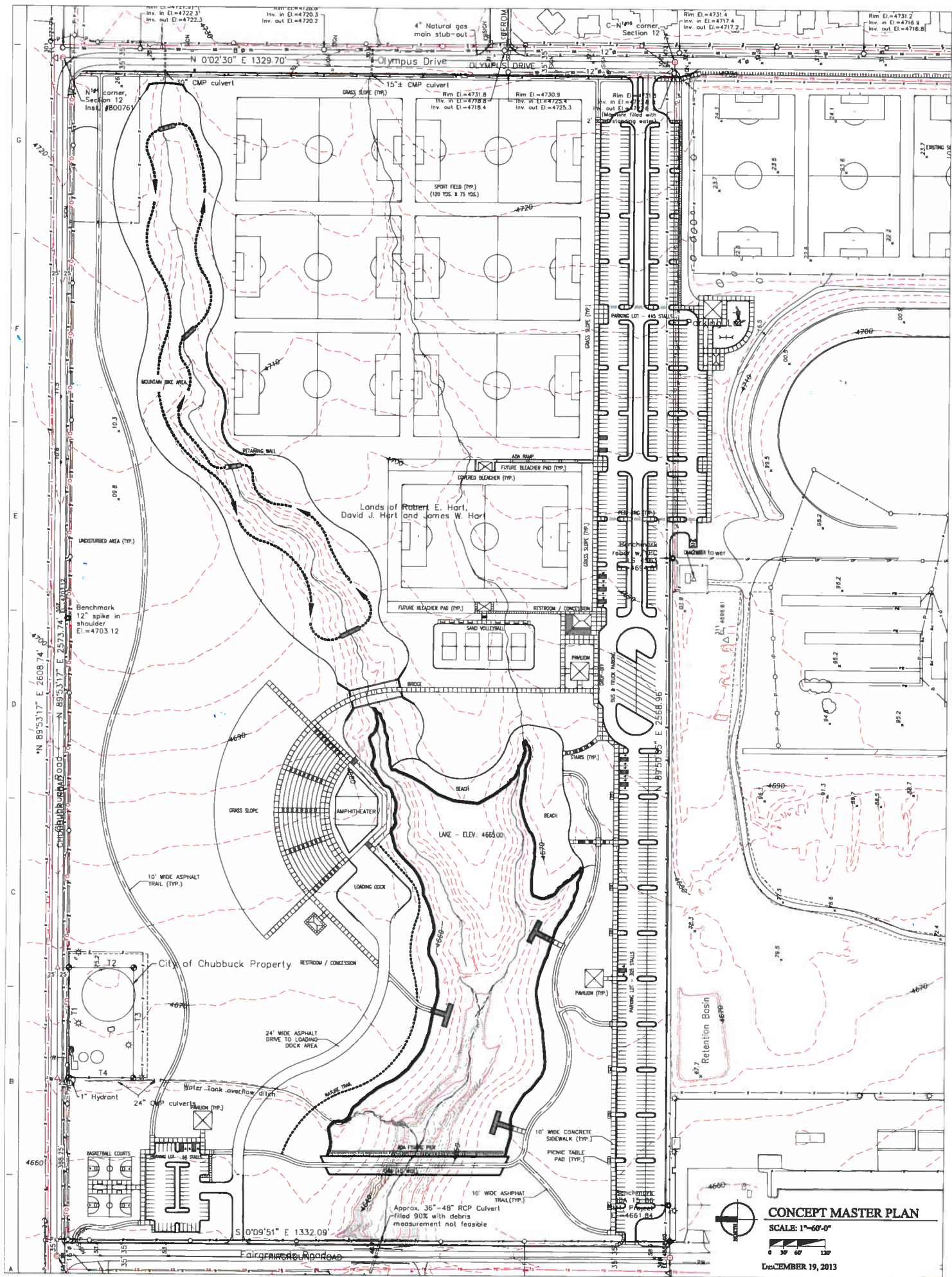
I hope this letter finds you well. I wanted to follow up with you regarding our oral agreements and work regarding the granting of ownership of the approximately 80 acres north of the current Bannock County Fairgrounds, west of Olympus road, and east of Fairgrounds road. As you know we acquired the land from the Hart family in September of 2013 for approximately \$1.2 million. We will make approximately \$11 million in improvements and will grant/donate it to Bannock County when completed in 2015. We will have a couple of conditions (regarding naming of the complex, dedicated for health and wellness purposes, etc.) that we will work on in consultation with you before final transfer is made.

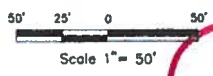
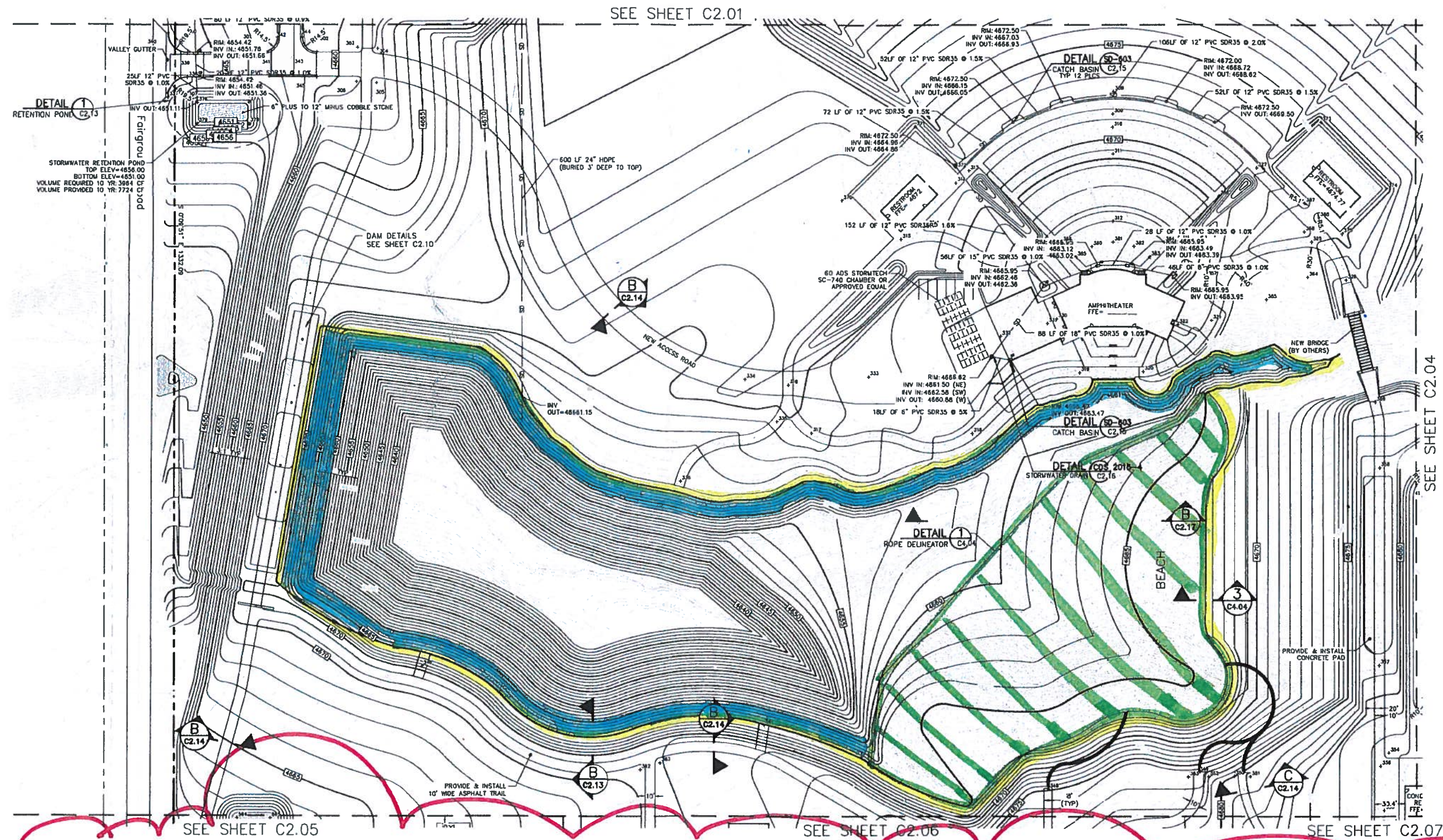
I'm extremely pleased to be able to commit to this gift, and have enjoyed working with all of the commissioners on this project thus far. I look forward to continuing our great partnership and investing in health in our community in the future.

My very best regards,

A handwritten signature in cursive script that reads "Shaun Menchaca".

Shaun Menchaca
President and CEO
Portneuf Health Care Foundation





HOPE LINER [UNDER ENTIRE AREA]
200 MIL GEOTEXT [UNDER BLUE SHADDED AREA ONLY]
80% NONWOVEN GEOTEXTILE [UNDER GREEN HATCHED AREA ONLY]

NO.	DESCRIPTION	NO.	DESCRIPTION	DATE	BY	APVD.
C	ISSUE FOR BIDDING PURPOSES			4/15/14	JJC	
B	ISSUE FOR COMMENTS			4/9/14	JJC	
A	ISSUE FOR 90% COMPLETION REVIEW			3/27/14		



JACKSON LAND DESIGN, PC
 LANDSCAPE ARCHITECTS
 2556 CLEARWATER
 POCAHELLO, IDAHO 83201
 PH: (208) 589-4488, FAX: (208) 237-2260
 LandDesign@cablinc.net

ENGINEERING INC.
 POCAHELLO, ID
 845 W. CENTER ST. SUITE E
 P.O. BOX 1327
 POCAHELLO, ID 83204
 (208) 233-4228

DRAWN BY: KLC
 DESIGNED BY: KLC
 CHECKED BY: JTE
 APP'D BY:

PORTNEUF WELLNESS COMPLEX
SITE PLAN 3
 DWG. NO. **C2.03**
 SCALE: 1"=50'
 REVISION **C**



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

November 19, 2014

COPY

Bannock County
5500 SOUTH 5TH
POCATELLO, ID 83204

RE: EXPIRATION OF RENTAL AGREEMENT FOR WATER RIGHT NO(S). 29-2292, 29-13143, 29-14096, and 29-13144 FROM THE WATER SUPPLY BANK

Dear Renter:

This letter is to inform you that your Rental Agreement for rental of water from the Water Supply Bank has expired. You applied for the rental of water on 2 /25/2014 and the subsequent Rental Agreement authorized diversion of water under Water Right No(s). 29-2292, 29-13143, 29-14096, and 29-13144 through the 2014 season only.

The Rental Agreement is expired, or will be expired by the end of the season of use, and the water use in connection with the rental will no longer be in effect. Any diversion or use of water associated with this rental agreement is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

c: NA



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 3, 2014

BANNOCK COUNTY
5500 SOUTH 5TH
POCATELLO ID 83204

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-2292, 29-14096, 29-13143 AND 29-13144**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 335.5 acre-feet of water for industrial use, diversion to storage and recreation storage for 2014. You are authorized to use water in compliance with the conditions of water use described in the agreement.

The rental fee of \$5,703.50 was transferred to the Departments Water Supply Bank Fee accounts. Pursuant to the Water Supply Bank Rules, 90% or \$5,133.15 of the rental fee will be paid to the lessor(s) and 10% or \$570.35 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s): Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Robert Zausch – State Water District No. 29A
David Teuscher - IDFG

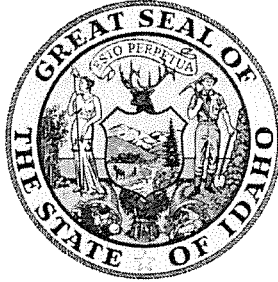
OFFICE OF THE PROSECUTING ATTORNEY
BANNOCK COUNTY
STATE OF IDAHO

STEPHEN F. HERZOG
PROSECUTING ATTORNEY

ZACHARY G. PARRIS
CHIEF DEPUTY

JaNIECE PRICE
ASSISTANT CHIEF DEPUTY

IAN N. SERVICE
CHIEF CIVIL DEPUTY



BANNOCK COUNTY ADMINISTRATIVE
OFFICES
5500 S. FIFTH AVENUE
POCATELLO, ID 83204

(208) 236-7248
FAX (208) 236-0689
Email: ians@bannockcounty.us

TERRESA WILSON
VICTIM/WITNESS COORDINATOR

June 30, 2014

Sandra Thiel
Department of Water Resources
322 E. Front Street
Boise, ID 83720

RECEIVED
JUL 02 2014
DEPARTMENT OF
WATER RESOURCES

Re: Bannock County Water Rental

Dear Ms. Thiel:

Please find enclosed the application to rent water signed by the Commissioners. Please send a conformed copy back once signed by Mr. Patton.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Nelson".

Nancy Nelson
Paralegal/Civil Specialist



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 19, 2014

BANNOCK COUNTY
5500 SOUTH 5TH
POCATELLO ID 83204

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT(S) 29-2292, 29-14096, 29-13143 AND 29-13144**

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

Dear Applicant:

The Department of Water Resources ("department") mailed a **Water Supply Bank Rental Agreement ("agreement") for your review and signature** on May 29, 2014. The signed agreement and rental fee has not been returned to the department.

Please sign the rental agreement and return it with the rental payment in the amount of \$5,703.50 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact me at 287-4879.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Thiel", is written over the word "for" which is partially visible.

Sandra Thiel
Water Resource Planner

c: David Teuscher – Idaho Department of Fish and Game

Thiel, Sandra

From: Sutcliffe, Lorna
Sent: Tuesday, June 17, 2014 10:37 AM
To: Thiel, Sandra
Subject: RE: Interagency Bill BILL0538

Hi Sandra,
IDFG has paid this bill, \$5703.50, for Bannock Ct Fairgrounds pond water bank rental fee.

Thanks,
Lorna

From: Thiel, Sandra
Sent: Wednesday, June 04, 2014 10:25 AM
To: Sutcliffe, Lorna
Subject: RE: Interagency Bill BILL0538

Thank you for handling this

From: Sutcliffe, Lorna
Sent: Wednesday, June 04, 2014 8:33 AM
To: Poole, Walt
Cc: Thiel, Sandra; david.teuscher@idfg.idaho.gov
Subject: Interagency Bill BILL0538

Hi Walt,
Attached is an interagency bill from IDWR. Please note there are two sequence lines to match in paying the interagency.

Please reimburse before fiscal year end deadlines.
Thanks,

Lorna Sutcliffe

Financial Specialist Sr
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

ph# 208-287-4818
fax# 208-287-6700



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 29, 2014

BANNOCK COUNTY
5500 SOUTH 5TH
POCATELLO ID 83204

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-2292, 29-14096, 29-13143 AND 29-13144**

*****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 \$5,703.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 335.5 acre-feet.

Please send a check for \$5,703.50 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 \$5,133.15 of the rental fee will be paid to the lessor(s) and 10% or \$570.35 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

To: Water Right File Nos: 29-14097, 29-14096, 29-2292, 29-13143 and 29-13144

From: Sandra Thiel

Date: May 19, 2014

Re: Review of Applications Rent Water Rights through State Water Supply Bank

PURPOSE/NARRATIVE: The Department received an application to rent water from Bannock County on February 24, 2014. The application for recreation storage seeks 1.3 cfs and 65 af for the initial fill of a 5.3 acre pond. The pond, which has not been constructed, will be part of an outdoor recreation area near the Bannock County fairgrounds. The pond will be lined. The county has submitted an application for transfer for rights 29-7972 and 29-7329 to change the place of use and provide recreation storage. This water will keep the pond full. The point of diversion for these two rights will also provide the water for the pond.

David Teuscher, the regional fisheries manager for the Idaho Department of Fish and Game, called on April 29, 2014, to talk about the Bannock County water supply bank rental. According to David the county plans to build a pond this year. Construction will begin near the end of May. They plan to fill it in September and October. David is working with Bannock County, and Fish and Game will help stock the ponds with fish. They have made changes to the dimensions of the proposed pond. The original volume was 65 acre feet and the updated design is for 57 acre feet. The pond will be approximately 25 feet deep.

On May 14 David submitted a second map of the area (see attachment). To achieve the requested 1.3 cfs they had to rent significantly more acre feet than are needed to fill the pond. The second map identified the area of the pond and additional land where they proposed to use water for dust abatement. They requested that 24 af be available for that beneficial use prior to and during the construction of the pond.

Five water rights were found to cover this rental: 29-14097, 29-14096, 29-2292, 29-13143 and 29-13144. The points of diversion for 29-14096 and 29-14097 and the rental point of diversion fall within water district 29-A. All points of diversion are within the ESPA model boundary. However, the lease points of diversion are in grid cells adjacent to the rental point of diversion. Therefore, this rental will not require modeling.

AUTHORITY TO FILE: Bannock County owns fairgrounds property. Ian Service, deputy prosecutor, signed for the county.

WATER RIGHT VALIDITY: 29-2292, 29-13143 and 29-13144 were decreed in 2004 and aerial photography suggests some irrigation took place in 2011. They were leased into the bank in May 2014.

29-11278 was decreed in 2011 and rented into the bank in 2012. Forfeiture of those rights is not an issue.

29-14096 and 29-14097 were acquired through Transfer # 78935 approved on January 17, 2014. The rights have never been used at this at their current POU. The parent rights were decreed in 2002 and aerial photography indicates that irrigation took place in the past 5 years. The City of Chubbuck acquired this right for future anticipated needs. The municipal place of use is within the service area of the city of Chubbuck.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident.

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 conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Eastern regional office had no concerns.

Both the rental and leased water rights are within water district 29-A. However, they are groundwater and no concern was voiced by the water master.



IDAHO DEPARTMENT OF FISH AND GAME
SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204

C.L. "Butch" Otter / Governor
Virgil Moore / Director

May 14, 2014

The Idaho Department of Fish and Game is a partner on the development at the Bannock County Fairgrounds. As such, we intend to pay for the water bank rental fees related to filling the proposed pond. Please initiate the Interagency Billing for the applicable water bank rental fee of \$5,703.50. The PCA is [REDACTED] and the ABC code is [REDACTED]. Please send the billing documents to IDFG Headquarters, Attention: Dr. Walt Poole, P.O. Box 25, Boise, ID 83707.

Sincerely,

A handwritten signature in black ink that reads "David Teuscher".

David Teuscher

Regional Fisheries Manager
Southeast Region
Idaho Department of Fish and Game
208-232-4703

Keeping Idaho's Wildlife Heritage

Thiel, Sandra

From: Teuscher,David [david.teuscher@idfg.idaho.gov]
Sent: Wednesday, May 14, 2014 12:36 PM
To: Thiel, Sandra
Subject: RE: water supply bank rental question Bannock County
Attachments: map of proposed water use.pdf; IDFG_letter_waterBankPayment.pdf

I have attached a document that has a highlighted area of the land that we wish to water during construction for dust abatement. The land covers the same land that will be covered over when we fill the pond and some surrounding ground. It is estimated that dust abatement use will be a maximum use of 24 acre-feet. I am not sure if we are far enough along in the process, but I attached a letter that we generally use for interdepartmental transfer of funds. The letter identified IDFG for payment of \$5,703.50. If that is acceptable, the letter can be submitted for payment now.

Thanks
Dave

David Teuscher
Regional Fisheries Manager
Southeast Region
Idaho Department of Fish and Game
208-232-4703

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Tuesday, May 13, 2014 9:15 AM
To: Teuscher,David
Subject: RE: water supply bank rental question Bannock County

Hello, The Department requires payment for rentals before beginning diversion. If you want to use the water before filling the pond later this summer please send me a map showing the area where you wish to use the water. Also please specify the use, irrigation for instance.

From: Teuscher,David [mailto:david.teuscher@idfg.idaho.gov]
Sent: Friday, May 09, 2014 9:44 AM
To: Thiel, Sandra
Subject: RE: water supply bank rental question Bannock County

Thanks for the update and that should work. I do have two questions. First, would it be possible to be billed (interdepartmental in next FY; July 1). If not, I will find the needed funds in existing PCAs now. Secondly, I understand that to get the flow of 1.3 cfs I need to rent a larger volume than I need to fill the pond. If I need 57 acre-feet to fill the pond in Sep-Oct, could I use some of the unused rented water for other activities prior to filling the pond (i.e., water some newly planted trees or dust abatement during dam construction)? The point of diversion and place of use would be the same as in our application.

Thanks
Dave

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Thursday, May 08, 2014 4:21 PM

To: Teuscher,David

Subject: RE: water supply bank rental question Bannock County

Hello, I've found several rights that should satisfy the rate (1.3 cfs) that you requested. Sorry that it has taken so long. Water rights are rented from the water supply bank by the acre foot. The price is \$17 per acre foot. I found three water rights. In order to rent the 1.3 you will need to rent 335.5 acre feet. At \$17 an acre foot the cost will be \$5,703.50. Let me know if that will work.

From: Teuscher,David [<mailto:david.teuscher@idfg.idaho.gov>]

Sent: Tuesday, April 29, 2014 9:53 AM

To: Thiel, Sandra

Cc: ians@bannockcounty.us

Subject: RE: water supply bank rental question Bannock County

Hi Sandra,

I did just think of one more thing, as part of the partnership with Bannock County, Idaho Department of Fish and Game is going to pay for the rental with an interdepartmental transfer of funds. If possible, can you send me the rental fee information.

Thanks

Dave

David Teuscher

Regional Fisheries Manager

Southeast Region

Idaho Department of Fish and Game

208-232-4703

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]

Sent: Tuesday, April 29, 2014 9:40 AM

To: Teuscher,David

Subject: RE: water supply bank rental question Bannock County

Hello, I have a few other questions. Will the pond be built this year? You requested 1.3 cfs and 65 af on the application. Will the existing well pump the 1.3 cfs? The reason I ask is that we determine the rental rate by acre feet. You may have to rent more acre feet to achieve the 1.3 cfs.

From: Teuscher,David [<mailto:david.teuscher@idfg.idaho.gov>]

Sent: Tuesday, April 29, 2014 9:34 AM

To: Thiel, Sandra

Cc: ians@bannockcounty.us

Subject: water supply bank rental question Bannock County

Hi Sandra,

I have been helping with the water right applications for the proposed pond. Our intent was to fill the pond during the normal irrigation season.

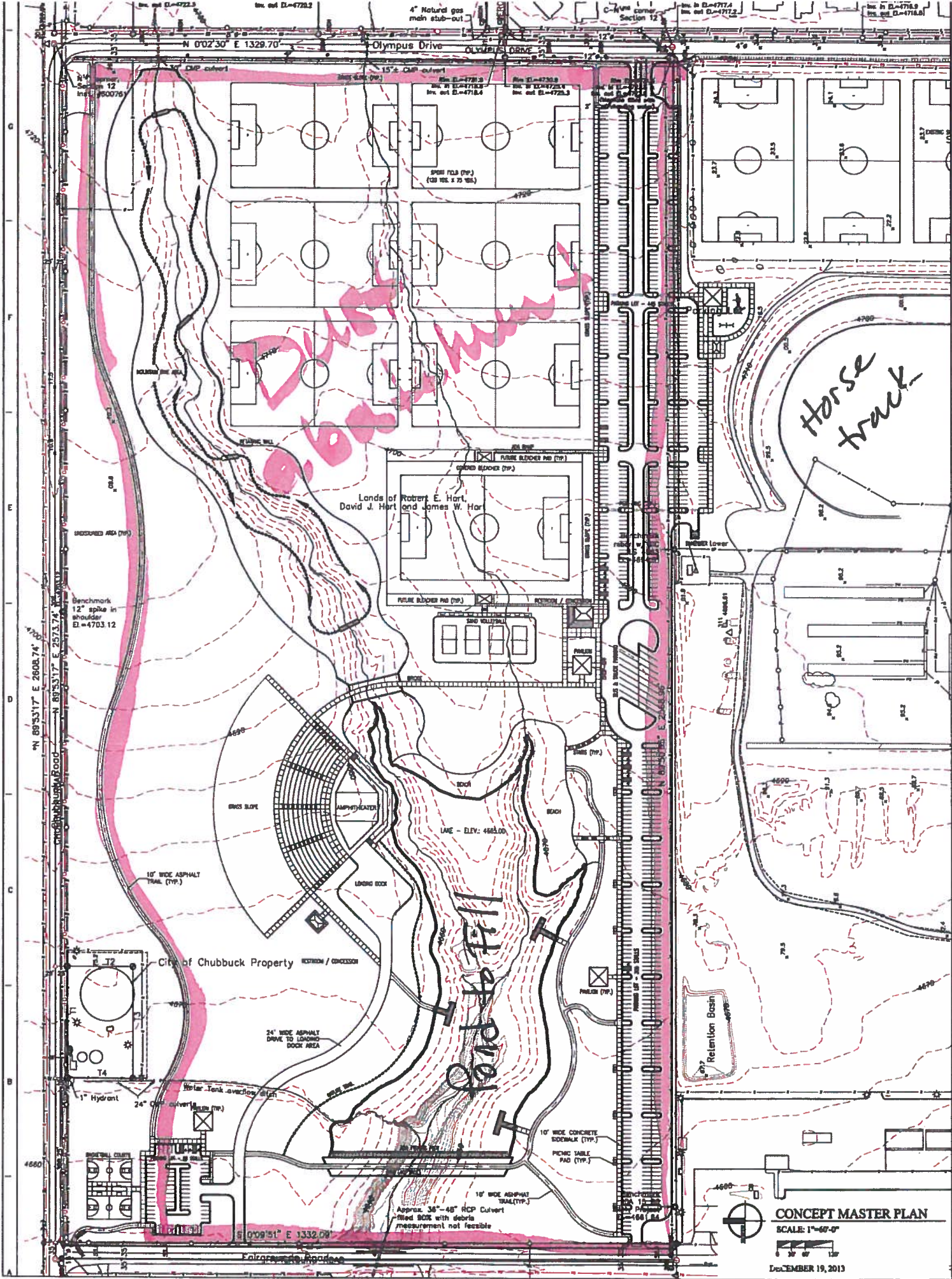
Thanks

Dave

David Teuscher
Regional Fisheries Manager
Southeast Region
Idaho Department of Fish and Game
208-232-4703

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Monday, April 28, 2014 9:04 AM
To: Cindy Haney
Subject: water supply bank rental

Hello, I am processing your application to rent water from the water supply bank. According to the application the water will be for the initial fill of a pond that will be constructed as part of a new outdoor recreation area. You have requested a year around period of use. I have not found water rights to fulfill the entire 1.3 cfs you requested with a full year season of use. Since this is only for the initial fill would you be able to fill the pond during the irrigation season? Or will you actually need the water between October 31 and April 1?



CONCEPT MASTER PLAN
SCALE: 1"=60'-0"
0 30 60 120
DECEMBER 19, 2013

Thiel, Sandra

From: Cefalo, James
Sent: Wednesday, May 14, 2014 8:07 AM
To: Thiel, Sandra
Subject: RE: Water Supply Bank rental

We approved a transfer for Bannock County last month which will cover the evaporation losses from the proposed pond. The county said that it would pursue a WSB rental to cover the initial fill of the pond. I have no concerns with the rental.

From: Thiel, Sandra
Sent: Tuesday, May 13, 2014 5:27 PM
To: Cefalo, James
Subject: FW: Water Supply Bank rental

Hello, I am seeking comments about a water supply bank rental. The attached Word document has information about the rental. The attached map shows the location of the rental place of use and point of diversion and the leased water rights. Please let me know if you have any comments or concerns by Tuesday, May 27 if possible. You can also contact me if you have any questions. Thanks.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

From: Teuscher,David [david.teuscher@idfg.idaho.gov]
Sent: Tuesday, April 29, 2014 9:53 AM
To: Thiel, Sandra
Cc: ians@bannockcounty.us
Subject: RE: water supply bank rental question Bannock County

Hi Sandra,

I did just think of one more thing, as part of the partnership with Bannock County, Idaho Department of Fish and Game is going to pay for the rental with an interdepartmental transfer of funds. If possible, can you send me the rental fee information.

Thanks
Dave

David Teuscher
Regional Fisheries Manager
Southeast Region
Idaho Department of Fish and Game
208-232-4703

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Sent: Tuesday, April 29, 2014 9:40 AM
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From: Teuscher,David [mailto:david.teuscher@idfg.idaho.gov]
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To: Thiel, Sandra
Cc: ians@bannockcounty.us
Subject: water supply bank rental question Bannock County

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I have been helping with the water right applications for the proposed pond. Our intent was to fill the pond during the normal irrigation season.

Thanks
Dave

David Teuscher
Regional Fisheries Manager