Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
SEP 03 2024
DEPT. OF WATER RESOURCES

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

Designated Applicant Idaho Power Company
(Select one owner – see item 1A on the application)

Water Right No. 51-24A
(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 $ 250	Received By: CDM	Date Received: 9/3/24	Receipt # C118818
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

3031

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 Idaho Power Company

Mailing Address PO Box 70 (Street) Boise (City) ID (State) 83707 (Zip Code)

Email Address KDavis2@idahopower.com Phone Number (208) 388-2602

☑ 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 Kresta Davis Organization Idaho Power Company

Professional Title Senior Manager Email Address KDavis2@idahopower.com

Mailing Address PO Box 70 Boise, ID 83707 Phone Number (208) 388-2602

☑ 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**.

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.
Water is delivered through an existing ditch and comes from waste water from the Bruneau Buckaroo Canal and Hyporheic flow from the Bruneau River.

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. Water rights 51-24A and 51-26A are used as part of a combined limit with shares in the Bruneau Buckaroo Ditch Company. Idaho Power shares in the Bruneau Buckaroo Ditch Company attached to this property, will not be called for or diverted during the period 51-24A and 51-26A are in the water supply 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. Waste water from the Bruneau Buckaroo Canal does flow through the irrigation system however, no managed irrigation will occur. Idaho Power shares from the Buckaroo Canal will not be diverted.

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 Rights 51-24A and 51-26A were transfered to their current POU configuration in 2021 and IDWR verified the irrigation of 17.5 acres between the two rights. Neither right was exercised during the 2022 irrigation season. This right has been in the Water Supply Bank since 2023.

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.

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 ☑

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: 2025 (Year) to 2030 (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.

Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this 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
Krista Davis	Krista Davis	8.21.2024
Signature of Authorized Representative	Printed Name	Date

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

Form 42-1761-1 10/15

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)
51-24A	Irrigation	.25	50	12.5
	Less Stockwater	-0.05	0	0
	Total Amounts:	0.20	50	12.5

2. Source of water Bruneau River tributary to Snake River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	06E	31		NE	SE		Owyhee
06S	06E	31		NE	SE		Owyhee

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

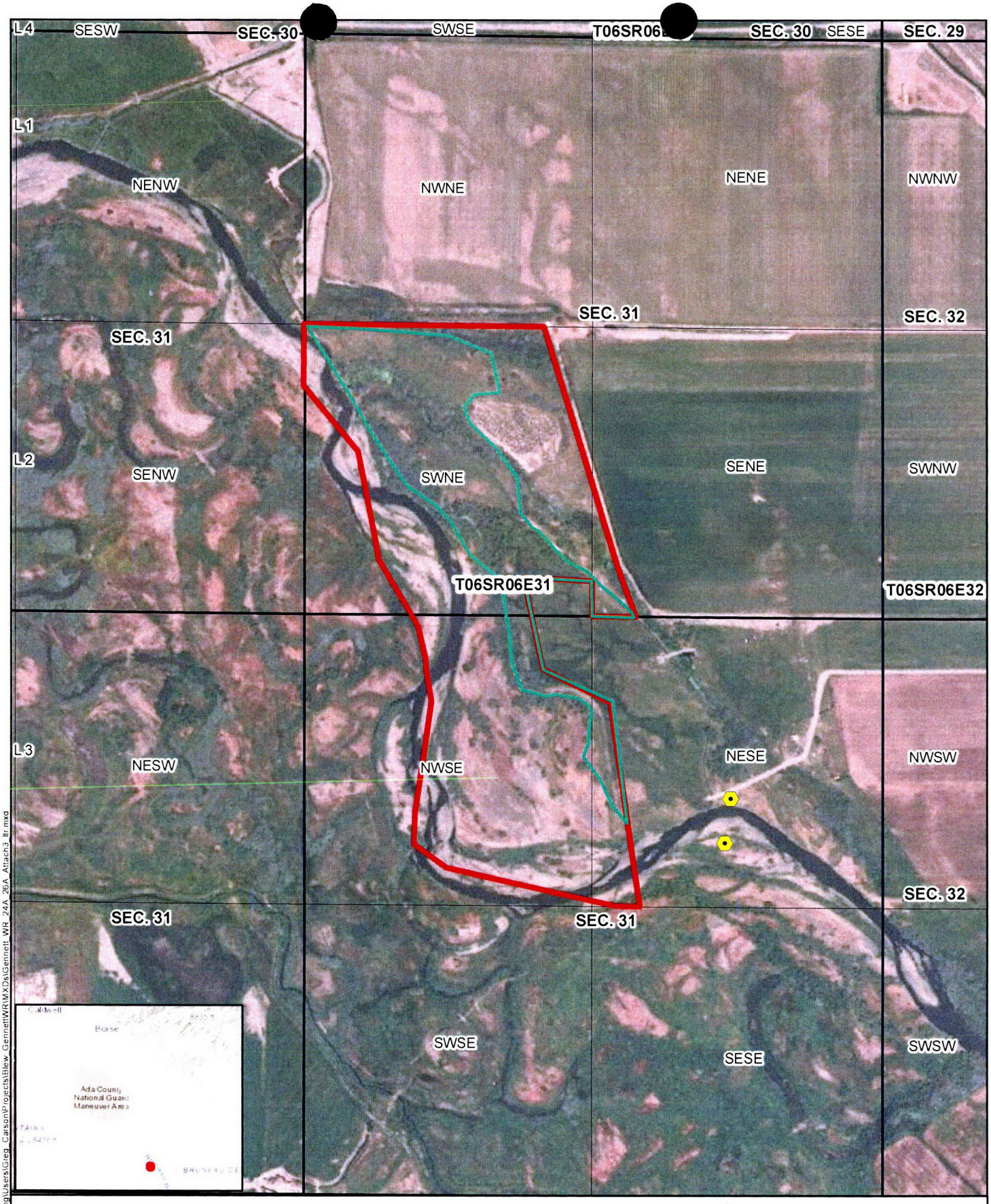
Kresta Davis, as representative of Idaho Power in matters associated with the company's water rights and water rentals and leases, has authorization to sign forms, applications and requests on behalf of the company. Please let me know if you have any questions or concerns

Sincerely,

Ryan Adelman

Vice President of Power Supply

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



LEGEND

- POINTS OF DIVERSION
- TO: PERMISSABLE PLACE OF USE
- ACRES TO BE DRIED

ATTACHMENT #3
IDAHO POWER
WATER SUPPLY BANK LEASE APPLICATION
WATER RIGHTS 51-24A AND 51-26A
IRRIGATION USE OFFERED FOR LEASE

1 inch = 600 feet

0 150 300 600 Feet

IDAHO POWER
An IDACORP Company

Date: 12/27/2022

Document Path: \\fresno\Rivers\Users\Greg_Carson\Projects\Blew_Gennett\WRMXDs\Gennett_WR_24A_26A_Attach3_ltr.mxd

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1679

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

RECEIVED
FEB 13 2023
DEPARTMENT OF
WATER RESOURCES

LESSOR: IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

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 January 20, 2023.

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)
51-24A	4/1/1881	BRUNEAU RIVER, tributary to SNAKE RIVER	0.250	Not Stated	17.5
51-26A	4/1/1905	BRUNEAU RIVER, tributary to SNAKE RIVER	0.100	Not Stated	17.5
Combined Limit Totals			**0.35**	**Not Stated**	**17.5**
Combined Lease Totals			**0.35**	**Not Stated**	**17.5**

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)
51-24A	0.20	70.0	17.5	0.011	4.0
51-26A	0.05	70.0	17.5	0.003	4.0
Combined Limit Totals	**0.25**	**70.0**	**17.5**	**0.014**	**4.0**

**** The water right elements rentable have been reduced from the water right elements leased to account for the use of the stockwater components and a defined volume limit that is based on the regional field headgate irrigation standard of 4.0 afa/acre.***

SCANNED
AUG 4 2023
SUPPORT DATA
IN FILE # 51-24A

WATER SUPPLY BANK LEASE CONTRACT No. 1679

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 be January 1, 2023 to December 31, 2024. 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.

SCANNED
AUG 14 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1679

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

LESSOR: IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

By Kristal Davis
Title Senior Manager
Date Feb 9, 2023

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

By _____ Date 3/2/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3/2/23

SCANNED
AUG 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1679

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): 51-24A, 51-26A

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

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
51-24A	IRRIGATION	3/01	to	11/15	0.25 cfs	Not Stated
51-26A	IRRIGATION	3/01	to	11/15	0.10 cfs	Not Stated
				Totals:	0.35 cfs	Not Stated

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	
06S	06E	31			31.0	1.3									3.2	20.2			55.7

Total Acres: 55.7
Acre Limit: 17.5

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.

SCANNED
AUG 4 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1679

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.
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. Use of these rights is combined with water from Bruneau Buckaroo Ditch Co.
13. These rights 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.
14. 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.
15. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under these rights.
16. 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.
17. Rights 51-24A and 51-26A when combined shall not exceed the irrigation of 17.5 acres.
18. These rights are limited to the irrigation of a specific 17.5 acres within the 55.7 acre place of use authorized by these rights in a single irrigation season. The specific 17.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 17.5 acre to be irrigated within the 55.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

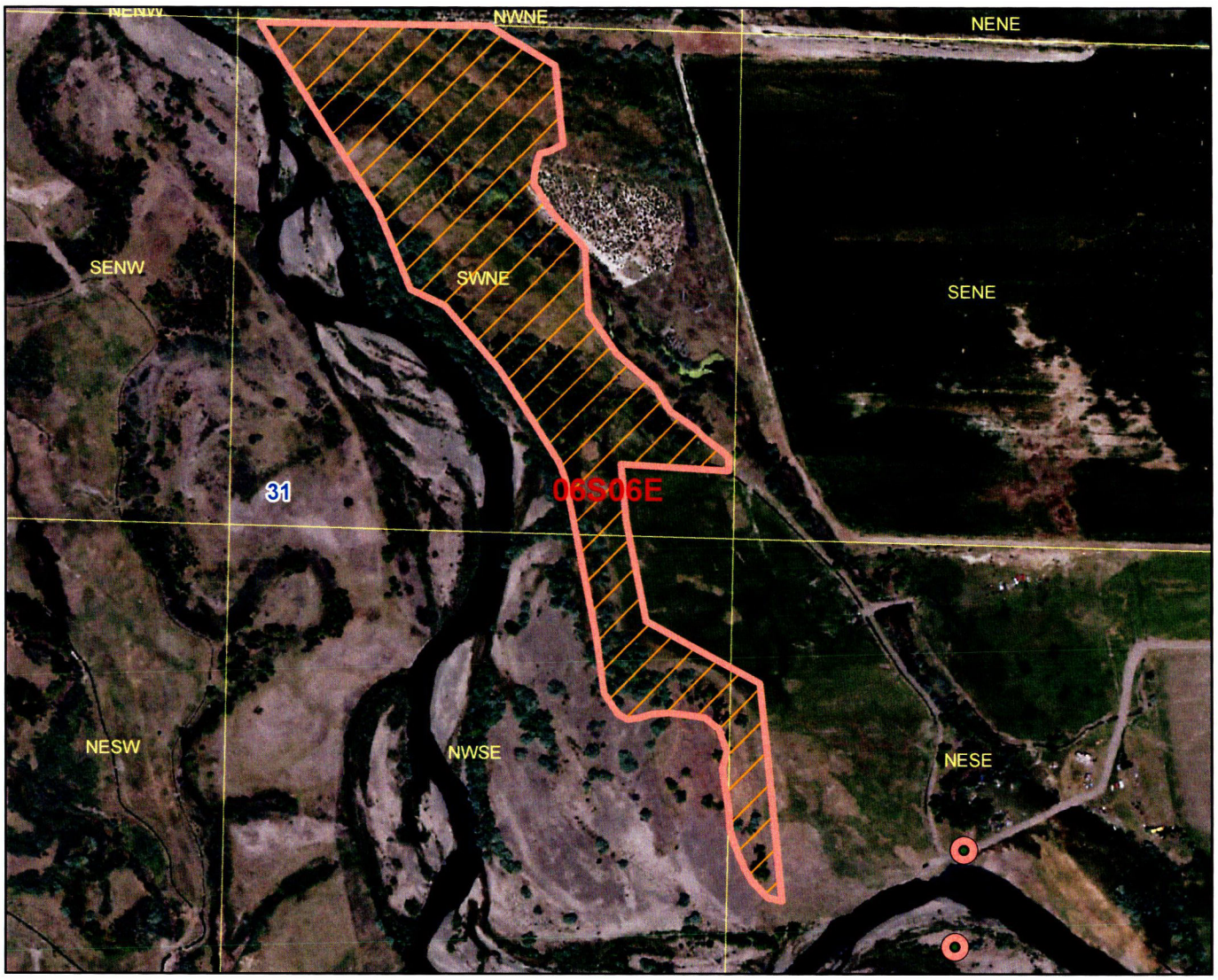
SCANNED
AUG 4 2023

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1679

51-24A & 51-26A
Effective until December 31, 2024

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

0 250 500 Feet

SCANNED
AUG - 4 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JAN 20 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Idaho Power Company
(Select one owner – see item 1A on the application)

Water Right No. 51-24A
(One water right per application)

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

Attachment	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.
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 $ 250.00	Received By: KM	Date Received: 1.20.23	Receipt # 0115129
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Idaho Power Company	

SCANNED
AUG 4 2023

2568

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 Idaho Power Company

Mailing Address PO Box 70 (Street) Boise (City) ID (State) 83707 (Zip Code)

Email Address KDavis2@idahopower.com Phone Number (208) 388-2602

☑ 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 Kresta Davis Organization Idaho Power Company

Professional Title Senior Manager Email Address KDavis2@idahopower.com

Mailing Address PO Box 70 Boise, ID 83707 Phone Number (208) 388-2602

☑ 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.
The water is diverted from the Bruneau River through a sump located near the river.

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. Water rights 51-24A and 51-26A are used as part of a combined limit with shares in the Bruneau Buckaroo Ditch Company. Idaho Power shares in the Bruneau Buckaroo Ditch Company attached to this property, will not be called for or diverted during the period 51-24A and 51-26A are in the water supply 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. Waste water from the Bruneau Buckaroo Canal does flow through the irrigation system however, no managed irrigation will occur. Idaho Power shares from the Buckaroo Canal will not be diverted.

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 Rights 51-24A and 51-26A were transfered to their current POU configuration in 2021 and IDWR verified the irrigation of 17.5 acres between the two rights. Neither right was exercised during the 2022 irrigation season. Idaho Power has not called for their irrigation shares from the Bruneau Buckaroo Canal.

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.

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: 2023 (Year) to 2024 (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.

Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this 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
Kresta Davis	Kresta Davis	1/11/2023
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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Form 42-1761-1 10/15

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.

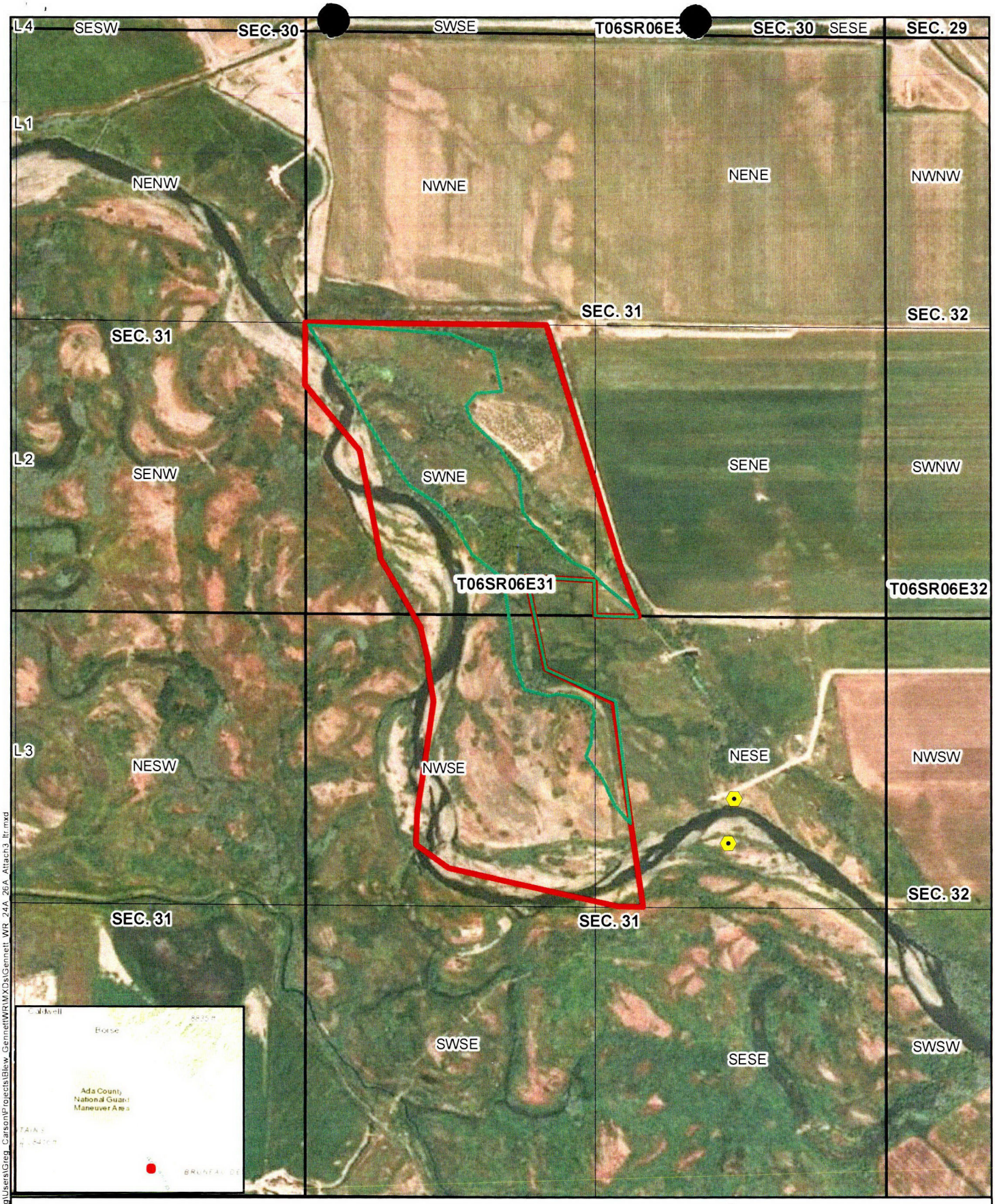
Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
51-24A	Irrigation	.25	50	12.5
	Less Stockwater	-0.05	0	0
	Total Amounts:	0.20	50	12.5

2. Source of water Bruneau River tributary to Snake River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	06E	31		NE	SE		Owyhee
06S	06E	31		NE	SE		Owyhee

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Document Path: \\fresno\Irweng\Users\Greg_Carson\Projects\Blew_Gennett\WR\MXDs\Gennett_WR_24A_26A_Attach3_ltr.mxd

LEGEND

- POINTS OF DIVERSION
- TO: PERMISSABLE PLACE OF USE
- ACRES TO BE DRIED

ATTACHMENT #3
IDAHO POWER
WATER SUPPLY BANK LEASE APPLICATION
WATER RIGHTS 51-24A AND 51-26A
IRRIGATION USE OFFERED FOR LEASE

1 inch = 600 feet

0 150 300 600 Feet

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IDAHO POWER
An IDACORP Company

AUG 4 2023

Date: 12/27/2022

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

SCANNED
AUG 14 2023

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

December 2, 2024

IDAHO POWER CO.
PO BOX 70
BOISE, ID 83707

RE: APPLICATION TO LEASE WATER RIGHTS 51-24A AND 51-26A TO THE WATER SUPPLY BANK CONTRACT 1916

******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 rights will automatically be released from the Bank on **December 31, 2029,** 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 <u>not</u> 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,

Skyler Cheever
Water Resource Agent, Sr – State Office
Idaho Dept. of Water Resources

Enclosures: Two Proposed Lease Contracts

CC: Representative (via email)

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1916

51-24A and 51-26A
Effective until December 31, 2029

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.



MEMORANDUM FOR WSB LEASE APPLICATION # 3031

To: Water Right No(s). 51-24A, 51-26A

From: Skyler Cheever, Water Resource Agent

Date: 10/29/2024

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

---

PURPOSE/NARRATIVE:
Application 3031 was sent in by Idaho Power and received by the Department on September 3rd, 2024, with the correct fee payment received on the same date. This application is part of a lease/rental package with rental applications 3032 and 3064. The applicant proposes to lease the irrigation portions of water rights 51-24A and 51-26A into the water supply bank from 2025-2029. In Attachment 2, included with both applications, the applicant proposed to lease the total irrigation diversion rate but a smaller number of acres, 12.5 acres for 51-24A and 5.0 acres for 51-26A, than is authorized currently. Both WR's have an acre limit of 17.5 acre within a 55.7-acre PPU. The applicant likely determined the acre portions based on the authorized diversion rate and department standard diversion rate/acre of 0.02 cfs/acre. The proposed points of diversion are within the Snake River Basin Moratorium Area, Bruneau-Grandview Groundwater Management Area and Trust Water Area. This application is intended as a renewal of lease contract 1679 which expires on December 31st, 2024.

AUTHORITY TO FILE:
Kresta Davis signed the application. Ms. Davis has the authority to file this agreement because Ryan Adelman stated she has the authority to sign on behalf of Idaho Power according to an attached letter. Mr. Adelman is the Vice President of Power Supply at Idaho Power according to the Idaho Secretary of States Office Database. Idaho Power is the Current Owner of WR's 51-24A and 51-26A according to Department records.

WATER RIGHT VALIDITY:
Water rights 51-24A and 51-26A were decreed in the SRBA in 2000. According to Google Earth Imagery the place of use has been irrigated from the decreed date until 2022. The water right was leased into the water supply bank from 2023-2024. Therefore, there is enough information available to the bank to conclude water rights 51-24A and 51-26A are likely not lost to forfeiture and can be leased into the bank.

INJURY TO OTHER WATER RIGHTS:
There are no injury concerns with the lease proposal. Any injury concerns will be addressed with the review of the rental applications 3032 and 3064.

ENLARGEMENT OF USE:
Water rights 51-24A and 51-26A when combined are limited to the irrigation of 17.5 acres. The authorized diversion rates for the irrigation and stockwater portions of each right are not additive. To prevent enlargement of the unleased stockwater portions the rentable amounts of each WR should be reduced by the unleased stockwater rate. Additionally, to prevent enlargement a condition will be added to the contract limiting the unleased portion of both rights when combined to 0.10 cfs for stockwater purposes. There are no other enlargement concerns.

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 points of diversion are within Administrative Basin 51. The Western Regional Manager was contacted for comment on November 5th, 2024. No response was received, it is assumed there are no concerns with the applicant's proposal.

Cheever, Skyler

From: Cheever, Skyler
Sent: Wednesday, November 6, 2024 12:01 PM
To: Miller, Nick
Subject: Water Supply Bank Lease/Rental Package - Idaho Power
Attachments: Lease 1916 Map.pdf; Lease Review Memo 3031.pdf; Rental 890 Map.pdf; Rental Agreement 890.pdf; Rental Review Memo 890.pdf; Rental 891 Map.pdf; Rental Agreement 891.pdf; Rental Review Memo 891.pdf

Hello Nick,

I have completed my review of a Water Supply Bank Lease/Rental Application Package including Lease Application 3031 and Rental Applications 3032 and 3064. The proposed points of diversion (rental applications propose the same POD's as the lease) are within Administrative Basin 51. The applicant is Idaho Power. The applicant proposes to lease the irrigation portions of water rights 57-24A and 57-26A into the water supply bank from 2025-2029. Rental application 3032 proposes to rent a 15 acre portion of Lease Contract 1916 (App 3031) from the water supply bank and changing the nature of use from irrigation to aestetic storage from 2025-2029. Rental Application 3064 proposes to rent a 2.5 acre portion of irrigation from lease contract 1916 from 2025-2029. Attached is a copy of the review memos, copies of draft rental agreements, and maps of the places of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, Sr - State Office
(208)-287-4913
Skyler.cheever@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E. Front St. P.O Box 83720 Boise, ID 83720
www.idwr.idaho.gov

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 51-24A

Owner Type	Name and Address
Current Owner	IDAHO POWER CO PO BOX 70 BOISE, ID 83707 (208) 388-2542

Priority Date: 4/1/1881
Basis: Decreed
Status: Active

Source	Tributary
BRUNEAU RIVER	SNAKE RIVER
GROUND WATER	BRUNEAU RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/01	11/15	0.250 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
		Total Diversion	0.250 CFS	

Source and 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

Place Of Use:

STOCKWATER within OWYHEE County

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

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	06E	31			31.0	1.3									3.2	20.2			55.7

Right Acre Limit: 17.50
POU Total Acres: 55.7

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 17.5 acres within the 55.7 acre place of use authorized by this right in a single irrigation season. The specific 17.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing

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		the 17.5 acre to be irrigated within the 55.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2.	01M	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.
3.	R64	This right 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.
4.	X35	Rights 51-24A and 51-26A when combined shall not exceed the irrigation of 17.5 acres.
5.	N05	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6.	X53	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.
7.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8.	073	Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9.	W04	Use of this right is combined with water from Bruneau Buckaroo Ditch Co.
10.	225	Any transfer of or change to the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to the Bruneau River.
11.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Comments:

1 MSCHULTE 3/24/1998 COPIED FROM REMARKS
THE POINT OF DIVERSION HAS BEEN ENTERED AS OF THE PRESENT, THE SYSTEM IS PORTABLE BECAUSE OF THE MEANDERING NATURE OF THE RIVER IN THEIS AREA, AND THE POD MAY CHANGE IN THE FUTURE. THE DECREE WAS FOR THE ENTIRE 80 ACRES, AND HAS BEEN CHANGED TO R REFLECT THE TRUE NUMBER OF ACRES WHICH CAN BE IRRIGATED. (TOTAL ACRES = 40) ********** ********** THIS CLAIM FILED ON 12/06/1988 FOR A PORTION OF ORIGINAL WATER RIGHT DECREE BY LESLIE D. GENNETTE.

2 AJU10-JS 7/30/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3 JSHURTE 11/11/1998 SEASON OF USE CHANGE
CHANGED SEASON OF USE FROM 3-15 TO 11-15 TO 3-1 TO 11-15 PER IDWR STANDARD FOR THIS AREA.

4 phummer 9/21/2017 Updated Shape
Updated POD Shape

5 phummer 2/7/2018 Updated Shape
Updated POU Shape

6 rneely 4/25/2018 Transferred Right
This is now an approved transfer. Transfer Number = 81798

7 KHuelse 5/20/2020 Updated Shape
Updated POU Shape

8 KHuelse 1/8/2021 POU
Updated Shape

9 dlauerman 1/26/2021 Transferred Right
This is now an approved transfer. Transfer Number = 84042

Dates and Other Information:
Decreed Date: 12/1/2000
State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.010
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
0.400		25.0	51-24A ,51-26A ,51-25A

SubCase:
N/A

Water Supply Bank:

Lease ID: 1679
Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2024

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased

Irrigation	0.25	0.00	17.50	55.70

Lease ID: 3031
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2025
Lease End Date: 12/31/2029

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.25			55.70
Stockwater	0.05			

Condon, Mary

From: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Sent: Monday, August 19, 2024 2:16 PM
To: Condon, Mary
Cc: Bank
Subject: RE: Water Supply Bank Agreement 51-24A/51-26A

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.

Hi Mary,

Follow up question. If I'm looking to update the lease and the rental, can I send both applications in at once or should I wait for the lease to be approved before applying for a rental?

Thanks,
Noah

From: Stewart-Maddox, Noah
Sent: Friday, August 16, 2024 12:26 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Water Supply Bank Agreement 51-24A/51-26A

That makes sense, I missed that the lease and the rental were expiring on the same date.

Thanks for clarifying that for me,
Noah

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Friday, August 16, 2024 12:05 PM
To: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: [EXTERNAL] RE: Water Supply Bank Agreement 51-24A/51-26A

Hi Noah,

The lease applications only requested two years, for 2023 – 2024, which is different than the terms requested on the rental applications. A rental cannot have a term longer than the leased right it is renting. I've attached a copy of the lease applications for your records. I'm not sure why the difference was not discussed prior to the execution of these, but all were accepted for two year terms in 2023.

Both the Lease Contract 1679 for water rights 51-24A & 51-26A and the two Rental Agreements 788 & 789 are expiring at the same time. I've attached a copy of the lease conclusion notice, as well.

Happy Friday!
Mary

Mary Condon
Water Supply Bank Program Coordinator

WATER RESOURCES

From: Stewart-Maddox, Noah <NStewart-Maddox@idahopower.com>
Sent: Friday, August 16, 2024 11:41 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Water Supply Bank Agreement 51-24A/51-26A

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.

Hi Mary,

We recently received a letter regarding our lease of water rights 51-24A and 51-26A showing it is due to expire at the end of the year. I looked through our records for the applications and found the following two applications, which asked for a 5 year rental duration. However, when I look at the final agreements I don't believe I noticed the agreement only being for 2023-2024.

I cannot seem to find in my records/notes why there was a difference in the rental duration. Would it be possible to extend the previous rental duration through 2028 or should I fill out a new WSB to extend the rental through the next 5 years?

Thanks,

Noah Stewart-Maddox
HYDROLOGIST
Idaho Power | Operations Hydrology
Office 208-388-5812

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WSB Mailing Checklist for Leases

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

Executed 3/2/23

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

Received Date 1/20/2023

Desired Lease Duration 2023 - 2024

Lease / Rental Package Y (N)

If yes, Renter Name: _____

Application # 25168 Contract # 1679

WR#s		# 51-24A	
# 51-26A		#	
#		#	
#		#	
#		#	
#		#	
#		#	

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: Idaho Power	☒	~~☒~~	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Kresta Davis - ID Power	~~☒~~	☒	Comments:
Watermaster:	☐		
Delivery Entity:	☐		HG.4
Water District: NA	☐		Bruneau Grandview GWMA SRB Moratorium
Ground Water District:	☐		
Region: Western	☐		
Other:	☐	☐	
Address:			

Call up Date: 2-22-23

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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

March 2, 2023

IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

RE: WATER SUPPLY BANK LEASE CONTRACT 1679
FOR WATER RIGHTS 51-24A & 51-26A

Dear Lessor:

Water right(s) **51-24A & 51-26A** was/were leased into the Water Supply Bank (Bank) as of January 1, 2023, 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 right(s) will automatically be released from the Bank on **December 31, 2024,** 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,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office

SCANNED
AUG 14 2023

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

February 7, 2023

IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

RE: APPLICATION TO LEASE WATER RIGHTS 51-24A & 51-26A TO THE WATER SUPPLY BANK CONTRACT 1679

******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 automatically be released from the Bank on **December 31, 2024,** 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,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

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AUG 14 2023

Hersley, Jean

From: Davis, Kresta <KDavis2@idahopower.com>
Sent: Monday, February 6, 2023 10:04 AM
To: Hersley, Jean
Cc: Blew, David
Subject: RE: WSB Lease applications for Idaho Power 51-24A & 51-26A

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.

Good morning, Jean,

51-24A and 51-26A should remain in the waterbank through the end of 2024 season. On the stockwater issue, Idaho Power noted on the application that the flow rate would be reduced but not the volume.

Please let me know if you have any additional questions.

Best,

Kresta Davis
WATER RESOURCES AND POLICY SENIOR MANAGER
Idaho Power | Water Resources and Policy
208-388-2602

Email kdavis2@idahopower.com

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Friday, February 3, 2023 10:23 AM
To: Davis, Kresta <KDavis2@idahopower.com>
Subject: [EXTERNAL]WSB Lease applications for Idaho Power 51-24A & 51-26A

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Kresta,

I am in the process of reviewing these applications to place water rights 51-24A and 51-26A in the Bank. I need to clarify the lease dates. Will this contract expire at the end of 2023 or 2024?

Also, these rights when combined are limited to the irrigation of 17.5 acres. The Department will lease all 17.5 acres of both rights and make a portion unrentable so the stockwater portion can still be utilized.

Please let me know if you have any questions. Thank you.

Jean Hersley
Technical Records Specialist II

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WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Idaho Power

Memo Date: February 3, 2023

Water Right Number(s): 51-24A and 51-26A

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)			portion
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2003
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?		x	
7	**Injury to other water rights**			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	**Enlargement concerns**	**Check box**		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	**No**	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	**Local Public Interest**			
	Does the processor know of any problems this action will cause for the local public?		x	
10	**Have you contacted regional office and watermaster for comment/concerns?**		x	
	Send the watermaster comment request form or e-mail request			
11	Area Headgate requirement (write in Comments)			4
12	**Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments		x	

13 **Narrative:** The Department received these applications on January 20, 2023. The applicant wishes to place the entirety of both rights in the Bank but continue to utilize the stockwater portion. The contracts will reflect that in the rentable table. The applications were signed by Idaho Power attorney Kresta Davis. These rights were decreed in 2003 and have been used since. There are no issues with forfeiture. These rights are used in combination with water from the Bruneau Buckaroo Ditch Co but no managed irrigation will occur. Transfer 84042 approved in January 2021, established a 55.7 acre PPU and limited the rights to an annual irrigation of 17.5 acres. Water Right 51-25A (limited to 7.5 acres and 0.05 cfs) has a combined condition with these two rights that limit the irrigation to 25.0 acers and a diversion rate of 0.4 cfs. Water rights 51-24A and 51-26A are limited to the irrgation of 17.5 acres together. 51-24A has a diversion rate of 0.25 cfs and 51-26A has a diversion rate of 0.1 cfs. These amounts are additive with 51-25A so water right 51-25A does not need to be leased. There is currently no water district in Basin 51.

AUG 14 2023