

MEMORANDUM

To: Water Right File No(s). 2-7353 and 2-10205

From: Monica Van Bussum

Date: August 13, 2012

Re: No formal documents for Water Supply Bank rental of Right Nos. 2-7353 and 2-10205

We recently approved the 30-year leases for these water rights pursuant to an agreement between the Bureau of Reclamation and the Idaho Water Resource Board in 2005. A copy of the related documents is in the respective files. This lease/rental was negotiated to meet one of the provisions of the Nez Perce agreement. Per my conversations with Brian Patton, IDWR planning division administrator, we do not need to have a formal WSB rental agreement because the water is leased to the BOR through the 30-year agreement (copy of related document attached).

These rights are rented for the entirety of their lease, no water is available to rent under these rights, and there is no rental agreement needed to describe the BOR/IWRB agreement.

SCANNED

OCT 26 2005

OCT 26 2005

SCANNED

RECEIVED

SEP 29 2005

BEFORE THE IDAHO WATER RESOURCE BOARD

Department of Water Resources

IN THE MATTER OF A 30 YEAR LEASE OF)
BELL RAPIDS WATER RIGHT) A RESOLUTION AUTHORIZING
NO. 02-10205 TO THE UNITED STATES OF) THE DIRECTOR TO GIVE NOTICE
AMERICA IN ACCORDANCE WITH THE) OF THE INTENDED THIRTY YEAR
TERMS AND CONDITIONS OF THE) RENTAL OF A PORTION OF THE
WATER RIGHT LEASE AGREEMENT) BELL RAPIDS WATER RIGHTS
_____)

WHEREAS, the Idaho Water Resource Board (the "Board") is a constitutional agency of the State of Idaho established and empowered by Idaho Code § 42-1734 to acquire, purchase, lease or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects; and

WHEREAS, the Fifty-Eighth Idaho Legislature, First Regular Session, approved House Bill 373 which authorized the Idaho Water Resource Board to fund a water rights acquisition and mitigation program and deemed it to be a water project in the public interest; and

WHEREAS, the Fifty-Eighth Idaho Legislature, First Regular Session, approved House Bill 392 that provided \$24,300,000 to the Board Revolving Development Fund for the purchase of the Bell Rapids Mutual Irrigation Company water rights; and

WHEREAS, a final Asset Purchase And Sale Agreement was executed on May 10, 2005, that establishes the mutual covenants, agreements and conditions of the Bell Rapids Water Right acquisition;

WHEREAS, Idaho Code § 42-1763B authorizes the U.S. Bureau of Reclamation to lease or acquire up to 60,000 acre-feet of natural flow water from the mainstem Snake River below Milner Dam and Swan Falls Dam for the purpose of flow augmentation; and

WHEREAS, the U.S. Bureau of Reclamation desires to enter into a 30 year lease through the Idaho Water Supply Bank for the Board's Bell Rapids water right no. 02-10205; and

WHEREAS, the U.S. Bureau of Reclamation, Idaho Department Of Water Resources and the Board approved a Water Right Lease Agreement, Reclamation Contract No. 1425-05-WL-10-0006, on September 15, 2005; and

WHEREAS, Idaho Water Supply Bank rule 30.02 requires the Director to give notice as required in Idaho Code § 42- 222(1) for rentals from the bank for a period of more than five years.

NOW, THEREFORE BE IT RESOLVED, the Idaho Water Resource Board places

Attachment No. 3, Meeting No. 10-05
Idaho Water Resource Board

RESOLUTION - PAGE 1

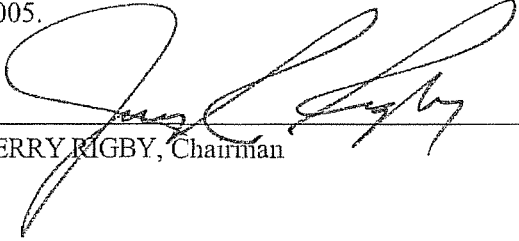
\\A000\Users\CC\ain\Doc\Word\WRB\Resolutions\Resolution BOR 30 year WB rental.doc

60,000 acre feet of the Bell Rapids water right in the Idaho Water Supply Bank.

BE IT FURTHER RESOLVED, that the Board authorizes the Director to notice the Boards intent to lease 60,000 acre feet of the Bell Rapids water rights to the U.S Bureau of Reclamation for 30 years and to take any action necessary to complete the lease transaction consistent with Idaho Code § 42-1763B.

DATED this 20th day of September, 2005.

ATTEST:


JERRY RIGBY, Chairman


D. RICHARD WYATT, Secretary