



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 29, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TWIN FALLS CANAL COMPANY
PO BOX 326
TWIN FALLS ID 83303

NORTH SIDE CANAL COMPANY
921 NORTH LINCOLN
JEROME ID

sent by e-mail to
Barker Rosholt + Simpson LLP
7/29/04 JP

RE: RENTAL OF SNAKE RIVER WATER RIGHTS FROM THE WATER SUPPLY BANK

Dear Applicants:

The department acknowledges receipt of your amended request to rent water from the Water Supply Bank submitted by John Simpson in a letter dated July 23, 2004. Please find enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

Please note that the amount of water shown in the rental agreement differs from the amount shown on your amended request. The revised amount is based on the diversion of water between April 10 and August 31 instead of the entire month of April as previously calculated. Execution of the rental agreement will confirm your agreement to the revised amount.

The rental fee is **\$260173.10** and was calculated as \$11.00 per acre-foot times 23652.1 acre-feet. Please return the signed rental agreement to the department together with payment of the rental fee which, I understand has been paid or will be received shortly.

If you have questions, please feel free to contact me.

Sincerely,


Jeff Heppelzack, Manager
Water Right Permits Section

Encl: 1

c: John Westra – IDWR Western Regional Office
John Simpson – Barker Rosholt & Simpson LLP

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Twin Falls Canal Company
PO Box 326
Twin Falls, ID 83303

North Side Canal Company
921 North Lincoln
Jerome, ID 83338
2. Source of water: Snake River
3. Volume of water rented: 23652.1 af
4. Diversion period: April 10 to August 31, 2004
5. Use of water: Temporary exchange of water with Bureau of Reclamation
6. a) Renter's point of diversion:
Legal description:

b) Renter's place of use:
Legal description:
7. The right from which water will be rented is: See attached list of water rights

The undersigned renter agrees to pay \$ 260173.10 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.

2. Acceptance of a right into the Bank does not confirm the validity of the right or any elements of the right.
3. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land 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. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. 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.
8. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.

Twin Falls Canal Company

North Side Canal Company

signature and title

signature and title

date

date

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (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 _____, 2004.

KARL J. DREHER, Director
Department of Water Resources

List of Water Rights to be Rented from the Water Supply Bank

Water Rights		Lessor	Source	Priority	Rate (cfs)	Volume april/aug (af)	Acres	Use	Date in Bank
Basin	Seq. Suffix								
2	10208	COTTONWOOD MUTUAL CANAL CO	Snake River	2/25/1963	49.16	6635.9	2458.0	Irrigation	3/22/1991
2	10189	ROBERT AND CONNIE SMITH	Snake River	2/25/1963	2.83	379.6	141.5	Irrigation	3/22/1991
2	7065	US ECOLOGY IDAHO, INC	Snake River	5/14/1970	4.17	1466.2	404.0	Irrigation	6/12/1992
2	2261	GISELA SCHAAL	Snake River	12/19/1963	0.80	161.3	40.0	Irrigation	10/6/1998
2	7237	ROBERT AND CONNIE SMITH	Snake River	12/23/1976	5.90	1189.6	295.0	Irrigation	5/18/1999
2	7064	ROBERT AND CONNIE SMITH	Snake River	4/23/1970	6.36	1282.3	318.0	Irrigation	7/9/1999
2	10180	ROBERT DIRKS	Snake River	4/9/1970	1.60	258.1	80.0	Irrigation	7/9/1999
2	10181	ROBERT AND CONNIE SMITH	Snake River	4/9/1970	3.20	516.2	160.0	Irrigation	7/9/1999
2	7061	JOHN T FIELD	Snake River	4/9/1970	6.32	1274.3	316.0	Irrigation	4/12/2001
2	7062	JOHN T FIELD	Snake River	4/9/1970	4.10	826.7	205.0	Irrigation	4/12/2001
2	7157	JOHN T FIELD	Snake River	5/24/1974	7.44	1200.1	372.0	Irrigation	4/12/2001
2	2261	HILL WAY, INC	Snake River	12/19/1963	4.40	887.2	220.0	Irrigation	3/27/2003
2	2259	HILL WAY, INC	Snake River	12/18/1963	5.14	1036.4	257.0	Irrigation	4/28/2003
2	4	FLOPET INC	Snake River	6/1/1956	0.22	32.3	10.0	Irrigation	8/25/2003
2	7287	FLOPET INC	Snake River	6/1/1956	2.00	403.3	100.0	Irrigation	8/25/2003
2	2357	ARTHUR J MERRICK	Snake River	9/10/1964	1.80	362.9	90.0	Irrigation	1/12/2004
2	7046	ARTHUR J MERRICK	Snake River	7/30/1969	2.82	443.6	162.0	Irrigation	1/12/2004
2	2240	MARK MCDONOUGH	Snake River	10/25/1963	2.25	0.0	112.5	Irrigation	3/12/2004
2	2431	MARK MCDONOUGH	Snake River	12/5/1958	1.49	453.7	112.5	Irrigation	3/12/2004
2	10209	MARK MCDONOUGH	Snake River	2/25/1963	0.22	29.7	11.0	Irrigation	3/16/2004
2	202	TED E CANTRELL	Snake River	6/1/1912	0.24	46.4	13.0	Irrigation	4/12/2004
2	2262	GRINDSTONE BUTTE MUTUAL CANAL CO	Snake River	12/6/1963	16.26	4766.7	1182.1	Irrigation	4/27/2004
						23652.1	total rented		