STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1566

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
ATTN DIRECTOR OF LANDS AND MINERALS
324 25TH ST
OGDEN, UT 84401-2310

RECEIVED
SEP 30 2022
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on August 31, 2021.

3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS**: The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
71-10766	5/1/1954	SALMON RIVER, tributary to SNAKE RIVER	1.37	Not Stated	12.0
Lease Totals			**1.37**	**Not Stated**	**12.0**

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
71-10766	1.37	36.0	12.0	0.114	3.0
Limit Totals	**1.37**	**36.0**	**12.0**	**0.114**	**3.0**

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WATER SUPPLY BANK LEASE CONTRACT No. 1566

2. **COMPENSATION**: The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall begin January 1, 2022 for an indefinite period. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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WATER RESOURCES

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1566

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
ATTN DIRECTOR OF LANDS AND MINERALS
324 25TH ST
OGDEN, UT 84401-2310

By Kathryn J. Coont
Title Director
Date Sept. 20, 2022

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 10/17/22
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 10/17/22

IDAHO DEPARTMENT OF WATER RESOURCES

SCANNED OCT 27 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1566

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 71-10766

SALMON RIVER SWSENE Sec. 5 Twp 08N Rge 14E CUSTER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
71-10766	IRRIGATION	5/01	to	10/31	1.37 cfs	36.0 AF
				Totals:	1.37 cfs	36.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	14E	32			12														12

Total Acres: 12.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1566

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The Following Rights Are Diverted Through Point Of Diversion Described Above: 71-02082, 71-04016, 71-04037, & 71-02063.

IDAHO DEPARTMENT OF
WATER RESOURCES

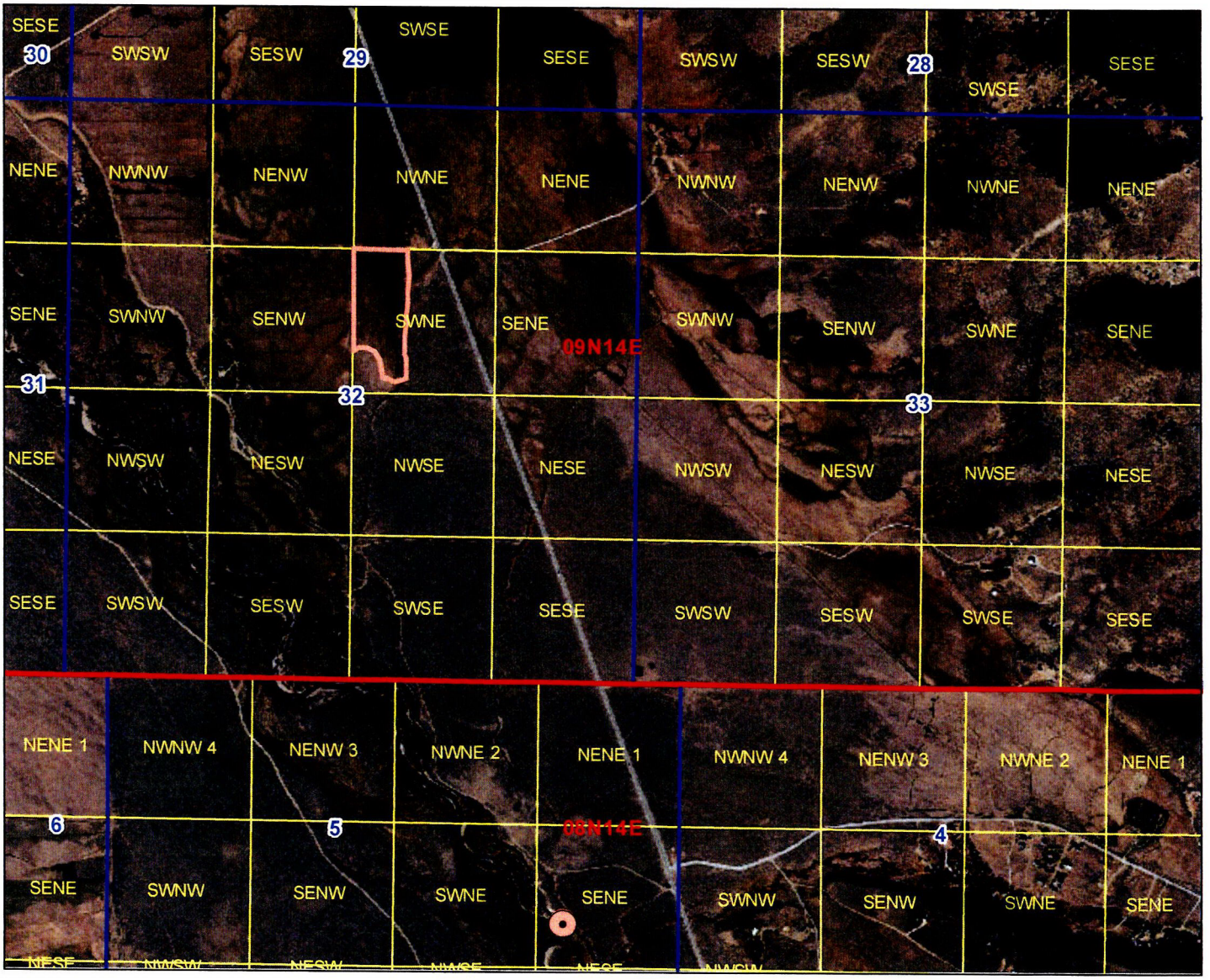
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OCT 27 2022

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1566

71-10766
Indefinite

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ

N

0 750 1,500 2,250 Feet

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Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
AUG 31 2021
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant USDA Forest Service
(Select one owner – see item 1A on the application)

Water Right No. 71-10766
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☑ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST
All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 400 -	Received By: KH	Date Received: 8-31-21	Receipt # C110819
W-9 received? Yes ☐ No ☑ (Route W-9 to Fiscal)		Name on W-9:	

2133

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant United States of America acting through USDA Forest Service

Mailing Address 324 25th St. Ogden, UT 84401 ATTN: Director of Lands and Minerals
Street City State Zip Code

Email Address kathryn.conant@usda.gov Phone Number 801-625-5150

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☑
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☑ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☑
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
Historic use from headgate diverting into ditches.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. _____

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☑
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☑
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water Right No. 71-10766 is currently in the water supply bank under lease contract No. 324. The purpose of this lease application is to amend the lease term from 5 years to indefinite.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. This water right has been continuously leased into the Idaho Water Supply Bank since January 1, 2009.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2022 (Year) to Indefinite (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Commencing in 2022, the IWRB will permanently rent the water right for delivery to an IWRB MSF. There is no payment to the USFS for the rental. IWRB resolution included in the lease/rental app package.

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 water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant	Printed Name	Date
Kathryn J. Conant	Kathryn J. Conant, Director of Lands	8-30-2021
Signature of Authorized Representative	Printed Name	Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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OCT 27 2022

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). _____

_____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
	Total Amounts:			

2. Source of water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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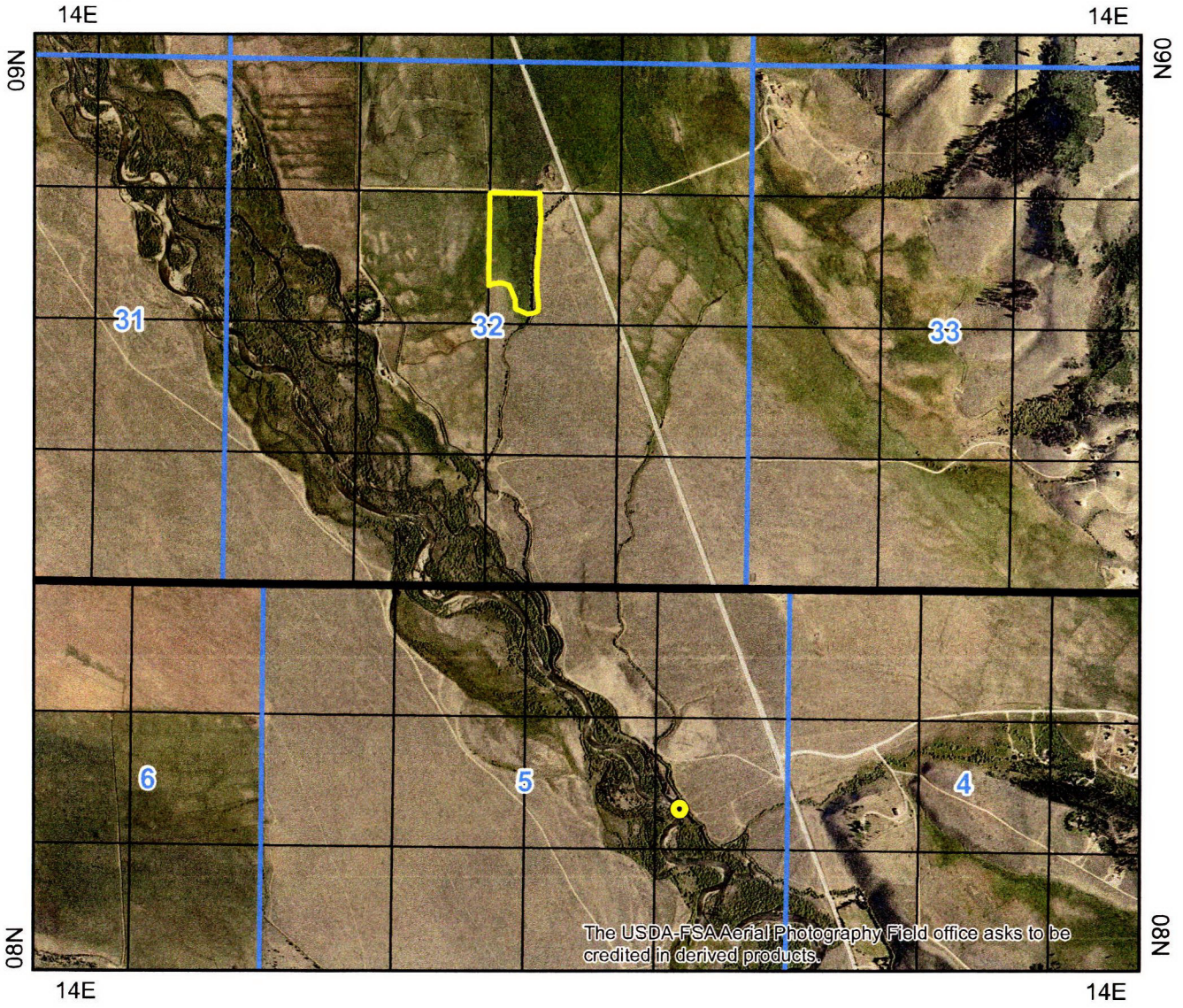
State of Idaho
Department of Water Resources

Water Right

71-10766

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.2 0.4 0.8 Miles

N

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OCT 27 2021

Map produced on August 13, 2021

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MC

REVIEWER:

Received Date: 8/31/2021

Desired Lease Duration: 2022-Indefinite

Lease / Rental Package: (Y) N

If yes, Renter Name: State of Idaho - IWRB

Application # 2413 Contract # 1566

WR#s	#
# 71-10766	#
#	#
#	#
#	#
#	#
#	#

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights:

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / N (NA)
If portion is offered, Attach 2 included?	Y / N (NA)
Map of POU and POD?	(Y) / N NA
POD Consent (if required)?	Y / N (NA)
Application Complete?	(Y) / N
Minimum checklist in data base?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)		CC	Original	
Designated Applicant:	USA, acting through Forest Service	☐	☒	EMAIL:
Attorney:		☐	☐	EMAIL:
Consultants Name:		☐		Comments:
Watermaster:	Morgan Miller & David Graybill	☐		
Delivery Entity:		☐		
Water District:	71 & 170	☐		WD 71 is subdistrict of 170
Ground Water District:		☐		
Region:	Southern	☐		
Other:		☐	☐	
Address:				

Call up Date:

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

October 26, 2022

UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
ATTN DIRECTOR OF LANDS AND MINERALS
324 25TH ST
OGDEN, UT 84401-2310

RE: WATER SUPPLY BANK LEASE CONTRACTS 1559, 1560, 1562, 1563, 1566, 1568 & 1569 FOR WATER RIGHTS 71-10277, 71-10278, 71-10728, 71-10871, 71-2053A, 71-7002, 71-10766, 71-2004D, 71-10772, 71-59, 71-61, 71-64B, 71-66 & 71-68

Dear Lessor:

Water righs **71-10277, 71-10278, 71-10728, 71-10871, 71-2053A, 71-7002, 71-10766, 71-2004D, 71-10772, 71-59, 71-61, 71-64B, 71-66 & 71-68** were leased into the Water Supply Bank (Bank) as of January 1, 2022, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights are leased into the bank for an indefinite period of time, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No. 71 & 170

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OCT 27 2022

SCANNED
OCT 17 2022

9

FOREST SERVICE
U.S.
DEPARTMENT OF AGRICULTURE

9/28/22

Return of Forest service signed contracts. Thank you for your work on this project!

RECEIVED
SEP 30 2022
DEPARTMENT OF
WATER RESOURCES

R4-1300-1 (1/91)

Woodard, Mleah - FS

From: Gough, Jamie- FS
Sent: Wednesday, September 14, 2022 3:57 PM
To: Woodard, Mleah - FS; Conant, Kathryn -FS
Subject: FW: Water Bank Lease Contracts 1559, 1560, 1562, 1563, 1566, 1568 & 1569

Thank goodness! We have a little breathing room!

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SEP 30 2022
DEPARTMENT OF
WATER RESOURCES

Gayla (Jamie) Gough
Water Rights Specialist
Forest Service
Intermountain Region
p: 208-204-4571
gayla.gough@usda.gov
Telework
Boise, ID 83634
www.fs.usda.gov
Caring for the land and serving people

From: Gough, Jamie- FS
Sent: Wednesday, September 14, 2022 3:56 PM
To: 'Condon, Mary' <Mary.Condon@idwr.idaho.gov>
Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Water Bank Lease Contracts 1559, 1560, 1562, 1563, 1566, 1568 & 1569

Phew! Thank you so much Mary.

Gayla (Jamie) Gough
Water Rights Specialist
Forest Service
Intermountain Region
p: 208-204-4571
gayla.gough@usda.gov
Telework
Boise, ID 83634
www.fs.usda.gov
Caring for the land and serving people

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, September 14, 2022 3:54 PM
To: Gough, Jamie- FS <Gayla.Gough@usda.gov>

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OCT 27 2022

Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Water Bank Lease Contracts 1559, 1560, 1562, 1563, 1566, 1568 & 1569

Hi Jamie,

Thank you for letting us know. We will extend our expectation for receiving them to the end of this month.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

From: Gough, Jamie- FS <Gayla.Gough@usda.gov>
Sent: Wednesday, September 14, 2022 3:23 PM
To: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Woodard, Mleah - FS <MLeah.Woodard1@usda.gov>; Conant, Kathryn -FS <kathryn.conant@usda.gov>
Subject: Water Bank Lease Contracts
Importance: High

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Greetings Mary and Amy,

M'Leah Woodard (Forest Service Water Rights Program Manager) just called to let me know that the Water Bank Lease Contracts were received in Ogden and placed on her desk. Unfortunately, she has been out on leave for the last couple of weeks and so we missed the deadline to return the signed contracts within 14 days. We should be able to get them reviewed and signed by our Director Kathryn Conant by early next week. My hope is that the 14 day return deadline is flexible. Please let us know.

We are very pleased to see the process moving forward and hope to finalize the matter ASAP.

Thanks to all who have worked on this.

Gayla (Jamie) Gough
Water Rights Specialist
Forest Service
Intermountain Region
p: 208-204-4571
gayla.gough@usda.gov
Telework
Boise, ID 83634
www.fs.usda.gov

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IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

August 24, 2022

UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE
ATTN DIRECTOR OF LANDS & MINERALS
324 25TH ST
OGDEN, UT 84401-2310

RE: APPLICATION TO LEASE WATER RIGHTS 71-2053A, 71-7002, 71-2004D, 71-10772, 71-10277, 71-10278, 71-10766, 71-10871, 71-10728, 71-59. 71-61, 71-64B, 71-66 & 71-68 TO THE WATER SUPPLY BANK CONTRACTS 1563, 1568, 1559, 1566, 1562, 1560 & 1569

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature**. **Please sign and return ALL Lease Contracts within 14 days**. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will leased into the Water Supply Bank for an indefinite period of time, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

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From: Skinner, Corey
To: Condon, Mary
Subject: RE: WSB Lease Review 71-10766
Date: Tuesday, August 9, 2022 3:19:36 PM

No concerns from me.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, August 9, 2022 2:50 PM
To: morganvmiller7@outlook.com; Graybill, David <David.Graybill@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: WSB Lease Review 71-10766

Good afternoon,

Please see the attached review memo and imagery review and kindly respond with comments or concerns within 10 days.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator

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MEMORANDUM FOR APPLICATION # 2413

To: Water Right(s) 71-10766

From: Mary Condon

Date: July 28, 2022

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

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PURPOSE/NARRATIVE: On August 31, 2021, the Water Supply Bank (Bank) received from the United States Department of Agriculture (USDA) Forest Service, applications to lease basin 71 water rights: 71-41, 71-42B, 71-43B, 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10772 and 71-10871, to the Bank for an indefinite period of time, so that the Idaho Water Resource Board (IWRB) might rent the water rights to their minimum streamflow water rights on Alturas Lake Creek (71-10890), Valley Creek (71-10886) and on the Salmon River (72-16668). This lease review memo pertains specifically to the lease of water right 71-10766 which is intended to be rented to the IWRB's minimum streamflow (MSF) water right on the Salmon River.

AUTHORITY TO FILE: Applications are signed by Kathryn Conant, Director of Lands and Minerals for the USDA Forest Service. Place of use (POU) and the point of diversion (POD) are both located on land owned by Salmon-Challis National Forest. Offered right is in the name of the USDA Forest Service, with the same address as the applications for lease. No concerns with authority to file.

WATER RIGHT VALIDITY: Land under this right for irrigation was in original claim for right 71-2085 (now 71-2085B) but was removed from recommendation due to ownership of land by USFS. During the field exam for adjacent lands to the west-northwest, for rights 71-2082, 71-4016 and north for rights 71-2063 & 71-4037, these 12 acres were also evaluated and USFS notified of opportunity to claim irrigation & recommended with the same date as these previously listed rights due to development of the delivery ditch (pg 36 & 37, claim backfile 71-10766).

This right was decreed in 1999 with an extension for resumption of use granted in 2004 for 5 years. It was then fully accepted in the bank in 2009 through 2016 and renewed for 2017-2021. No concerns with validity of the water rights offered to the bank.

INJURY TO OTHER WATER RIGHTS: No other irrigation rights are overlapping the lease place of use. The following rights are diverted through point of diversion described above: 71-02082, 71-04016, 71-04037 & 71-02063. Offered right 71-10766 has the most junior priorities for the point of diversion but it has the lowest rate of any, where the others range from 1.6 CFS to 15.0 CFS. A minimum rate of 29.81 cfs for all rights on the original point of diversion would need to be available from the Salmon River to be considered available for the instream rental on the Salmon River. An additional condition within the proof report states that 0.18 CFS of the right is limited to use for conveyance losses in delivery of this right but is not calculated to provide conveyance for other rights on same diversion. This was not decreed with a conveyance condition. Regardless, discounting the 0.18 CFS from a rentable amount still provides 0.099 CFS per acre.

ENLARGEMENT OF USE: Area consumptive use standard is 2 acre-feet/acre annually. The 12 acres under the offered right still appears to receive quite a bit of flooding and/or subirrigation due to its location between the confluence of two diversion ditches and the lands for which water delivered through these same ditches provides for irrigation (see also pg 64 map, claim

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backfile 71-4037). During the field exam for rights from the lower ditch, from which the offered right is also diverted through, an increase in flow was detected at the split where there should have been loss (pg 18, claim backfile 71-10766). The upper ditch irrigates lands that drain into the lower ditch. Any water not diverted from the upper would meet the lower ditch. Due to the topography where the two ditches meet, it seems the land under 71-10766 could become marshy during wet seasons since the only outlet from the ditch would be through intentional diversion across lands or natural seepage. No enlargement through a lease of this right is expected, but some discount for subirrigation to avoid enlargement through a rental may be needed.

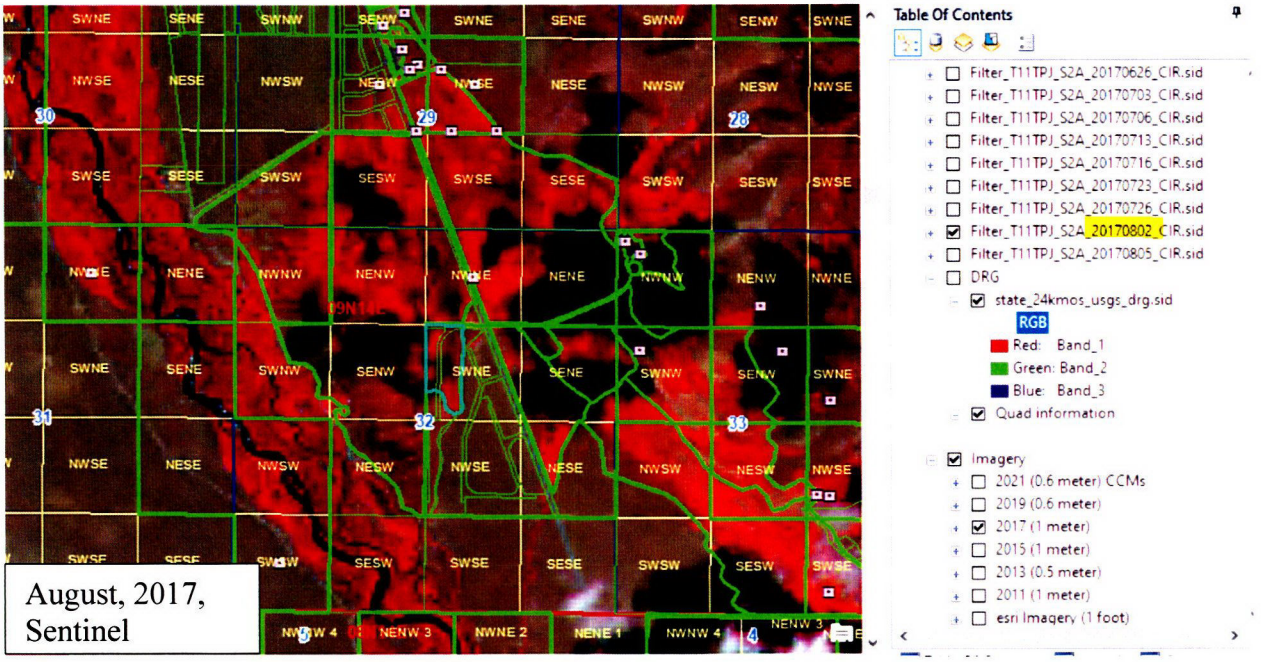
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

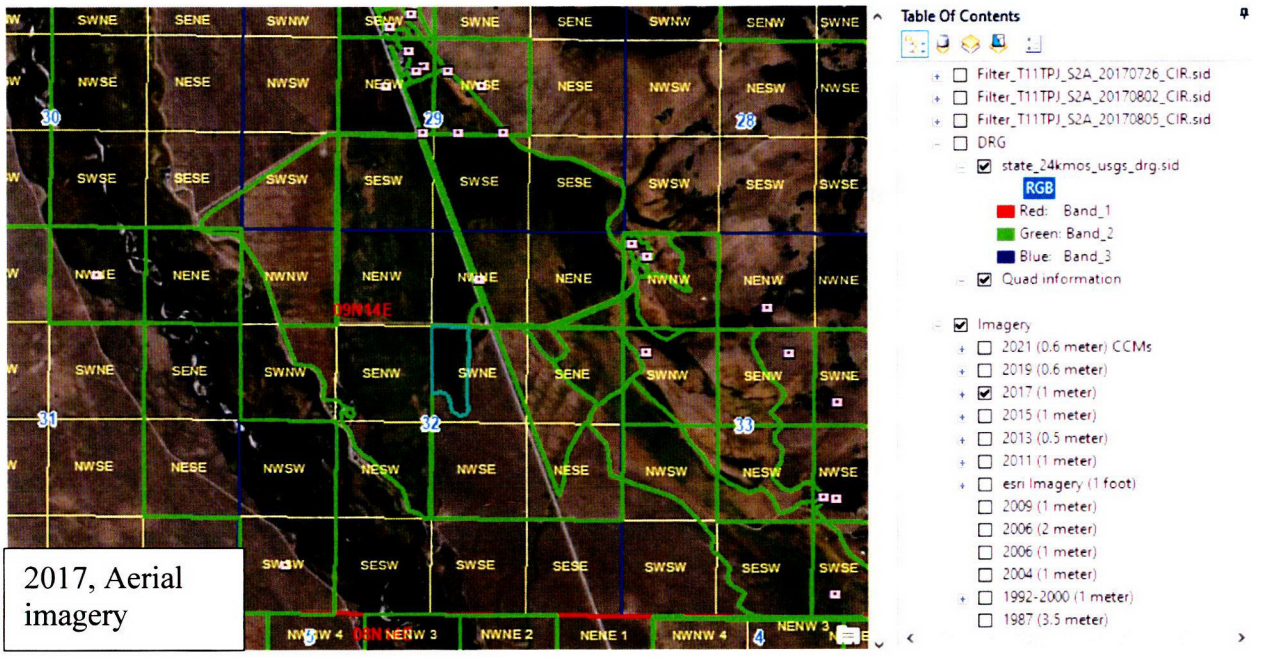
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 71 within Water District 170. Requests for comment from watermaster and Southern Region sent on August 9, 2022.

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Landsat or Sentinel imagery below, for POU under right 71-10766, located in the SWNE of Section 32. Center, blue outline.

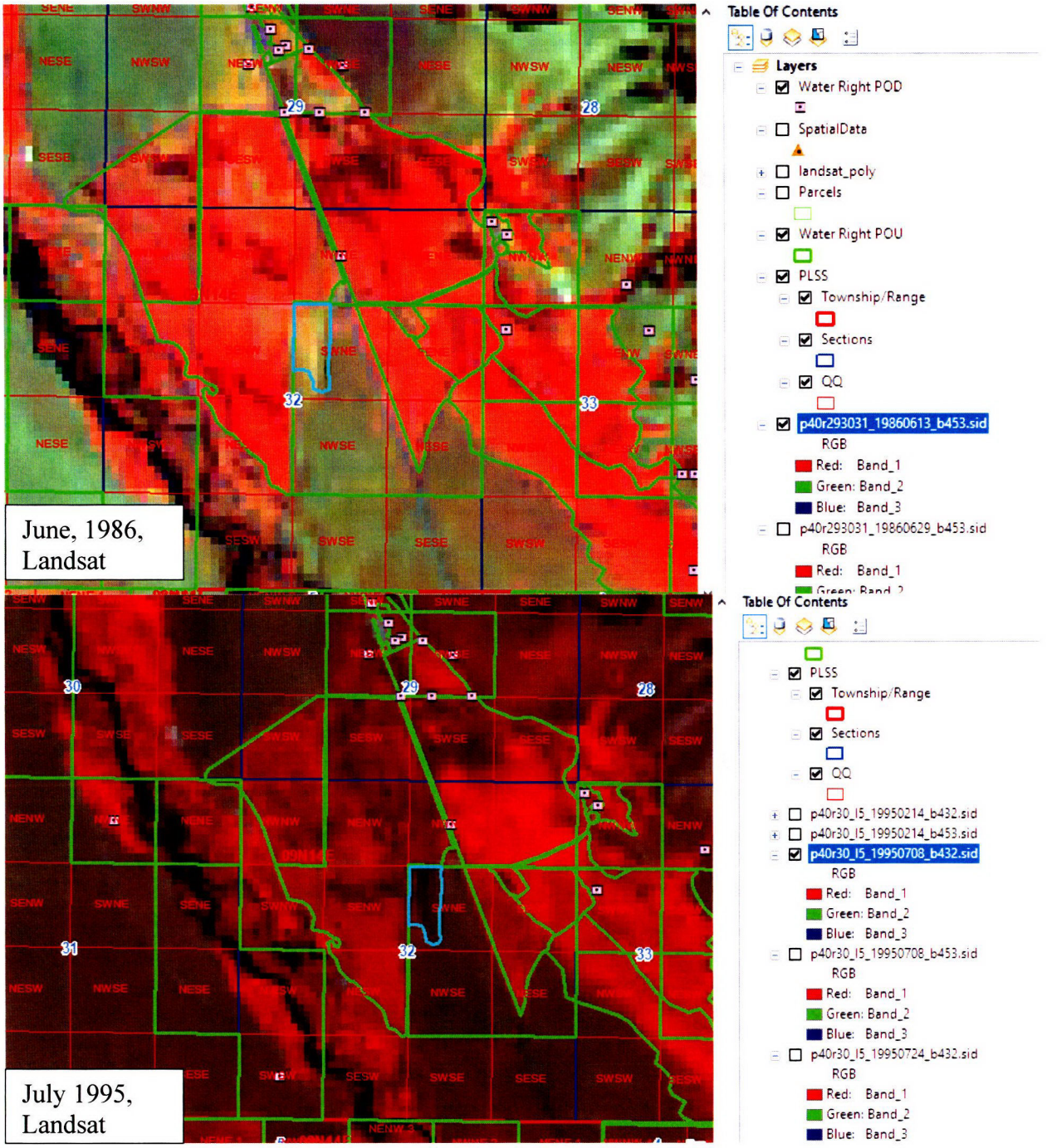


August, 2017, Sentinel



2017, Aerial imagery

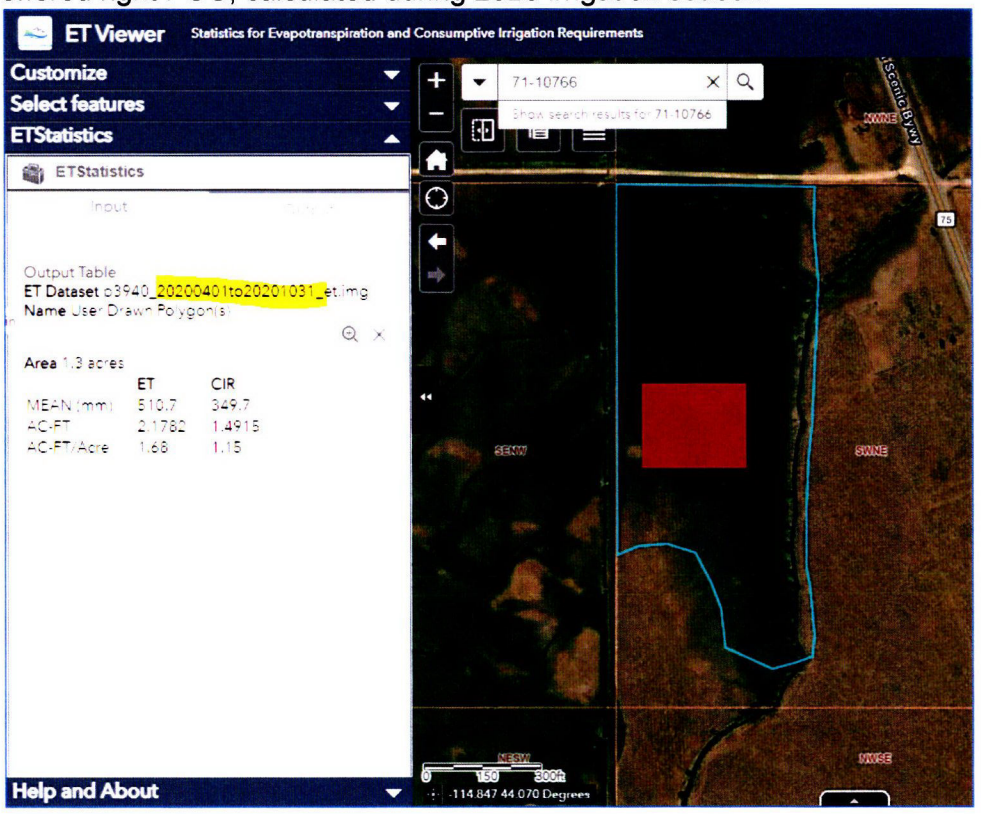
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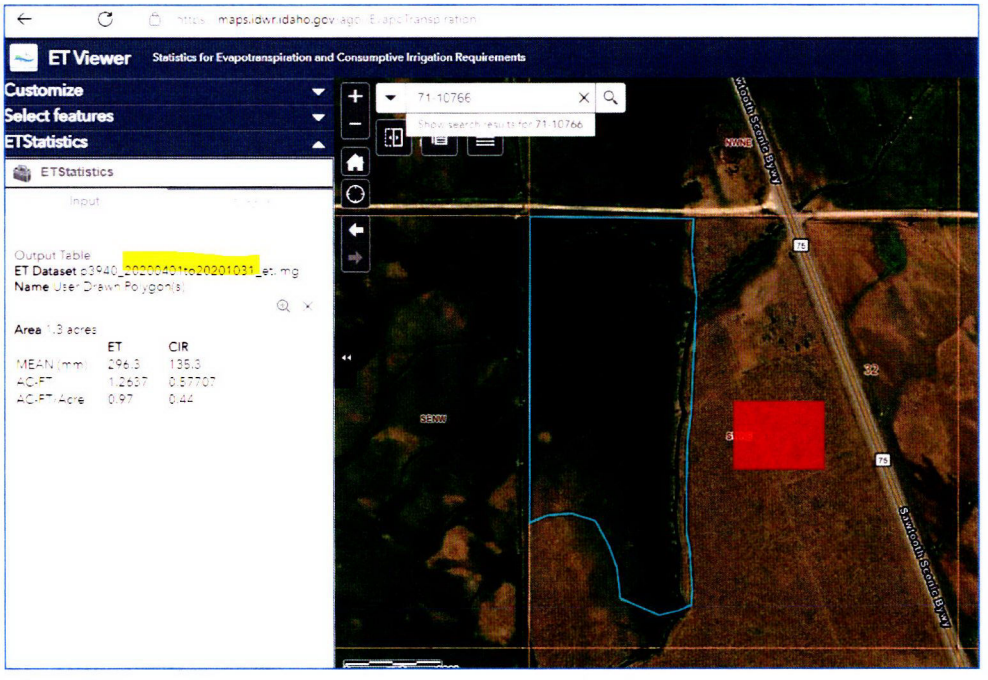
The adjudication field exams for the lands to the north, east and west adjacent to the offered right POU, were in August and September of 1993. Landsat imagery for this area is not available from 1992-1994.

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Picture below is ET and Consumptive Irrigation Requirement (CIR) data for 1 acre within the offered right POU, calculated during 2020 irrigation season.



Compare to next picture below for 1 acre outside POU on ground with no signs of irrigation, seepage, or subirrigation to show difference in ET values for same time period of 2020 irrigation season.



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