

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 28 2025

WATER SUPPLY BANK RENTAL AGREEMENT No. 890 DEPT. OF WATER RESOURCES

This is to certify that:

IDAHO POWER CO
C/O KRESTA DAVIS
PO BOX 70
BOISE, ID 83707-0070

SUPPORT DATA

IN FILE # 51-24A

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 No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
51-24A	4/1/1881	BRUNEAU RIVER	0.17	60.0	15.0	0.011	4.0
51-26A	4/1/1905	BRUNEAU RIVER	0.04	60.0	15.0	0.003	4.0
Combined Rental Totals			0.21	60.0	15.0	0.014	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2029. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2025, whichever occurs last.

Annual Rental Fee:

2025 - 2029: \$198.00 annually

The full fee for the rental of the above-described right(s) is \$198.00 per year for years 2025 - 2029. The rental fee includes an administrative fee of \$198.00 per year for years 2025 - 2029. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 51-24 A, 51-26 A.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
AESTHETIC STORAGE	0.21	27.9
Combined Total	0.21	27.9

*** The authorized water usage reflects a reduction from the water right elements rented, to account for a Change in Nature of Use from Irrigation to Aesthetic Storage.**

Detailed water right conditions are attached.

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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:

Kresta Davis Jan 27, 2025
Signature of Renter Date

Kresta Davis Senior Manager
Printed Name Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied 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 condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton 1/28/25
BRIAN PATTON, Executive Manager Date
Idaho Water Resource Board

Rental approved by IDWR TP 1/28/25
Date

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 890

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER
GROUND WATER

NESE
NESE

Sec. 31, Twp 06S, Rge 06E,
Sec. 31, Twp 06S, Rge 06E,

OWYHEE County
OWYHEE County

BENEFICIAL USE
AESTHETIC STORAGE

DIVERSION RATE
0.21 CFS

VOLUME
27.9 AF

SEASON OF USE

From To
3/1 11/15

RENTERS PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	31			X	X													X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. 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.
3. 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.
4. 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.
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 authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The pond established by the storage of water under this rental shall not exceed a total capacity of 2.1 acre-feet or a total surface area of 1.1 acres.
10. This rental authorizes a total annual storage volume of 10.9 acre-feet, 2.1 acre-feet to be used for the initial filling or carryover storage of the pond and 8.7 acre-feet for the replacement of losses caused by seepage and evaporation.

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11. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
12. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
13. Diversion of water from groundwater is limited to those times when water is available for diversion under this right and priority from the Bruneau River at the point of diversion located in the NESE of section 31, township 06S, range 06E.
14. This rental agreement does not authorize the construction of a well.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 03 2024

DEPT. OF WATER RESOURCES

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Idaho Power

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

Completed *Application to Rent Water from the Board's Water Supply Bank*

Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

2



A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A



Detailed information on a proposed use of rental water

3F



Authorization from the owner/operator of the rental point(s) of diversion

3H



Water modeling to account for the impacts of the rental request

3J



Documents justifying a rate of flow greater than 0.02 cfs/acre

3K



Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B



Explanation of how the rental water will sufficiently accomplish your rental purposes

4C



Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

51-24A

51-26A

3032

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Power Company

Mailing Address PO Box 70 Boise ID 83707

Street

City

State

Zip Code

Email Address kdavis2@idahopower.com

Phone Number (208) 388-2602

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Kresta Davis

Professional Title Senior Manager

Organization Idaho Power

Relationship to Applicant Employee

Mailing Address PO Box 70 Boise ID 83707

Email Address kdavis@idahopower.com kdavis2@idahopower.com Phone Number (208) 388-2602

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

See attachment 3A

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.2 CFS	11 AF	0.2 CFS	11 AF	0 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
1/1/2025	3/1/2025	☒ 1	☒ 2	☒ 3	☒ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

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Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Water for the wildlife storage will be diverted by a small check structure within the slough (channel).

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Headgate	See Attachment 3E	51-25A
Check Structure	See Attachment 3E	None

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: **Wildlife Storage** from: **3/1** (mm/dd) to: **11/5** (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒

If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None

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Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
51-24A	Irrigation	0.20	50	12.5		0.20	11	N/A
51-26A	Irrigation	0.05	20	5		0.05	10	2.5
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.25	21	2.5
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

This rental water was previously requested under rental agreement #789. There are future possible changes to this configuration, therefore we are looking for a flexible option.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Kresta Davis
Signature of Applicant

Kresta Davis
Printed Name of Applicant

8.21.2024
Date

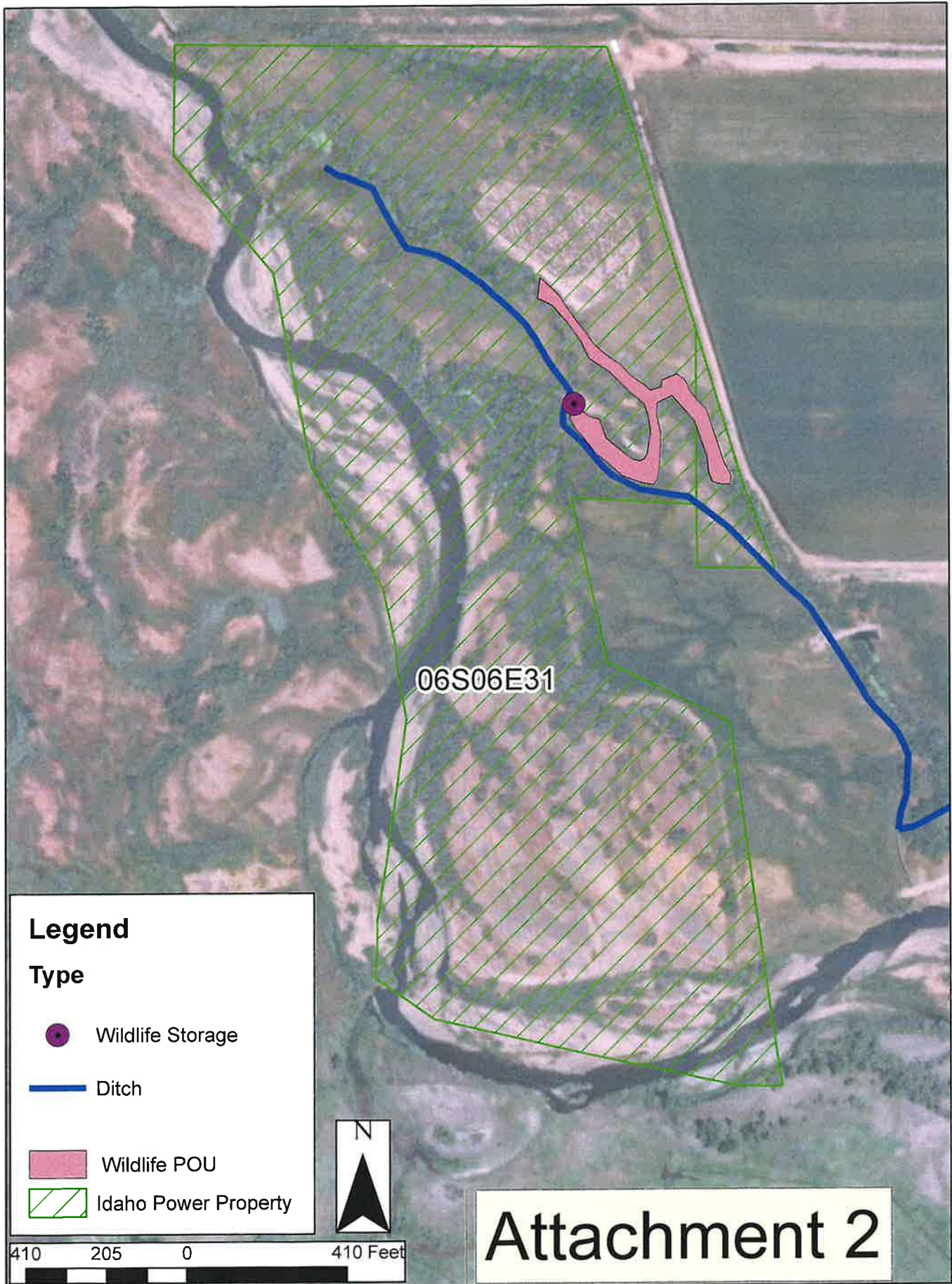
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



Attachment 3A

Wildlife Storage

On May 12, 2023, Idaho Power received Joint Application for Permit No. S51-20015 from the Idaho Department of Water Resources (IDWR). The permit allowed for the development of a vehicle crossing on a slough that is tributary to the Bruneau River. The construction of the vehicle crossing allows for the enhancement of approximately 1.06 acres of wetlands. Water can be impounded to a maximum depth of 3 feet resulting in a storage of approximately 2.12 acre-feet.

The permit contained nine special conditions including condition number 4 which states:

[4] Permittee shall acquire updated water rights as needed to account for changes in beneficial use associated with this project. Katie Gible, IDWR Stream Channel Protection Program katie.gible@idwr.idaho.gov, shall be sent a copy of the updated Water Rights Report no more than fourteen (14) business days after the updated water rights are acquired.

This rental is to fulfill this condition contained in the permit and to allow for the irrigation of 2.5 acres.

Rental Water Required

Pond Requirements

The pond losses were calculated using the IDWR Pond Loss Calculation spreadsheet. The maximum depth of the pond is approximately 3 feet with an average depth of 2 feet. Soils at the site are mapped as fluvaquents and the ponded area is a natural depression that appears to encounter shallow ground water. These channeled aquents make up a small fraction of the area are mapped as hydric and the general soils map unit descriptions indicate water at a depth of 18 to 36 inches. The typical soil profile ranges from clay loam at the surface to silt loams and depths of 31 to 60 inches. The National Wetland Inventory maps indicate that much of the impounded area is currently mapped as riverine. The soils are classified as hydrologic Soil Group C which is characterized as:

“Group C soils are sandy clay loam. They have low infiltration rates when thoroughly wetted and consist chiefly of soils with a layer that impedes downward movement of water and soils with moderately fine to fine structure.”¹

Based on the hydrologic group and the high-water table the seepage rate selected was 0.02 ft/day for an annual seepage loss of 5.5 acre-feet. The evaporative losses were calculated using data from a station located near Bruneau, Idaho and the total annual losses are 3.2 acre-feet. The average pond depth is estimated at 2 feet resulting in a total storage capacity of 2.12 acre-feet. The total annual volume required for the pond is 10.9 acre-feet.

No active diversions will occur to fill the pond. The pond will be filled from both subsurface flow and runoff from adjacent fields. Measurements taken of subsurface flow in the channel was measured in 2018 and 2019 (Table 1). The flows ranged from 0.01 cfs (estimate) to 0.08 cfs.

¹ <https://engineering.purdue.edu/mapserve/LTHIA7/lthianew/hsg.htm>

Table 1: Measurements of subsurface flow in subject wetland area.

Date	Flow (cfs)
9/19/2018	0.01*
4/23/2019	0.06
7/11/2019	0.04
10/17/2019	0.08

*Estimate

No measurements are available for waste water flowing into the impoundment area. Estimated flows are approximately 0.15 cfs. The total estimated flows for the waste water and subsurface flow is 0.20 cfs.

Once the pond is filled, any additional water will flow over the downstream check structure and back to the Bruneau River.

Attachment 3E

The source of this water is waste water from the Bruneau Buckaroo Canal and Hyporheic flow from the Bruneau River. This water would normally be returned to the Bruneau River but is instead being diverted for wildlife storage. Therefore, the effective source of this water is the Bruneau River.

Attachment 4C

Water Rights 51-24A and 51-26A were transferred to their current POU configuration in 2021 and IDWR verified the irrigation of 17.5 acres between the two rights. The total consumptive use based on the size of the irrigated field and the pond will be 21 acre-ft per year. The new total consumptive use will not exceed the historical consumptive use previously verified by IDWR. This right has been in the Water Supply Bank since 2023.