

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor **United States 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 Soldier's Meadows 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: ***Max 1*** cubic feet per second &/or ***maximum of 304*** acre-feet per annum ***from a combination of the above listed storage rights. For further details see attachment A.***

b. Point of diversion

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 U.S. Bureau of Reclamation to meet IWRB minimum flow water right #85-15603. See Attachment A for a comprehensive 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, 2006 to 31, October, 2006
(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

May 31, 2006
Date

William McDonald
Signature
Regional Director

FOR DEPARTMENT USE ONLY

Received by W Date 5-31-06 Preliminary check by W

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Attachment A

The applicant, U.S. Bureau of Reclamation, intends to lease into and rent out of the water supply bank a maximum of 1 cfs (or a maximum of 304 acre-feet) from a combination of the following three reservoirs, which Reclamation owns: Soldiers Meadow Reservoir, Mann Lake (Reservoir A), 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 period is from June 1 through the irrigation season of 2006. 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, which has its measurement point at the mouth of Lapwai Creek.

The water will be delivered from 1) the Diversion Dam at Sweetwater Canal for water that is foregone from being stored at Mann Lake, 2) Lake Waha, or 3) Soldiers Meadows Lake down to the measurement point for the IWRB's water right No. 85-15603. Administration of rented water to be accomplished under Idaho Code § 42-801.

Measurements to ensure that 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 the Mann Lake (Reservoir A) use under water right 85-4483

i. Objective

The total stored water in Mann Lake in addition to the volume attributed to the rental from Mann Lake storage is limited to 10,500 acre-feet.

ii. Method -

The above objective will be determined by the volumes as follows:

- 1) Measurement by the district of the rate, and the associated volume of flow into the reservoir that is not attributable to storage at the upper reservoirs.
- 2) There is a measurement device on the outlet works for Reservoir A that totals the volume of water delivered to the patrons of the District.
- 3) Calculation of the change in storage in the reservoir to calculate new carryover volume
- 4) Calculation of the volume of the 1 cfs that is attributable to Storage Right No. 85-4483.

b. Measurement of Volume used in the Rental Program from Soldiers Meadows Reservoir, water right No. 85-02146

i. Objective

Total storage for Soldiers Meadows Reservoir in a given year can not exceed 2,000 af under water right No 85-2146.

ii. Method

District will calculation of the volume released from storage for both irrigation and the water rental. District will calculate the additional carryover accumulated. These two volumes together may not exceed 2,000 af. (This is no different from how IDWR would determine that no more than 2,000 af is stored in the typical case where all of the water releases is used for irrigation.)

c. Measurement of Volume used in the Rental Program from the Lake Waha water right 85-15424

i. Objective

Ensure that the total storage at Lake Waha does not exceed 3497.5 af.

ii. Method

Calculation of the volume released from storage for irrigation in addition to the additional carryover accumulated. (This is no different from how IDWR would determine that no more than 3,497.5 af is stored in the typical case when all water is used for irrigation.)

2. Showing that one (1) cfs of storage water is actually diverted or left in the Creek so that IDWR will know that administration is appropriate.

A. Ensuring that there is 1 cfs in the creek

LOID staff measures the amount of water diverted into the Sweetwater canal via a newly installed ramp flume, the amount of water being bypassed is also measured either via a four foot weir or a twenty foot weir depending on the volume. (Losses will be determined from BOR/IDWR walking the Creek with flow meters in June)

B. Showing that the one (1) cfs is from Storage (or foregone storage) and not from natural flow.

i. Water released from upstream reservoirs

For water released from Lake Waha or Soldiers Meadows Lake, the District will show that at least 1 cfs has been released from those reservoirs.

ii. Water foregone from being stored in Mann Lake (Res A)

The District will show that at any given time Mann Lake and the canal had the capacity to take the 1 cfs which was foregone.