



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

December 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

IDAHO DEPT OF FISH & GAME
C/O DAVID TEUSCHER
1345 BARTON RD
POCATELLO ID 83204

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-13241**

Dear Renter:

Per a phone conversation between Walt Poole of your office and Pam Skaggs of IDWR, we are amending the rental agreement (attached). The new agreement reflects the change in nature of use required by this rental. The water right leased is for the irrigation of 15 acres and the rental you require is diversion to storage and recreation storage. The rental agreement shows a total annual diversion volume limit of 60 AF because the original right included the field headgate requirement for irrigation. However, because your rental is for storage, you may only use the consumptive requirement of 50 AF. Because of this additional requirement, your rental fee will be \$840 per year instead of the originally estimated \$700 per year. We will update interagency billing to reflect this amount.

I apologize for the rental agreement that was in error and for any inconvenience. Please return the signed rental agreement as soon as possible and please contact me at (208) 287-4907 if you have questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: Lyle Swank – IDWR Eastern Regional Office
Walt Poole – IDFG Headquarters, Boise

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

This is to certify that: IDAHO DEPT OF FISH & GAME
C/O DAVID TEUSCHER
1345 BARTON RD
POCATELLO ID 83204
(208) 232-4703

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	Rented Rate	Annual Rented Volume	Total Rented Acres
	29-13241	0.30 CFS	60 AF	NA
COMBINED RENTAL TOTALS:		0.30 CFS	60 AF	NA

TERM OF RENTAL: January 1, 2011 to December 31, 2011

RENTAL FEE: \$840.00

Detailed water right specific limitations and conditions attached.

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:

Dated this _____ day of _____, 20_____.

By: _____
(Print Name) (Signature)

(Title if on behalf of company or organization)

Having determined that this agreement satisfies 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 conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 20_____.

GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 29-13241
WATER SUPPLY BANK RENTAL AGREEMENT

The 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 below:

Renter: IDAHO DEPT OF FISH & GAME
 C/O DAVID TEUSCHER
 1345 BARTON RD
 POCA TELLO ID 83204
 (208) 232-4703

Priority Date: 02/26/1869

Source: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/01 to	10/31	0.30 CFS	
RECREATION STORAGE	01/01 to	12/31		50.0 AF
Total:			0.30 CFS	50.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

PORTNEUF RIVER SE¼SE¼SE¼ Sec. 7 Twp 07S Rge 35E BANNOCK County

RENTER'S PLACE OF USE: DIVERSION TO STORAGE; RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	7																X	

Total Acres: NA

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. The water rented under this agreement is appurtenant to irrigation of 15 acres.
3. 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.
4. 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.
5. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
6. 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.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. 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.
9. 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.

**WATER RIGHT NO. 29-13241
WATER SUPPLY BANK RENTAL AGREEMENT**

CONDITIONS OF WATER USE

10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. 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. 29D.
13. Diversion of water under this right is limited to those times water is available for this diversion under this right and priority from the original source, Mink Creek.
14. Right 29-13241 authorizes the diversion of an annual total of 50.0 acre feet to be used for the initial filling of the pond.