

Water Supply Bank No. _____

Water Right No. *85-02146, 85-04483, 85-02146*

RECEIVED

MAY 27 2009

Department of Water Resources

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor **Bureau of Reclamation** Phone: **(208) 378-5306**

Post office address **PN-3100, 1150 N Curtis Rd, Ste 100, Boise ID 83706-1234**

1. DESCRIPTION OF WATER RIGHT: ***Storage at Soldiers Meadow Lake, 85-02146; Mann Lake, 85-04483; and Lake Waha, 85-15424.***
2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)
 - a. Amount of water under right: ***Maximum 2.6*** cubic feet per second &/or ***maximum of 789*** acre-feet per annum ***from a combination of the above listed storage rights. For further details see attachment A.***
 - b. Point of diversion - NA - Storage rights.

- c. Place of use: ***Irrigated lands within Lewiston Orchards Irrigation District***

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres ***N/A – Storage Water***

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.
- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Right to store water is year round. Right to release from storage 1) for M&I is year round; 2) for irrigation is irrigation season.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

N/A. Source is storage water.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

The portion of the water right covered by this lease is intended to be leased out by the United States Bureau of Reclamation to meet IWRB minimum flow water right No. 85-15603. See Attachment A for further explanation.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

 X For lease for a period from **1, June, 2009** to **31, October, 2009**
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current Rental Rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

5/27/09
Date

Kathryn A Marshall
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Attachment A

The applicant, the Bureau of Reclamation (Reclamation) intends to lease water into, as well as, rent water out of the water supply bank. The quantity is a maximum of 2.6 cfs (or a maximum of 789 acre-feet) 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 of these reservoirs supply water to the Lewiston Orchards Irrigation Project. The lease and rental is from June 1 through the irrigation season of 2000. The purpose of the rental is to supply water into Sweetwater and Lapwai Creeks. The water right is intended 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) the Diversion Dam at Sweetwater Canal for water that is forgone from being stored at Mann Lake; (2) Lake Waha; or (3) Soldiers Meadow Reservoir; 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.

Measurements to ensure the water is from the Applicant's storage rights will be as follows:

1. Measurement of Volume of Storage Water Used in the Rental Program to Ensure the Storage Water Rights Are Not Enlarged

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

i. Objective: Ensure the total volume stored in Mann Lake in addition to the amount of 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 will also be measured. 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.

b. Measurement of volume used in the rental program from the Soldiers Meadow Reservoir water right No. 85-02146 to ensure storage right is not enlarged

i. Objective: Lewiston 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.

2. Measurements for Administrative Purposes

a. Ensuring that there is 2.6 cfs in the creek will allow parties to know when water is available for other water right holders on the creek to divert under their water rights. The flow diverted into Sweetwater Creek from the canal is directly measured from a weir. This flow information is available real-time through Reclamation's hydromet web site.

b. The District will ensure that the 2.6 cfs is from storage (or forgone storage) and not from natural flow. For water released from Lake Waha or Soldiers Meadow Reservoir, the District will show that at least 2.6 cfs has been released from those reservoirs. For water forgone from being stored in Mann Lake, the District will show that at any given time that both Mann Lake and Sweetwater Canal have the capacity to take the 2.6 cfs.