STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 788

RECEIVED
OCT 27 2023
Department of Water Resources

This is to certify that:

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

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	0.03	10.0	2.5	0.012	4.0
51-26A	4/1/1905	BRUNEAU RIVER	0.01	10.0	2.5	0.004	4.0
Combined Rental Totals			**0.04**	**10.0**	**2.5**	**0.016**	**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, 2024. 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 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2024: $23.00 annually

The full fee for the rental of the above-described right(s) is $23.00 per year for years 2023 - 2024. The rental fee includes an administrative fee of $23.00 per year for years 2023 - 2024. 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.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 788

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:

Kristal Davis
Signature of Renter

10/16/2023
Date

Kresta Davis
Printed Name

Sr Manager
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, Acting Administrator
Idaho Water Resource Board

Date 10/31/23

Rental approved by IDWR _____

Date 10/31/23

RECEIVED
OCT 27 2023
DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 788

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	NESE	Sec. 31, Twp 06S, Rge 06E,	OWYHEE County
GROUND WATER	NESE	Sec. 31, Twp 06S, Rge 06E,	OWYHEE County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.04 CFS	10.0 AF

SEASON OF USE

Water Right No.	From	To	
51-24 A	3/1	11/15	0.03 CFS
51-26 A	3/1	11/15	0.01 CFS

RENTERS PLACE OF USE: 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	
06S	06E	31			2.5														2.5

Total Acres: 2.5

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. Use of this right is combined with water from Bruneau Buckaroo Ditch Co.
10. 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.

11. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this rental.
12. Rental of rights 51-24A and 51-26A when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 10.0 af at the field headgate, and the irrigation of 2.5 acres.
13. The rented portion of right 51-24A is limited to the irrigation of 2.5 acres in a single irrigation season.
14. The rented portion of right 51-26A is limited to the irrigation of 2.5 acres in a single irrigation season.
15. This rental when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
16. 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.
17. This rental agreement does not authorize the construction of a well.

WATER SUPPLY BANK RENTAL AGREEMENT No. 788

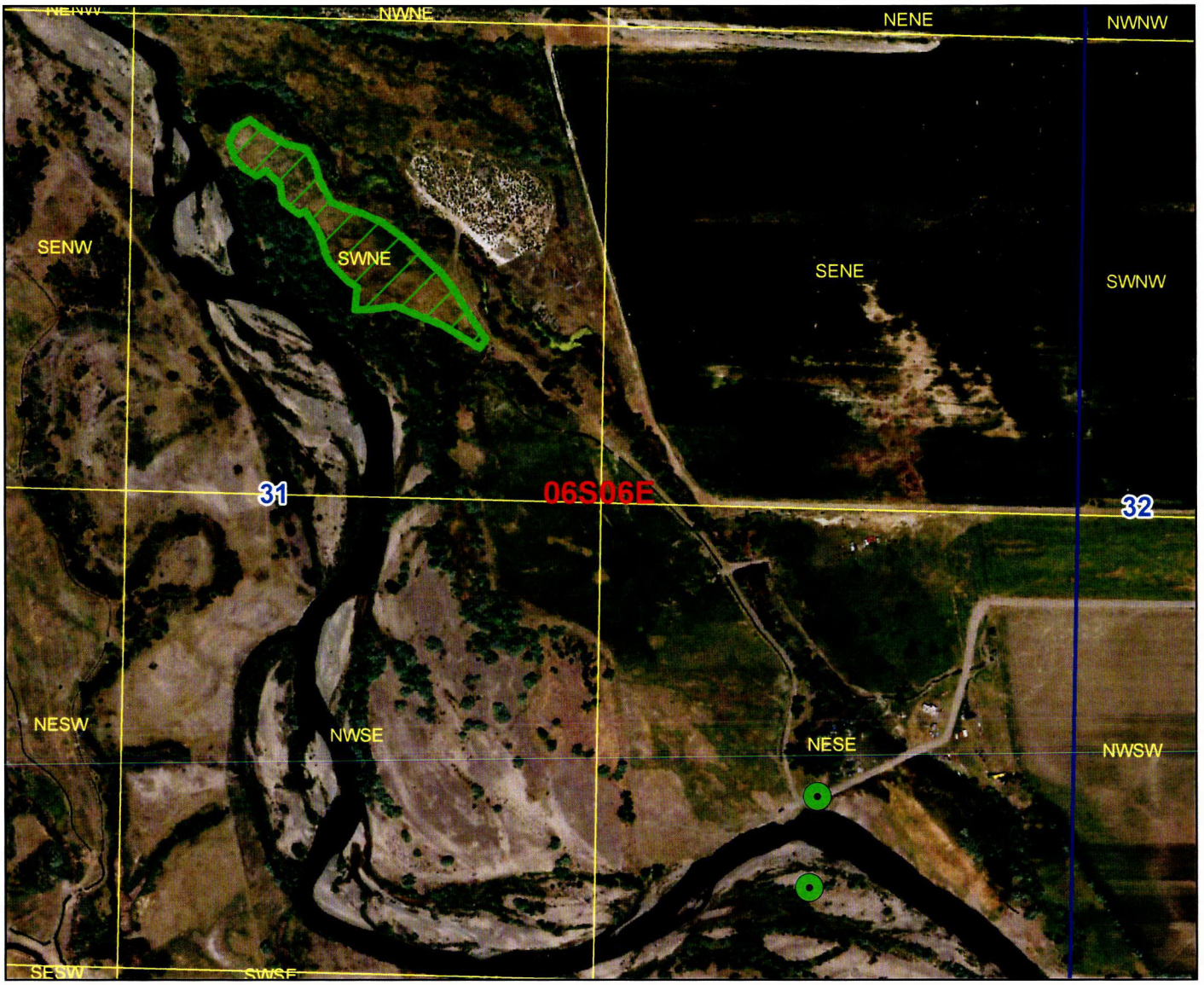
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14. The rented portion of right 51-26A is limited to the irrigation of 2.5 acres in a single irrigation season.
15. This rental when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
16. 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.
17. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 788

Effective until December 31, 2024

This map depicts the **IRRIGATION rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ

N

0 0.1 0.2 Miles

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Jul 05, 2023
DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER FROM THE BOARD'S WATER SUPPLY BANK

Applicant 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

2.6 9.4

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 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**:

There will be 2.5 acres of irrigation for pasture. This will have a maximum diversion rate of 0.05 cfs and a total volume of 10 acre-ft.

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)
0.05 CFS	10 AF	0.05 CFS	10 AF	2.5 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?	
8/1/2023	8/31/2023	☑ 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.***

STATE OF IDAHO
WATER RESOURCE BOARD

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 irrigation will be delivered through an existing ditch from the POD

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

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 2.5 (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: _____ from: _____ (mm/dd) to: _____ (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

STATE OF IDAHO
WATER RESOURCE BOARD

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**:

STATE OF IDAHO
WATER RESOURCE BOARD

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:

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.

Signature of Applicant	Printed Name of Applicant	Date
Krista Davis	Krista Davis	7/5/2023
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

IDAHO POWER
An IDACORP Company

December 5, 2022

Idaho Department of Water Resources
322 E Front Street, Ste 648
Boise, Idaho 83720-0098

Subject: Idaho Power Company Representation

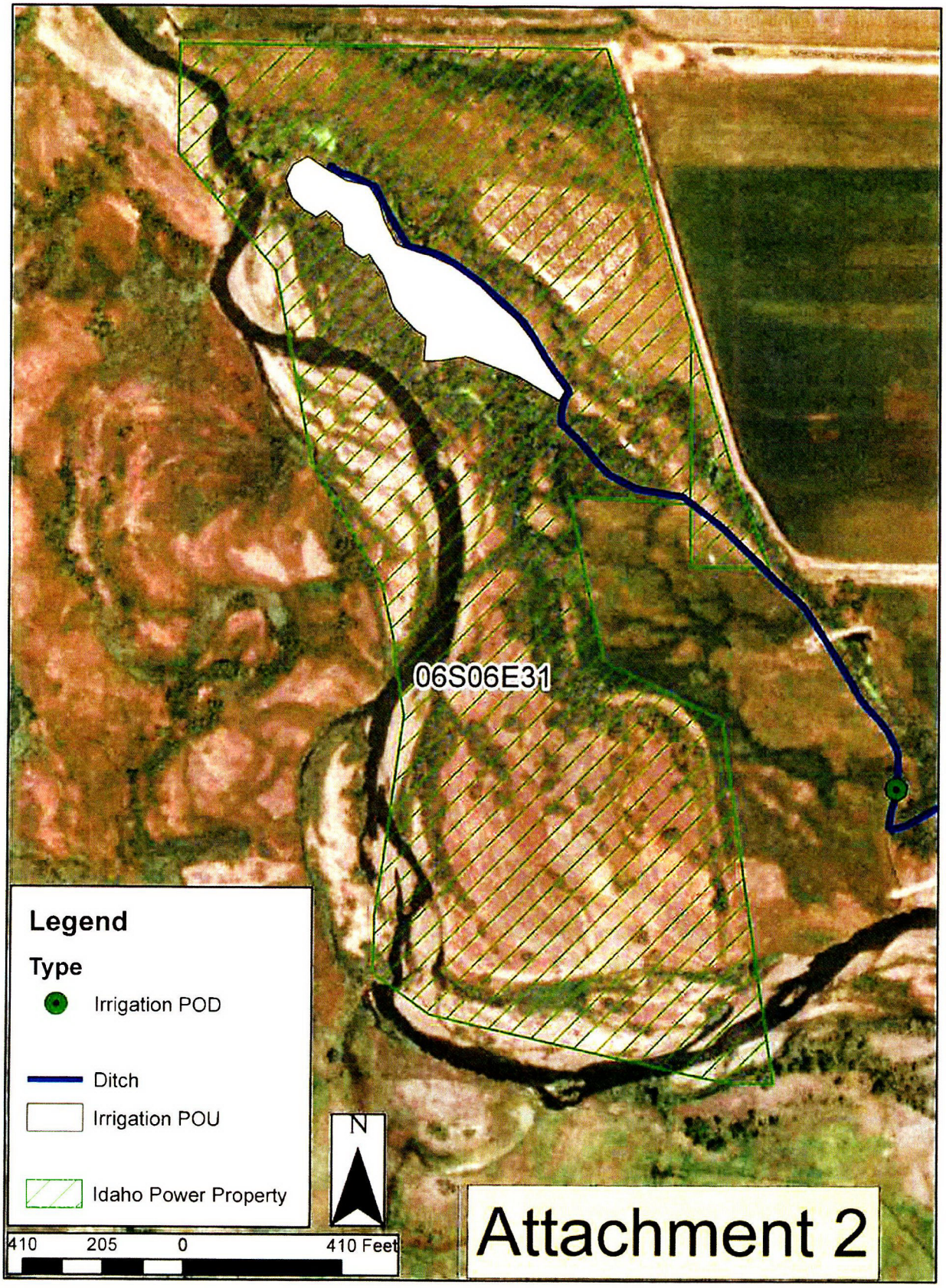
Kresta Davis, as representative of Idaho Power in matters associated with the company's water rights and water rentals and leases, has authorization to sign forms, applications and requests on behalf of the company. Please let me know if you have any questions or concerns

Sincerely,

Ryan Adelman

Vice President of Power Supply

1221 W. Idaho St (83702)
P.O. Box 70
Boise, ID 83707


06S06E31
Legend
Type
Irrigation POD
Ditch
Irrigation POU
Idaho Power Property
N
410 205 0 410 Feet
Attachment 2

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 irrigation. Therefore, the effective source of this water is the Bruneau River.

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: MK

Received Date: 7/5/2023
Latest Start Date: 8/31/2023
Renter: Idaho Power
Rental Expiration Date 2024
Lease/Rental Package (Y) N

Executed 10/31/23

Application # 2694
Agreement # 788

Water Right	Lease Contract ID
# 51-24A	2
# 51-26A	31679
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?	(Y) / N
Map of POU and POD	(Y) / N
POD consent?	(Y) / N
ESPA Modeling?	Y / N (NA)
Application Complete?	(Y) / N
Minimum Checklist in database?	☐
Request for additional information letter sent:	(Y) NA
WSB Action Request for deficiencies	☐

Comments:
* Ryan Adelman on ID Power website for authority to sign Irrigation

Mailings (per application)	Original	CC	Email or Address
Renter: Idaho Power	☒	☐	
Attorney: —	☐	☐	
Consultants Name: Kresta Davis - Idaho Power	☒	☐	Sent via email for Sig. & Payment
Conveyence Entity: — (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: —	(final only)	☐	
Other: — (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Western	(final only)	☒	Nick Miller
Watermaster: —	(final only)	☐	
Compliance: —	(final only)	☐	

Resolving NOV? Y / (N)
#

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 Mathew Weaver

November 1, 2023

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

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 51-24A & 51-26A, AGREEMENT 788

Dear Renter:

Please find enclosed a receipt in the amount of **$23.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 10.0 acre-feet of water for irrigation of 2.5 acres during 2023. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or $23.00** for 2023.

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

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C117234
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Western Region Office

Condon, Mary

From: Condon, Mary
Sent: Thursday, October 12, 2023 1:55 PM
To: Davis, Kresta
Cc: Blew, David; Margheim, Kris
Subject: Idaho Power Rentals - Irrigation & Storage
Attachments: Proposed Rental Agreement 788 - Idaho Power Co Irrigation.pdf; Rental Map - Agreement 788 ID Power Irrigation.pdf; Proposed Rental Agreement 789 - ID Power Storage.pdf; Rental Map - Agreement 789 ID Power Storage.pdf

Good afternoon, Kresta,

Please see the attached proposed rental agreements 788 for irrigation and 789 for aesthetic storage. Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and 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.

Rental agreement 788 has a calculated rental volume of 10.0 acre-feet annually. Since you are the owner of the rights, only the administrative fee of $2.30 per acre-foot, equaling $23.00 is due each year.
Rental agreement 789 has a calculated rental volume of 60.0 acre-feet annually. Since you are the owner of the rights, only the administrative fee of $2.30 per acre-foot, equaling $138.00 is due each year.

An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please sign and return the rental agreements to our Department, along with a total payment of $161.00 for 2023, within 14 days. I can mail the rental agreements for signature if you would prefer.

Best,
Mary

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

MEMORANDUM FOR AGREEMENT #788

To: Water Right(s) 51-24A & 51-26A

From: Mackenzie Kienholz

Date: 9/27/2023

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

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PURPOSE/NARRATIVE: Rental Application #2694 was submitted by Kresta Davis (Idaho Power Co) on behalf of Idaho Power Co. and was received by the Department on 7/5/2023. The application requests to rent a total of 2.5 acres from rights 51-24A & 51-26A for irrigation at the rights' original POU. The rights are currently leased to the Bank through 2024 and are owned by the applicant (Idaho Power Co.). Therefore, the rental fee for this agreement will be administrative fee only. The application was filed with application #2595 which requests portions of the same rights for wildlife storage on neighboring grounds. The rental was requested to be for as long a term as possible, which will be 2024 for these rights as mentioned above.

This rental is within the IDWR Western Region, but it is not within a water district.

AUTHORITY TO FILE: The application was signed by Kresta Davis. A letter giving Ms. Davis authority to sign on behalf of the company was included with the application. This letter was signed by Ryan Adelman who is listed as an officer (Vice President of Power Supply) on the Idaho Power website. The land at the rental place of use is owned by Idaho Power Co. The point of diversion proposed for this rental is one of the water rights' original/existing PODs. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right validity was reviewed at the time that the water rights were leased to the Bank and no concerns were found.

INJURY TO OTHER WATER RIGHTS: This rental does not propose to change the nature of use, POD, or POU for these water rights. The purpose of this rental is essentially the same as reducing the leased amounts of right 51-24A and 51-26A.

ENLARGEMENT OF USE: Rights 51-24A and 51-26A were decreed with both irrigation and stockwater use which have a combined rate limit equal to the irrigation portion. The stockwater portions were not included for lease, so the total rentable rate is the total rate for each right minus the stockwater rate. Thus, the portion rented will have a lower duty of water than is decreed, 0.014 versus 0.02 cfs/acre, to prevent enlargement. All conditions which appear on the water rights will be applied to the rental.

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is not subject to a Water District. A request for comments was sent to the Western Regional Office on 9/27/2023.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, September 27, 2023 2:59 PM
To: Miller, Nick
Cc: Hummer, Phill
Subject: Comments Request - Idaho Power WSB Rental Applications 2694 & 2695
Attachments: WM Copy Rental Review Memo - App 2694 ID Power.pdf; Rental Map - Agreement 788 ID Power Irrigation.pdf; Rental Map - Agreement 789 ID Power Storage.pdf; WM Copy Rental Review Memo - App 2695 ID Power.pdf

Good afternoon, Nick,

Please see the attached, proposed rentals for Idaho Power. Both rentals request to use rights owned by Idaho Power, 51-24A and 51-26A, but one application is for irrigation and the other proposed a change in nature of use to storage. Kindly respond with any questions or comments within 10 days. I will be out of the office from Monday, 10/2 to Friday 10/13, so I am cc'ing Phill Hummer on this email in case you need information about these applications while I am out.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Kienholz, Mackenzie

From: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Sent: Tuesday, September 19, 2023 3:02 PM
To: Kienholz, Mackenzie
Cc: Davis, Kresta; Gariglio, Frank; Bank
Subject: RE: Historical Use of 51-24A and 51-26A

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Excellent! Thanks for working with us on this application.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, September 19, 2023 2:28 PM
To: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Cc: Davis, Kresta <KDavis2@idahopower.com>; Gariglio, Frank <FGariglio@idahopower.com>; Bank <Bank@idwr.idaho.gov>
Subject: [EXTERNAL] RE: Historical Use of 51-24A and 51-26A

Good afternoon, Noah,

Thank you again for your help in finding historic use information for 51-24A and 51-26A. I did some calculations of my own based on the data you provided, and I believe that this is sufficient evidence to complete the requested rentals. I will let you know if any other questions arise, otherwise I will finalize my review and will pass the rentals on for supervisor review.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Kienholz, Mackenzie
Sent: Monday, September 18, 2023 11:52 AM
To: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Cc: Davis, Kresta <KDavis2@idahopower.com>; Gariglio, Frank <FGariglio@idahopower.com>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Historical Use of 51-24A and 51-26A

Hi Noah,

Thank you for sending this information. I will take a look and let you know if this is sufficient or if there is any other information I still need.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Sent: Friday, September 15, 2023 12:25 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Davis, Kresta <KDavis2@idahopower.com>; Gariglio, Frank <FGariglio@idahopower.com>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Historical Use of 51-24A and 51-26A

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Hello,

Thank you for taking the time to talk with me on the phone earlier. I've done some more digging and was able to produce the following additional information:

There was a totalizer, which recorded diversion volumes from 2017 and 2018:

- 2017 – 41.3 acre-ft
- 2018 – 62 acre-ft

Additionally, the instantaneous flow rate was taken on two dates:

- 5/17/2018 – 0.154 cfs
- 7/11/2019 – 0.216 cfs

I have also attached power consumption records to this email. The pump was the only thing being used at this location and therefore these records should indicate when the pump was being used. There are a couple of slightly odd usages near the end of the irrigation season that might not be related to the actual irrigation activities. If we assume a linear relationship between power consumption and diversion volume (there are some issues with this due to factors such as river stage and pump efficiency), we can also estimate the amount diverted during 2019, 2020, and 2021 (After 2021, the pump was pulled). I have summarized all this information in the table below.

Year	Start	Stop	Duration (Days)	Total Days for Year	Total KWh for Year	Measured Volume (af)	Estim
2017	6-Jul	16-Nov	133	133	9875	41.3	
2018	2-Mar	6-Nov	249	252	17438	62	

	14-Nov	17-Nov	[redacted] 3		[redacted]		
2019	8-Mar	22-Aug	167	220	16950	-	
	10-Sep	2-Nov	53				
2020	28-Mar	18-Sep	174	174	13986	-	
2021	30-Apr	17-Jul	78	82	6494	-	
	3-Nov	4-Nov	1				
	13-Nov	16-Nov	3				

I hope this provides you with enough information to move forward with this water supply bank application. Let me know if you need additional information to move forward with this application.

Thanks,
Noah

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, September 14, 2023 10:12 AM
To: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Cc: Davis, Kresta <KDavis2@idahopower.com>; Gariglio, Frank <FGariglio@idahopower.com>; Bank <Bank@idwr.idaho.gov>
Subject: [EXTERNAL] RE: Historical Use of 51-24A and 51-26A

Good morning, Noah,

IDAPA 37.02.03.30.01 (Water Supply Bank Rule) describes the criteria that is used to evaluate applications to rent water. It states "The Director will evaluate applications with respect to the purposes of Rule 1, as to whether there will be injury to other water rights, ***whether the proposal would constitute an enlargement of the water right***, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Board's water supply bank is sufficient for the use intended, and whether the proposal is in the local public interest."

To your second statement that during the transfer in 2020, IDWR confirmed the beneficial use of 25 acres, we do not have questions about the rights' validity. The question we do have is about the extent of the historic use under the rights. We need information about the historic use to determine the consumptive portion under rights 51-24A and 51-26A in order to rent them without using Buckaroo Ditch shares or wastewater. These rights have always been stacked with Buckaroo water, including through the transfer, so we need to know to what extent these rights specifically were used. As you mentioned, shares were transferred to the new water right POU at the time of the water right transfer to prevent enlargement. Water Supply Bank rentals work in a similar manner to transfers. It would be an enlargement of the rights to unstack them from the Buckaroo shares or wastewater without the historic use information.

As I mentioned in my previous email, if Idaho Power is able to utilize Buckaroo wastewater or shares in the same manner it has been used before being leased to the Bank, there may be a straightforward way to complete the irrigation rental. However, with regards to the wildlife storage rental, we cannot change the nature of use without historic use information. I am again attaching Transfer Processing Memo No. 24 which further explains the criteria required to evaluate and calculate historic use of supplemental rights, or the unstacking of rights preventing enlargement. Please specifically see sections:

- 3.13 – Historic Beneficial Use

- 5d.3 – Stacked Water Rights
- 5d.4 – Supplemental to Primary – most important aspect for changing the irrigation from combined waste and Bruneau water to only Bruneau water.
- 5d.5 – Historic Beneficial Use

Please provide the information described above or request withdrawal of your application within 15 days of the date of this letter or the application will be returned unprocessed.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Sent: Thursday, September 7, 2023 10:57 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Davis, Kresta <KDavis2@idahopower.com>; Gariglio, Frank <FGariglio@idahopower.com>
Subject: RE: Historical Use of 51-24A and 51-26A

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Hello Mackenzie,

We have very limited information on the historical pumping rates from the Bruneau River. However, I believe this information might not be necessary to complete these water supply bank rental applications.

To provide some additional information on the location, this area has never actually been directly irrigated using Buckaroo Ditch water. There is currently no delivery system to send Buckaroo Ditch water to this area. Instead, the land has been irrigated using a combination of waste water from the Buckaroo Ditch and water directly pumped from the Bruneau River. From the water right 51-24A, 51-25A, and 51-26A are stacked together are should not exceed 25 acres, additionally the use of the right is combined with water from the Buckaroo Ditch. To ensure the use of waste water and pumped water did not result in an enlargement of the water right, 0.3 cfs worth of shares from the Buckaroo Ditch were transferred from an other Idaho Power Property to this property. This water currently stays in the canal and is not used for any diversions and acts to offset any waste water/pumped water.

In 2020, the POU was transferred (T84042) and during the transfer process, the department confirmed the beneficial use of 25 acres as mentioned in the memo attacked to the transfer. This occurred within the last five years, which ensures there would not be an enlargement or injury to other users through these rentals.

If you have any additional questions/need more information feel free to call me at 208-388-5812.

Thanks,

Noah

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, August 29, 2023 11:36 AM
To: Davis, Kresta <KDavis2@idahopower.com>
Subject: [EXTERNAL] Historical Use of 51-24A and 51-26A

Good morning, Kresta,

I am working on the review of Idaho Power's Water Supply Bank rental applications #2694 and #2695 for 2.5 acres of irrigation and wildlife storage respectively. When unleased, the water rights requested, 51-24A and 51-26A, were combined with shares from the Bruneau Buckaroo Ditch Co. We will need information about how the water rights versus shares were used, in timing and in quantity.

For irrigation application #2694: This application is essentially for the use and location that the water rights authorize, but as mentioned above, it seems that typically these acres also received share water as weell. It was noted on the lease application that shares would not be utilized during the Bank term. To use these water rights for this rental, we will need one of two things. The first option would be to use shares on these acres in the same manner as was done before they were leased to the Water Supply Bank, if having shares for these acres is possible for you. The second option would be to provide historical data to show when these rights were used versus shares. Ideally this would be pumping records, power records, etc. Any sort of documentation recording when 51-24A and 51-26A were typically used would be helpful.

For wildlife storage application #2695: As this application proposes a change in nature of use, a description of the historic, consumptive use amounts for the water rights being rented is necessary; see application Item 4C and Transfer Processing Memo No. 24, pages 14 (excerpt below). This is the same information required as mentioned in option two above for the irrigation rental application. We need to know how the rights have been used historically to ensure that there is not enlargement or injury to other users through the rentals.

Please let me know what information you may have about the historical use of rights 51-24A and 51-26A, or please inform me if you have any other information I should consider.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Excerpt from Transfer Processing Memo No. 24:

"Historic Beneficial Use. If the application for transfer proposes to change the nature or purpose of use or the season of use, the applicant must include an attachment documenting the historic extent of beneficial use under the right. For a transfer seeking to change a water right from irrigation, the attachment must provide sufficient data and information to determine historic consumptive water use. This can be satisfied by submitting records of cropping pattern or rotation, or

records of water diverted and system [redacted]iency, for at least the most recent, five consecutive years as described in Sections Sd.(S) and (6). If the application for transfer proposes to change the place of use for a supplemental water right, the applicant must include information to demonstrate that the supplemental right will not be enlarged (see Sections Sd.(3), (4) and (S) for definition and further discussion of supplemental rights)."

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, June 29, 2023 4:39 PM
To: kdavis@idahopower.com
Subject: Water Supply Bank Application - Amended Applications Required

Good afternoon, Kresta,

We received Idaho Power's Water Supply Bank Rental Application which requests to rent from rights 51-24A and 51-26A for irrigation and wildlife storage. As stated on page one of the rental application, only one beneficial use can be included on each application. Please submit amended applications, one for each beneficial use. It looks like all the other information we need to mark it as "Ready for Review" is on the application, so once the two separate applications are received, I will mark them as such. Applications can be mailed to the IWDR state office or electronically sent to file@idwr.idaho.gov.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4822