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. 51-26A
(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 $ ~~500~~ 250	Received By: CDM	Date Received: 9/3/24	Receipt # C 118818
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
Kresta Davis	Kresta 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: 51-26A

Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
Irrigation	0.10	20	5.0
Less Stockwater	-0.05	0	0
Total Amounts:	0.05	20	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

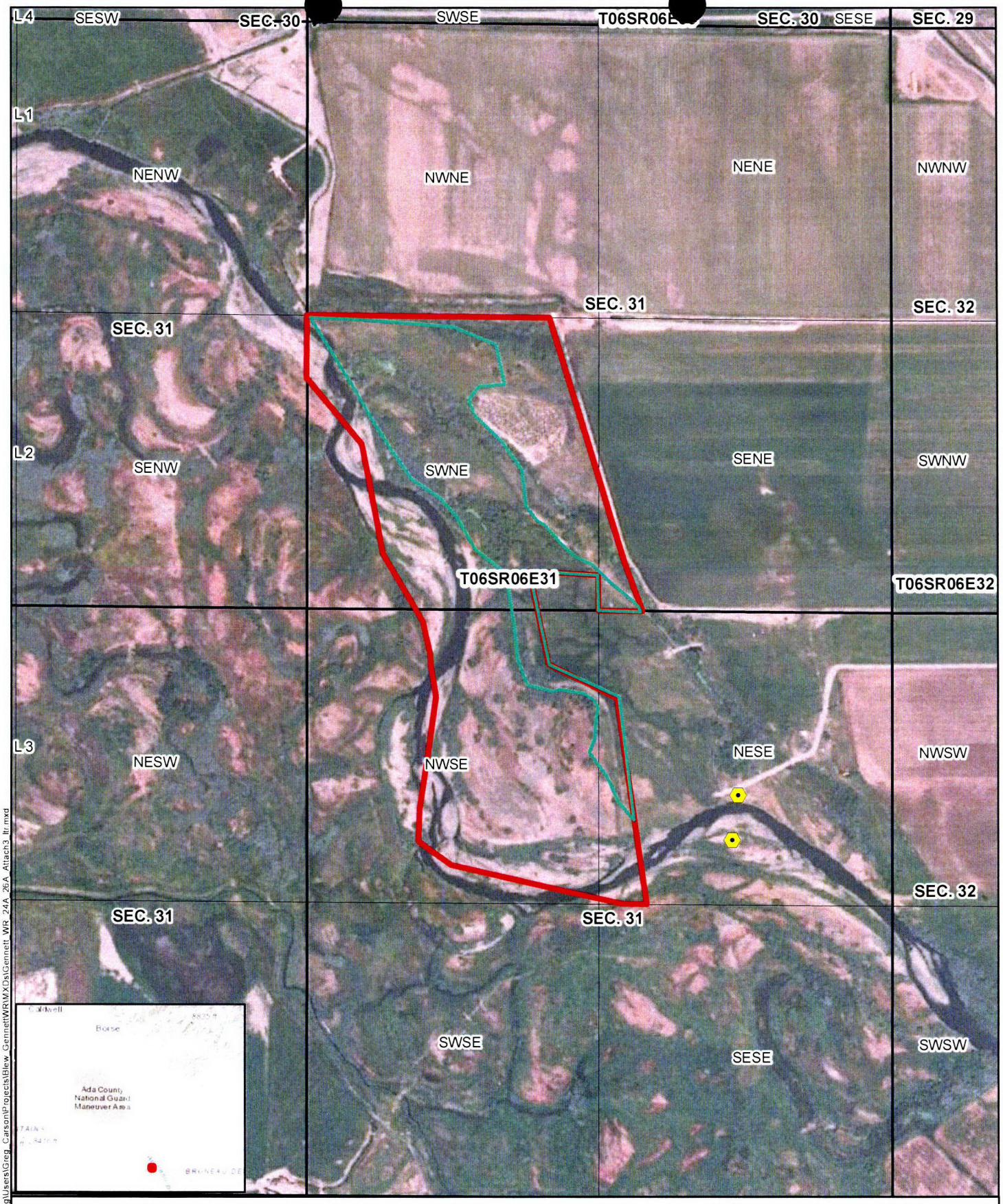
Kresta Davis, as representative of Idaho Power in matters associated with the company's water rights and water rentals and leases, has authorization to sign forms, applications and requests on behalf of the company. Please let me know if you have any questions or concerns

Sincerely,

Ryan Adelman

Vice President of Power Supply

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



Document Path: \\fresno\Rivengt\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

IDAHO POWER
An IDACORP Company

Date: 12/27/2022

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 14 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 04 2023

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 14 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 14 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. 51-26A
(One water right per application)

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

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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 $ 250.00	Received By: KM	Date Received: 1.20.23	Receipt # 115129
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Idaho Power Company.	

SCANNED
AUG 14 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**.

SCANNED
AUG 14 2023

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 ☑

SCANNED
AUG 4 2023

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
Krista Davis	Krista 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

SCANNED
AUG 14 2023

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)
51-26A	Irrigation	0.10	20	5.0
	Less Stockwater	-0.05	0	0
	Total Amounts:	0.05	20	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

SCANNED
AUG 4 2023

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

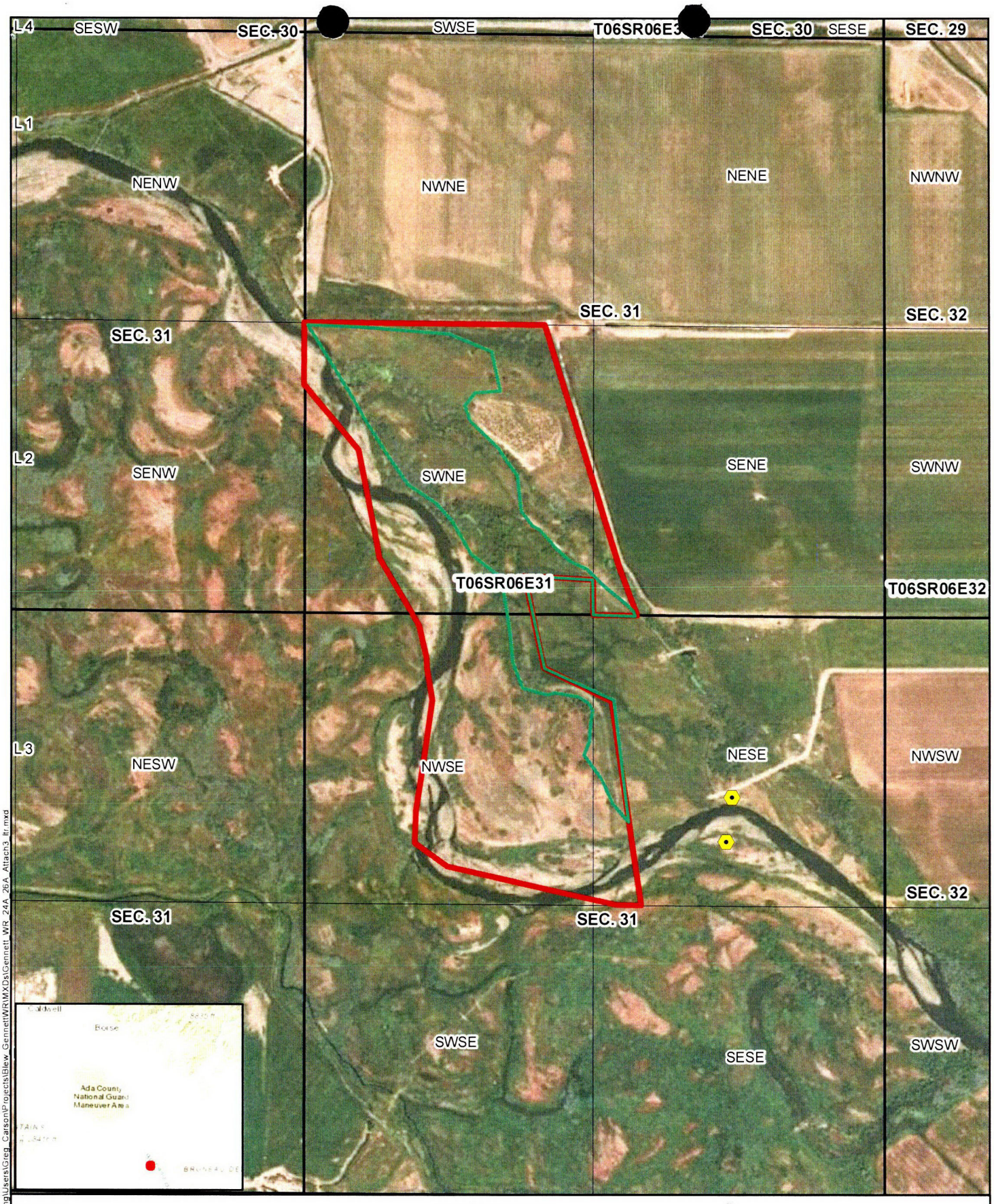
Sincerely,

Ryan Adelman

Vice President of Power Supply

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

SCANNED
AUG 14 2023



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

SCANNED

AUG 14 2023

Date: 12/27/2022

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

Proof Report

Water Right 51-26A

Owner Type	**Name and Address**
Current Owner	IDAHO POWER PO BOX 70 BOISE, ID 83707 (208) 388-2905

Priority Date: 4/1/1905
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	0.100 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
		Total Diversion	0.100 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

		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 IT'S PRESENT LOCATI ON. HOWEVER THE MEANDERING NATURE OF THE RIVER IN THIS AREA, RESULTS IN THE RELOCATION OF THE POINT OF DIVERSION, HENCE THE SYSTEM IS PORTABLE. THE IRRIGATED ACRES HAS BEEN REDUCED TO 40.0 FROM 80.0 AS ON THE DECREE, THE 40.0 IS THE ACTUAL ACRES AVAILABLE FOR IRRIGATION. TOTAL ACRES = 40.0. ********** ********** THIS CLAIM FILED 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 9/22/2017 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 1/8/2021 POU
Updated Shape

8 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: 0.004
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	0.10	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	0.10			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

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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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