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Form 42-1761-2
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MAY 30 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Name of Renter United State Bureau of Reclamation Phone 208-378-5306

Mailing address PN-3100, 1150 N Curtis Road, Suite 100, Boise, ID 83706-1234 Email egmcgarry@usbr.gov

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use

1152 1254 Instream Year round to 6/1 to 10/31 show match narrative in Attachment A. Confirm by phone call w/ applicant - NVD

Total: 1152 1254 per 4/3/2013 email from E. Carl McGarry

2. Source of water Soldiers Meadow Res, Mann & Waha Lakes tributary to Clearwater River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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 _____

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☐ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. See Attachment A

2. Do you own the land at the proposed place of use? Yes ☐ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. See Attachment A

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. 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.
See Attachment A

3. Will the proposed place of use receive water from any other source? Yes ☐ No ☐
If yes, describe. See Attachment A

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. See Attachment A

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

1. 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. 1

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

Acting For

Lorri J. Lee, Regional Director
Printed Name and Title*

Date

May 30, 2013

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	1	2.5
July	1	2.5
Aug	1	2.5
Sep 1-15	1	2.5
Sep 16-30	1	2.5
Oct	1	2.5

The maximum volume based on the above table is 1,062 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 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, 2013.

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 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.

2013 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 additional flow (cfs)	Acre-ft per day (* 1.983)	Acre-ft per month
June	30	1	2.5	3.5	6.9405	208
July	31	1	2.5	3.5	6.9405	215
August	31	1	2.5	3.5	6.9405	215
September 1-15	15	1	2.5	3.5	6.9405	104
September 16-30	15	1	2.5	3.5	6.9405	104
October	31	1	2.5	3.5	6.9405	215
Total	153					1062
				extra per settlement		90
			total acre-ft to transfer instream thru bank			1152