

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 654

This is to certify that:

IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
71-49B	5/1/1904	VALLEY CREEK	4.80	455.7	151.9	0.032	3.00
71-42B	5/1/1914	VALLEY CREEK	1.59	137.1	45.7	0.035	3.00
71-50	5/1/1915	VALLEY CREEK	4.80	251.1	83.7	0.057	3.00
71-43B	5/1/1915	VALLEY CREEK	2.60	135.0	45.0	0.058	3.00
Combined Totals			13.79	978.9	326.3	0.042	3.00
71-41	5/1/1913	HANNA CREEK & VALLEY CREEK	4.80	459.0	153.0	0.031	3.00
Combined Rental Totals			18.59	1,437.9	479.3	0.039	3.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2121. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2022, whichever occurs last.

Rental Fee:

2022: \$2,875.80

The full fee for the rental of the above-described right(s) is \$2,875.80 for the entirety of the rental agreement, from 2022 - 2121. The rental fee includes an administrative fee of \$2,875.80.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)
MINIMUM STREAM FLOW	4.51
Combined Total	4.51

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 654

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter

12/2/2024
Date

CYNTHIA BRIDGE CLARK,
Printed Name

PLANNING & PROTECTS BUREAU CHIEF
Title

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 2/25/25

Rental approved by IDWR 

Date 2/25/25

IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 654

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

VALLEY CREEK SENW Sec. 3, Twp 10N, Rge 13E, CUSTER County

BENEFICIAL USE

MINIMUM STREAM FLOW

DIVERSION RATE

4.51 CFS

SEASON OF USE

From	To	Diversion Rate (CFS)
05/01	05/31	0.37
06/01	06/30	3.00
07/01	07/31	4.51
08/01	08/31	2.05
09/01	09/30	0.00

RENTERS PLACE OF USE: MINIMUM STREAM FLOW

The place of use for this rental is Valley Creek above the point of quantification for water right 71-10886. The quantification point is located at the point of diversion described above in Sec. 3, Twp 10N, Rge 13E

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
10. There are no diversions associated with this rental. The quantification point for this instream flow rental is at the above ending point.
11. Use of water under this rental shall be non-consumptive.

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12. Use of water under this rental is limited to those times when water is in priority and available under 71-41, 71-42B, 71-43B, 71-49B and 71-50 at the original points of diversion.
13. The extent of the beneficial use of water authorized under this rental is limited to the amount necessary to satisfy and maintain the minimum streamflow on Valley Creek pursuant to Water Right No. 71-10886.
14. The extent of the beneficial use of water authorized under this rental is limited to the amount necessary to satisfy and maintain the Minimum Stream Flow Right No. 71-10886 for Valley Creek. Upon finding and order of the Director, the renter may be required to install and maintain gaging stations on Valley Creek at or near the original point(s) of diversion of the leased right(s) to ensure measurement and maintenance of the relevant minimum stream flows.

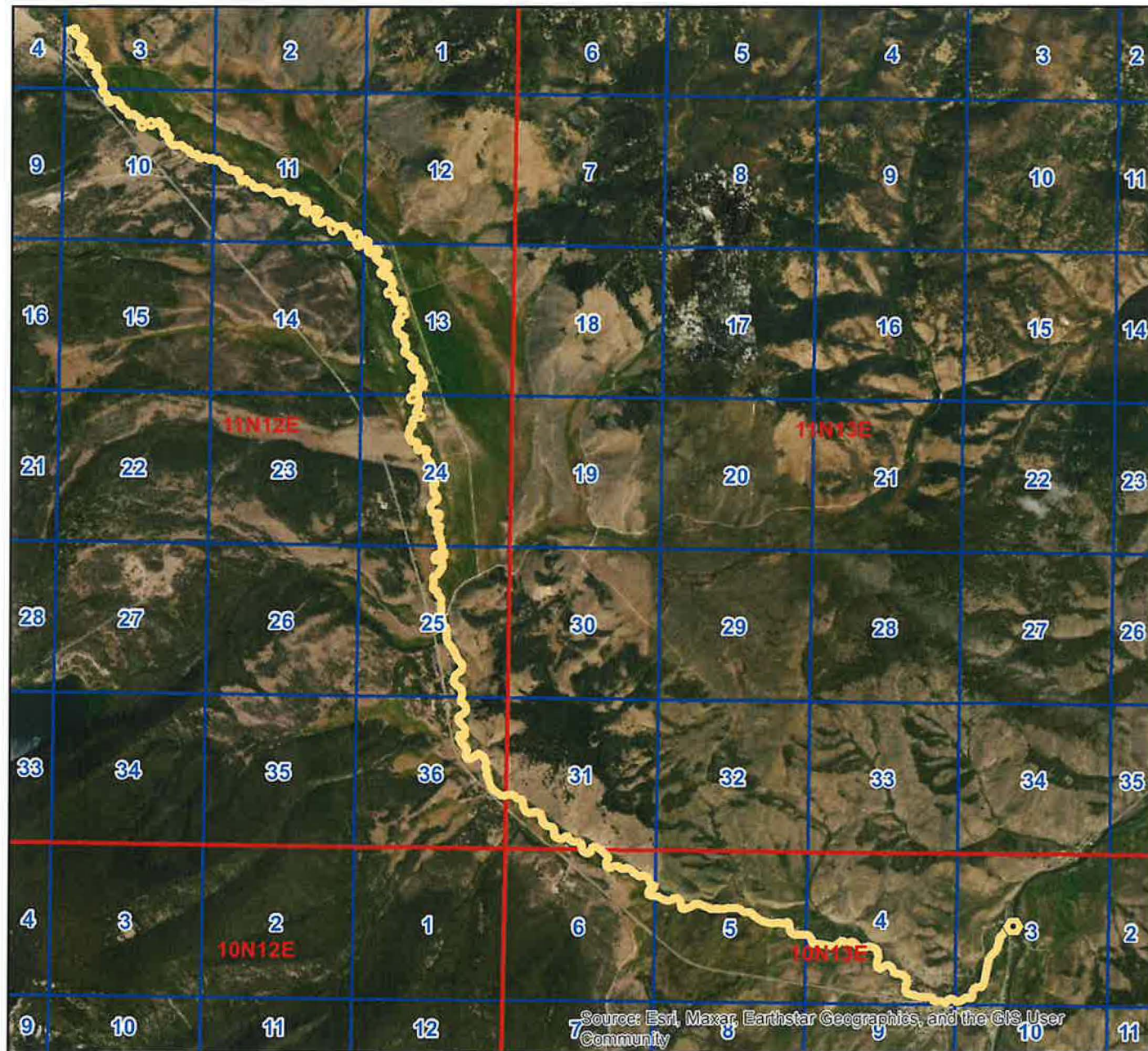


IDAHO DEPARTMENT OF
WATER RESOURCES

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 654

Effective until December 31, 2121

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



Authorized Rental Point of Diversion

Authorized Rental Place of Use

Township/Range

Sections



0 1 2 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 07 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Idaho Water Resource Board

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☒ ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☐ ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

71-41	71-43B	71-50
71-42B	71-49B	

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Water Resource Board

Mailing Address 322 E Front Street, PO Box 83720 Boise Idaho 83720
Street City State Zip Code
Email Address _____ Phone Number 208-287-4800

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

Representative _____ Professional Title _____
Organization _____ Relationship to Applicant _____
Mailing Address _____
Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

The rental of this water is intended to supply flow to the existing minimum stream flow water right on Valley Creek
No. 71-10886. The rental to the MSF is intended to increase the natural flow and reduce stream temperatures in
Valley Creek to improve habitat for ESA-listed fish species.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
18.59 CFS	1437.9 AF	CFS	AF	478.6 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)	**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
7/01/2022	8/01/2022	PERMANENT	☒ Process application as soon as possible	☐ Return application to applicant

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

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

***Pursuant to IDAPA 37.02.03.30.06 the IWRB wishes to rent the water in perpetuity. See IWRB funding resolution dated 5/21/2021.**

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

No irrigation of POU. Purpose of use is instream flow with delivery to the Minimum Stream Flow water right

71-10886 on Valley Creek

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

POD Description	Water Source	Other Water Rights Diverted from this POD
head gate	Valley Creek	71-40D, 71-42A, 71-40G, 71-40E, 71-47, 71-40A,
head gate	Valley Creek	71-40H, 71-52, 71-45, 71-43A

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

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

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

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

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

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

If yes, label modeling Attachment 3 H.

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

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: instream flow from: 7/01 (mm/dd) to: 9/30 (mm/dd)

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

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

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

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

POU is instream

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

Public research indicates there are no other water rights rented to meet MSF 71-10886 on Valley Creek.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
71-41	irrigation	4.8	459	153		4.8	459	153
71-42B	irrigation	1.59	137.1	45		1.59	137.1	45
71-43B	irrigation	2.6	135	45		2.6	135	45
71-49B	irrigation	4.8	455.7	151.9		4.8	455.7	151.9
71-50	irrigation	4.8	251.1	83.7		4.8	251.1	83.7
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	18.59	1437.9	478.6
						CFS	AF	AC

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

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

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

Yes ☒ No ☐

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

The rental proposes to rent the full standard head gate requirement of 3.0AF/Acre at the POD and deliver the standard consumptive volume of 2.0 AF/Acre to the Valley Creek MSF 71-10866.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

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

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

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

- D. Additional Information

These water rights are currently leased into the water supply bank under contract nos. 119, 303, 306, 307, and 317. The USFS has submitted an amended lease application to lease these rights indefinitely.

DECLARATION

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


Signature of Applicant

Brian Patton, Executive Officer, IWRB

Printed Name of Applicant

9/7/21
Date

Signature of Representative

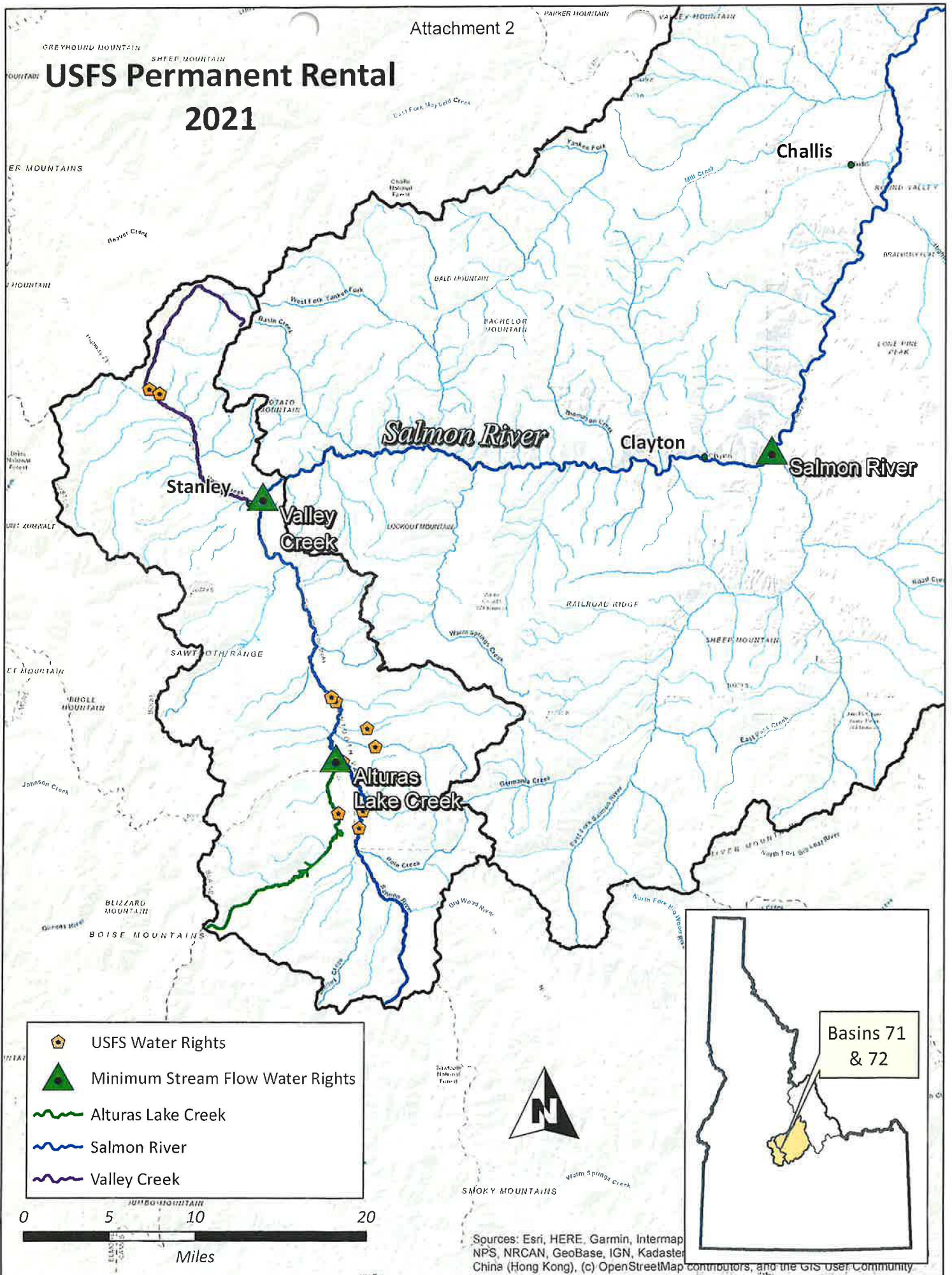
Printed Name of Representative

Date

Mail to:

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

USFS Permanent Rental 2021



Sources: Esri, HERE, Garmin, Intermap, NPS, NRCAN, GeoBase, IGN, Kadaster, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Attachment 3A

Memorandum

To: Water Supply Bank

From: Amy Cassel

Date: July 31, 2021

Re: Valley Creek Minimum Stream Flow WR No. 71-10886



The IWRB's Minimum Stream Flow (MSF) WR No. 71-10886 is located approximately 0.1 river miles downstream of USGS 13295000 VALLEY CREEK AT STANLEY stream gage.

USGS 13295000 VALLEY CREEK

https://waterdata.usgs.gov/nwis/inventory?agency_code=USGS&site_no=13295000

Gage data indicates that the Valley Creek MSF of 215 cfs was not met on a single day in July 2021 (Table 1).

Valley Creek	Gage No.	Date	Q	MSF
USGS	13295000	7/1/2021	126	215
USGS	13295000	7/2/2021	131	215
USGS	13295000	7/3/2021	120	215
USGS	13295000	7/4/2021	116	215
USGS	13295000	7/5/2021	115	215
USGS	13295000	7/6/2021	108	215
USGS	13295000	7/7/2021	103	215
USGS	13295000	7/8/2021	95.8	215
USGS	13295000	7/9/2021	90.9	215
USGS	13295000	7/10/2021	87	215
USGS	13295000	7/11/2021	83.9	215
USGS	13295000	7/12/2021	81.8	215
USGS	13295000	7/13/2021	78.8	215
USGS	13295000	7/14/2021	76.7	215
USGS	13295000	7/15/2021	74.2	215
USGS	13295000	7/16/2021	73.5	215
USGS	13295000	7/17/2021	70.9	215
USGS	13295000	7/18/2021	71.3	215
USGS	13295000	7/19/2021	74.4	215
USGS	13295000	7/20/2021	80.5	215
USGS	13295000	7/21/2021		215
USGS	13295000	7/22/2021		215
USGS	13295000	7/23/2021	71	215
USGS	13295000	7/24/2021	69.3	215

USGS	13295000	7/25/2021	67.7	215
USGS	13295000	7/26/2021	67.2	215
USGS	13295000	7/27/2021	67.4	215
USGS	13295000	7/28/2021	70.1	215
USGS	13295000	7/29/2021	66.5	215
USGS	13295000	7/30/2021	64.5	215
USGS	13295000	7/31/2021	66.1	215

Table 1.

The United States Forest Service owns water right numbers 71-41, 71-42B, 71-43B, 71-49B, and 71-50. These water rights are available for rental and delivery to the Valley Creek MSF during low flow years. Idaho Fish and Game's Region 7 (Salmon) Regional Supervisor has provided a statement attesting to the biological justification of the Valley Creek water right rental for late-season MSFs to benefit migrating adult Chinook salmon (Figure 1).



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Ed Schriever / Director

Jeff Raybould, Chairman
Idaho Water Resource Board
332 E Front Street
Boise, ID 83720

June 30, 2021

**RE: PERMANENT RENTAL OF SAWTOOTH VALLEY WATER RIGHTS TO MEET
UPPER SALMON BASIN MINIMUM STREAM FLOWS**

Dear Chairman Raybould,

It is widely understood that Chinook and Sockeye salmon, steelhead, and bull trout habitat in the Upper Salmon River basin is limited by low flow conditions and high temperatures. Therefore, it is in the interest of the State of Idaho to augment streamflows and provide habitat in the Upper Salmon River Basin to encourage recovery of ESA-listed Chinook and sockeye salmon, steelhead, and bull trout.

The 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows. In the Sawtooth Valley, at the headwaters of the Salmon River; Alturas Lake Creek, Valley Creek, and the Upper Salmon River have been identified as high priority streams for flow restoration efforts to provide high quality habitat for anadromous Chinook and sockeye salmon, steelhead and resident bull trout. As provided for in the Nez Perce Agreement, the Idaho Water Resource Board (Board) established minimum streamflow Water Rights 71-10890 on Alturas Lake Creek, 71-10886 on Valley Creek, and 72-16668 on the Salmon River to be met through water right rentals or acquisitions under state law.

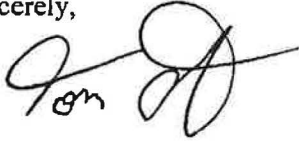
Since the mid-1990's the United States Forest Service (USFS) owns Water Right Nos: 71-41, 71-42B, 71-43B, 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10772 and 71-10871 (Water Rights) on Alturas Lake Creek, Valley Creek, the Salmon River, and several Salmon River tributaries, and has leased the referenced rights into the Idaho Water Supply Bank. The Board, pursuant to Section 42-1734, Idaho Code, has the authority to acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises, and other property deemed necessary or proper for the construction, operation, and maintenance of water projects; and the USFS desires to protect the Water Rights in stream and has offered them to the Board for rental and permanent delivery to Board minimum stream flow Water Right Nos. 71-10890 (Alturas Lake Creek), 71-10886 (Valley Creek), and 72-16668 (Salmon River above East Fork Salmon River).

It is the opinion of the Idaho Department of Fish and Game that the permanent rental of these Water Rights is in the public interest, is consistent with the State Water Plan, intent of the Nez Perce Agreement, and aligns with the mission statement of Idaho Fish and Game to preserve,

Keeping Idaho's Wildlife Heritage

protect, and perpetuate all wildlife within the State of Idaho. As such the Department extends our support for the permanent rental of the Water Rights into the water supply bank and rented by the Board for 90 days (July 1 – October 1) to meet late-season minimum stream flows on Alturas Lake Creek, Valley Creek, and on the Salmon River above the East Fork Salmon River in order to facilitate upstream migration and spawning of Snake River Spring/Summer-run Chinook salmon.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom" followed by a stylized surname.

Tom Curet, IDFG Regional Supervisor – Salmon Region



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

February 27, 2025

IDAHO WATER RESOURCES BOARD
PO BOX 83720
BOISE ID 83720-0098

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 71-41, 71-42B, 71-43B, 71-49B, 71-50, AGREEMENT 654**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 459.0 acre-feet of water for Minimum Streamflow. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

The one-time payment of \$2,875.80 from the Board's RDA (NFWF subaccount) has been requested internally. The rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the owner of the rights.

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosures: Rental Agreement (copy)

c: Sascha Marston – Fiscal

Memo

To: Sascha Marston, Susan Steed
From: John Loffredo
Date: 01/06/2025
Re: 2025 Water Supply Bank Water Transaction Payment from RDA Subaccount

Please prepare the following payments from funds in the Board’s RDA (NFWF subaccount) to the Water Supply Bank (rental fees) for the following FY25 water transactions:

Name	WR No.	2024 rental fee	Payment to water user	One-Time, Permanent Rental Fee Reimbursement to WSB
USFS SNRA Busterback Ranch (RA 654)	WR 71-49B, 71-42B, 71-50, 71-43B, & 71-41	NA	NA	\$2,875.80

c: Cynthia Bridge Clark
Brian Patton
Mary Condon

BEFORE THE IDAHO WATER RESOURCE BOARD

**IN THE MATTER OF THE PERMANENT RENTAL OF
SAWTOOTH VALLEY WATER RIGHTS**

**RESOLUTION TO MAKE A FUNDING
COMMITMENT**

1 WHEREAS, Chinook and Sockeye salmon, steelhead, and bull trout habitat in the Upper Salmon
2 River basin is limited by low flow conditions and high water temperatures; and
3

4 WHEREAS, it is in the interest of the State of Idaho to augment stream flows and provide habitat
5 in the Upper Salmon River Basin to encourage recovery of ESA-listed Chinook and Sockeye salmon,
6 steelhead, and bull trout fish; and
7

8 WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to
9 providing incentives for improving fish habitat which includes improving or protecting flow conditions to
10 augment stream flows; and
11

12 WHEREAS, Alturas Lake Creek, Valley Creek, and the Upper Salmon River have been identified as
13 high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook
14 and Sockeye salmon, steelhead and resident bull trout; and
15

16 WHEREAS, as provided for in the Nez Perce Agreement, the Idaho Water Resource Board (Board)
17 established minimum streamflow Water Rights 71-10890 on Alturas Lake Creek, 71-10886 on Valley
18 Creek, and 72-16668 on the Salmon River to be met through water right rentals or acquisitions under state
19 law; and
20

21 WHEREAS, the United States Forest Service (USFS) owns Water Right Nos. 71-41, 71-42B, 71-43B,
22 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278,
23 71-10728, 71-10766, 71-10772 and 71-10871 (Water Rights) on Alturas Lake Creek, Valley Creek, the
24 Salmon River, and several Salmon River tributaries, and has leased the referenced rights into the Idaho
25 Water Supply Bank; and
26

27 WHEREAS, the Board, pursuant to Section 42-1734, Idaho Code, has the authority to acquire,
28 purchase, lease, or exchange land, rights, water rights, easements, franchises, and other property deemed
29 necessary or proper for the construction, operation, and maintenance of water projects; and
30

31 WHEREAS, the USFS desires to protect the Water Rights in stream and offers them to the Board
32 for rental and permanent delivery to Board minimum stream flow Water Right Nos. 71-10890, 71-10886,
33 and 72-16668; and
34

35 WHEREAS, the permanent rental of the Water Rights is in the public interest, and is consistent
36 with the State Water Plan and intent of the Nez Perce Agreement; and
37

38 WHEREAS, the total rate of the flow from the Water Rights is 124 cfs, resulting in a one-time rental
39 fee of \$14,941.20 to be paid to the Idaho Water Supply Bank; and
40

41 WHEREAS, funds are available in the Board's Revolving Development Account to cover the cost of
42 the one-time rental fee; and
43

44 NOW THEREFORE BE IT RESOLVED that the Board authorizes expenditure of a one-time rental fee
45 in the amount of fourteen thousand, nine hundred forty-one dollars and twenty cents (\$14,941.20) to the
46 Idaho Water Supply Bank from the Board's Revolving Development Account.
47
48

DATED this 21st day of May 2021.



Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST 

Jo Ann Cole-Hansen, Secretary

MEMORANDUM

DATE: 11/29/24

TO: Rental Application No. 2140

FROM: Phill Hummer

RE: Supplemental Enlargement and Injury Review

The review memo titled “Review & Analysis of Application to Rent Water from the State Water Supply Bank” (“Memo”) authored by Remington Buyer dated 08/12/22 contains detailed evaluation of the application with regard to approval criteria set by Idaho Code § 42-1763. However, upon review some statements are not accurate and impact the elements of the rental agreement that can be approved.

Buyer concludes in the “Enlargement of Use” section that despite continued beneficial use occurring within the place the use in the form of natural vegetation, that enlargement would not occur because augmenting minimum stream flow right 71-10886 in non-consumptive. Additionally, in the “Injury To Other Water Rights” section it states, “This rental will leave water instream and no injury is foreseeable through the rental.” While it may be possible to change the nature of use of a consumptive use to a non-consumptive use without enlargement depending on the situation, such a change may still cause injury. The proposed change would move the point of diversion downstream. Although, non-consumptive it is still an appropriation and dedication to a use that makes water unavailable to other users. The proposed use is a continual in-stream appropriation without control or regulation such that delivering the entire rate and diversion volume to the reach would cause appropriation at times and in amounts that exceed historic use could cause an injury. Therefore, only the historic consumptive volume can be dedicated to the rental and must be limited to similar timing as the historic irrigation occurred.

Buyer’s analysis suggests the historic appropriation under the rights was used to grow pasture. Without diversion date demonstrating appropriation from Valley Creek it is assumed the application of water was made in response to water demands. Figure 1 shows the precipitation deficit data from the Stanely station from <https://et-idwr.idaho.gov/>. Figure 2 shows that deficit data converted to a diversion rate that when continuously accrued would sum to the monthly consumptive volume likely occurring under the historic irrigation practice. This consumptive volume is the amount that can be rented and applied to the proposed downstream use without injury.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Monthly Mean (mm/day)	0.14	0.26	0.42	0.59	1.35	4.58	5.96	3.28	0.74	0.4	0.19	0.11	107

Figure 1. Precipitation deficit data as a estimate of consumptive use for high management grass pasture using the Stanely climate satiation (USC00108676).

Station: Stanley (ID) -- NWS- USC00108676

Crop: Grass Pasture - high management

Days	Month	mm/day	ft/day	ft/mo	acft/month	af/day	cfs/day
	Jan	-0.01					
	Feb	0.03					
	Mar	0.03					
	Apr	0.08					
31	May	0.45	0.001476	0.045768	22.7602854	0.73420276	0.37015516
30	Jun	3.65	0.011975	0.359252	178.656004	5.95520013	3.00236961
31	Jul	5.48	0.017979	0.557349	277.169698	8.94095801	4.50766726
31	Aug	2.49	0.008169	0.253248	125.940246	4.06258858	2.04819187
30	Sep	0	0	0	0	0	0
31	Oct	-0.42					
	Nov	-0.27					
	Dec	-0.1					
total acres:	497.3						
afa/ac:	1.215617						

Figure 2. Precipitation deficit data converted to a constant daily diversion rate in cubic feet per second.

MEMORANDUM

To: Water Right File No(s). 71-41, 71-42B, 71-43B, 71-49B, 71-50
From: Mary Condon, WSB Coordinator
Date: September 19, 2022
Re: Field Visit for permanent lease and rental for MSF – Valley Creek

On August 25, 2022, I met with Amy Cassel of IDWR from the Salmon Region office, as well as Sharon Barnes of USDA Forest Service, to evaluate the lands and ditch for this place of use and surrounding rights. The day was relatively sunny and warm, reaching the mid-80's, and dry. The last rain was several days prior to the visit. See also Inspection of U.S. Water Rights – Idaho Water Supply Bank memorandum from Sharon Barnes on August 31, 2022, attached. Additional details and pictures of field visit, below.

Right 71-41 is diverted from Hanna Creek and Valley Creek, while the rest of the rights listed above are diverted solely from Valley Creek. The place of use under the diversion with access to Hanna Creek, is for 71-43B. In the 1990's, the USDA FS made improvements to the VC 6 and VC 5 diversions, where the VC 6 diversion was decommissioned and the VC 5, now named VC 5/6, had a fish screen installed September 3, 1999. Additionally, the point where Valley Creek once intercepted Hanna Creek is now dropped into a pipe under Hanna Creek, runs underground 270 yards and re-surfaces to the southeast into the original ditch works. See below, where the diversion from Valley Creek is in the SWNE of Section 4, and from Hanna Creek in the NESW of Section 3.



VC 5/6
Diversion
and Fish
Screen

Enters
pipe

Exits
pipe



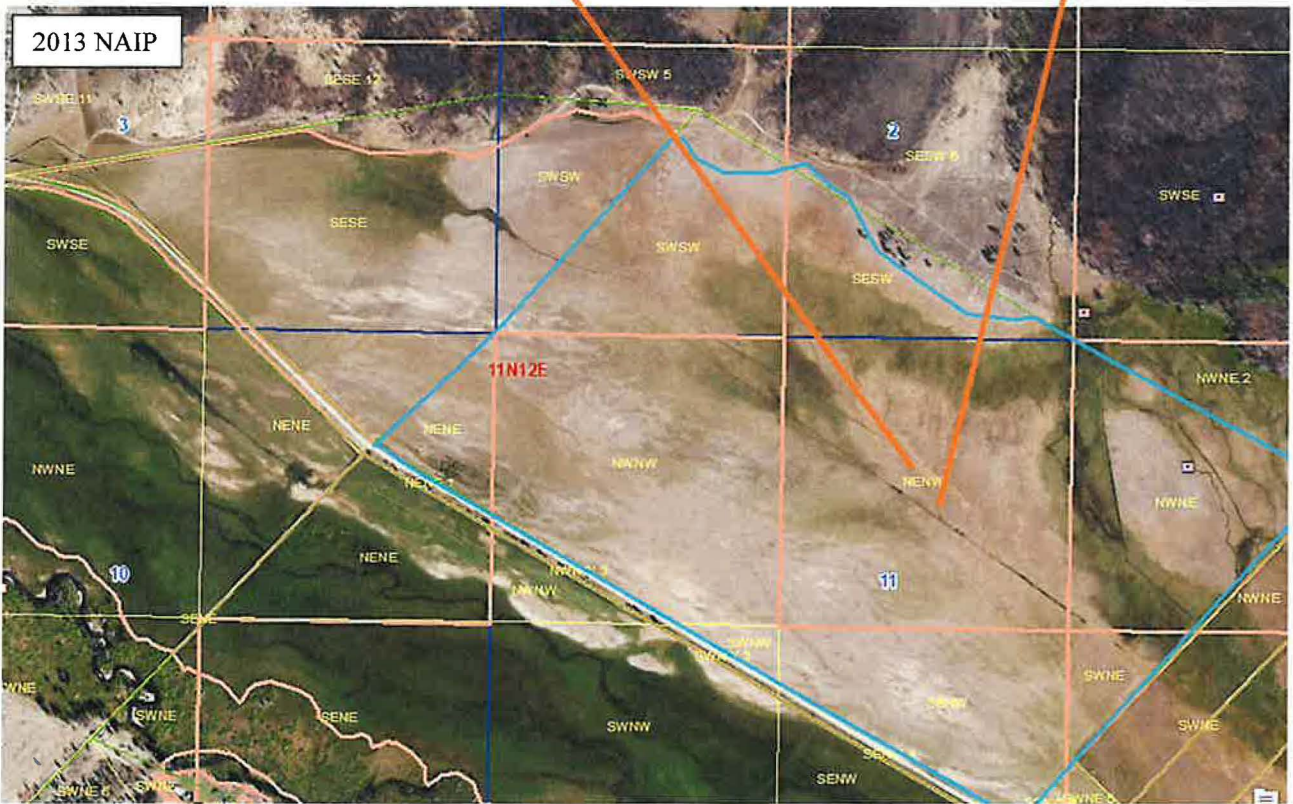
Standing on eastside of stream facing northwest, left picture of Valley Creek with decent flow remaining after the VC 5/6 diversion in late August. Picture at right is where the VC 5/6 ditch drops into a pipe to run under Hanna Creek. No measurements taken.



Another picture where VC 5/6 ditch goes underground, standing 25 yards east at Hanna Creek. Middle picture is Hanna Creek to the north, and at right is Hanna Creek to the south. Hanna Creek is tributary to Valley Creek.

Backtracking east on Cow Camp Road, we stopped just before the split in the ditch in the SWSE of Section 3 where part continues east along Cow Camp Road and the other to the northeast. Water here is diminished as there is a branch off in the SESW, lot 10, that diverts to the Sadler property under right 71-43A. Pictures below looking west then east of a road culvert junction running north. Remaining water in lower ditch along road disappeared within a mile.





Summary: Maintenance to ditches and blocking some field ditches off from main ditches to USDA FS land to prevent water from saturating USDA FS land under these leased rights is recommended. By reducing the amount of water wasted from ditches in the delivery to other users, less water would be diverted from the VC 5/6 diversion, thereby improving flows in Valley Creek. While not part of this exercise, the ranches to the south side of the road should maintain their irrigation and waste ditches, as excessive amounts of water was entering and running the length of the roadway for a considerable distance, unnecessarily.



DATE: August 31, 2022
TO: Kirk Flannigan, Area Ranger
FROM: Sharon Barnes, Realty Specialist
SUBJECT: Inspection of U.S. Water Rights – Idaho Water Supply Bank

On August 25, 2022, Sharon Barnes of the Sawtooth National Recreation Area met with Amy Cassel and Mary Condon of the Idaho Department of Water Resources (IDWR). The purpose was to ground truth water usage of several US Forest Service (USFS) water rights in order for IDWR to quantify the amount of water that can be credited as instream flows by the Idaho Water Resource Board. We examined a sampling of the 19 Forest Service water rights listed in Table 1, below, where IDWR's aerial imaging analyses indicated that unintentional leakage or irrigation was suspected. All 19 water rights in Table 1 are intended to be permanently leased into the Idaho Water Supply Bank to help meet minimum streamflow requirements in Valley Creek and the Salmon River which aid in the recovery of fish species listed under the Endangered Species Act.

Table 1. USFS water rights for inclusion in Idaho Water Supply Bank.

Water Right	Source	Quantity (cfs)	Acres
71-00064B	Alturas Lake Creek	7.86	797.3
71-00066	Alturas Lake Creek	10.75	797.3
71-00068	Alturas Lake Creek	12.32	797.3
71-00059	Salmon River	25.60	25.6
71-00061	Salmon River	40.00	1477.1
71-00042B	Valley Creek	1.59	45.7
71-00043B	Valley Creek	2.60	45.0
71-00049B	Valley Creek	4.80	151.9
71-00050	Valley Creek	4.80	83.7
71-00041	Valley/Hanna Creek	4.80	153.0
71-02053A	Salmon River	0.68	10.0
71-10728	Salmon River	0.81	11.6
71-10766	Salmon River	1.37	12.0
71-10871	Salmon River	4.54	66.8
71-10277	Champion Creek	0.15	9.3
71-10278	Champion Creek	0.15	9.3

Water Right	Source	Quantity (cfs)	Acres
71-02004D	Fourth of July Creek	0.50	11.7
71-10772	Fourth of July Creek	0.40	11.7
71-07002	Unnamed Drain/Williams	1.80	20.1

Four of the water rights were identified to be unintentionally irrigating ground on or near their historic places of use (POU). In three out of four cases, simple plugs or regular ditch maintenance should resolve the issue. In the case of 71-10766, cooperation with other landowners or users is needed to minimize the amount of water that is unintentionally irrigating soil rather than remaining instream as intended. A summary of each of these four cases follows.

Water Right 71- 00042B

- **Issue** – Water is leaking out of VC5/6 ditch into the borrow ditch on National Forest System (NFS) lands north of Cow Camp Road at the location where the VC5/6 ditch turns 90° south and crosses under the Cow Camp Road and into the Sadler property (SB-4). The VC5/6 ditch is part of multiple pending Colorado Ditch Bill applications, although Sadler is not one of the applicants.
- **Resolution** – Ditch maintenance should be performed to reduce/eliminate leaks as needed. US Forest Service (USFS) Region 4 Ditch Bill Coordinator Michelle McCammon confirmed via telecon on August 30, 2022 that the borrow ditch area being irrigated as a result of the ditch's leak is not part of any Ditch Bill applicants' systems, although the main VC5/6 ditch is. Any future Ditch Bill easements that are granted will include an operation and maintenance plan that identifies specific terms and conditions for maintaining the ditch.
- **Location** – SW1/4 SE1/4 SEC3 T11N R12E. See Figure 1, below.

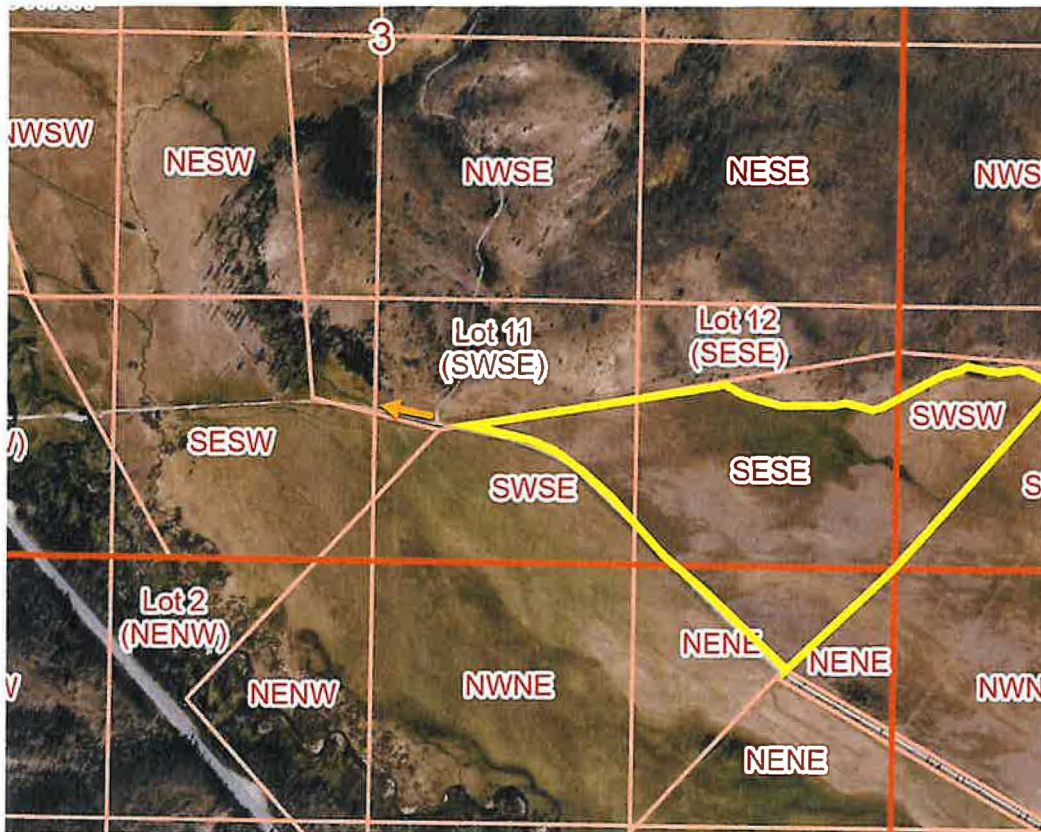


Figure 1. The orange arrow indicates the SV5/6 ditch leak location.

Water Right 71-10728

- **Issue** – Water is being unintentionally diverted through a lateral ditch on NFS lands after being diverted out of the S40 ditch on NFS lands and across NFS lands to Idaho Rocky Mountain Ranch (IRMR) property (SV-7). Apart from the lateral ditch, the S40 ditch and related spur adjacent to the lateral ditch are part of a right of way identified in the stipulation for compromise settlement and release of claims resulting from the RS2339 claims and quiet title action in Case No. 4:18-CV-518-CWD in the United States District Court for the District of Idaho.
- **Resolution** – Coordinate with IRMR to make them aware of the issue. Any water that is currently reaching IRMR PODs via the secondary ditch on NFS lands could instead be obtained directly from the S40 ditch at a point on IRMR land north of the NFS property line. At a minimum, the upper 6-10 linear feet of the secondary ditch should be plugged. There are willows available nearby on NFS lands. With IRMR permission, a medium-sized excavator could be tracked through IRMR after irrigation has ceased and the area is relatively dry in early spring (late April or early May) or late fall (October or early November). At that time a nearby willow root ball or two could be dug and used to plug the head of the lateral ditch.
- **Location** – SE1/4 SW1/4 SEC20 T9N R14E. See Figure 2, below.



Figure 2. The orange arrow indicates the location to be plugged at the head of the lateral ditch running north from the S40 spur ditch.

Water Right 71-2053A

- **Issue** – Water is being unintentionally diverted into a lateral ditch off of the unnamed drain running north along the west side of State Highway 75 near Obsidian.
- **Resolution** – A simple ditch plug would resolve the issue. The lateral ditch originates at the northeast corner of the corrals. This area is accessible via a route on NFS lands that leads west to the Swafford property (SV-9). A medium-sized excavator could be used in early spring (late April or early May) or late fall (late October or early November) to dig one of the nearby willow root balls downstream in the lateral ditch and insert it at the head (eastern end) of the lateral ditch as a plug. Implementation of this action in early spring or late fall would avoid direct effects to nesting migratory birds (mid-May through mid-August) and coordinate with similar work nearby. The drain empties directly into Williams Creek, but effects to aquatic resources could be minimized by completing the work when the drain is empty to avoid introducing sediment directly into running water.
- **Location** – NW1/4 SW1/4 SEC20 T9N R14E. See Figure 3, below.



Figure 3. The orange arrow indicates the location to be plugged at the head of the lateral ditch running west from the unnamed drain.

Water Right 71-10766

- **Issue** – Much of the POD is being irrigated. This may be a combination of leakage from the S41 ditch and/or irrigation from a branch ditch off of the S41 ditch that originates on NFS land south of the property and runs along the property line between NFS land and the Rohlen property on the east side of the POU.
- **Resolution** - The POU is part of the Obsidian 1 & 2 C & H allotment, so USFS managers should ensure that the permittee is aware that irrigation of NFS land is not authorized. If IDWR determines that the ditch branch is not needed by other users, USFS managers could coordinate with the Rohlens to permanently plug the ditch at the concrete structure located on NFS land at the origin of the branch ditch approximately 2,000 feet south of the southern end of the POU. This area is accessible via routes on NFS lands that lead west from State Highway 75 to access the S40 and S41 diversions. USFS Region 4 Boundary and Title surveyors should be consulted if the branch ditch further north of the concrete structure is to be filled, as it appears that the ditch branch is on or adjacent to the property line. Apart from the branch ditch, the S41 ditch adjacent to the branch ditch and a short spur leading from the S41 ditch to the Rohlen property are part of a right of way identified in the stipulation for compromise settlement and release of claims resulting from the RS2339 claims and quiet title action in Case No. 4:18-CV-515-CWD in the United States District Court for the District of Idaho.

- **Location** – POU SW1/4 NE1/4 SEC32 T9N R14E, Origin of branch ditch SE1/4 SW1/4 SEC32 T9N R14E. See Figure 4, below.

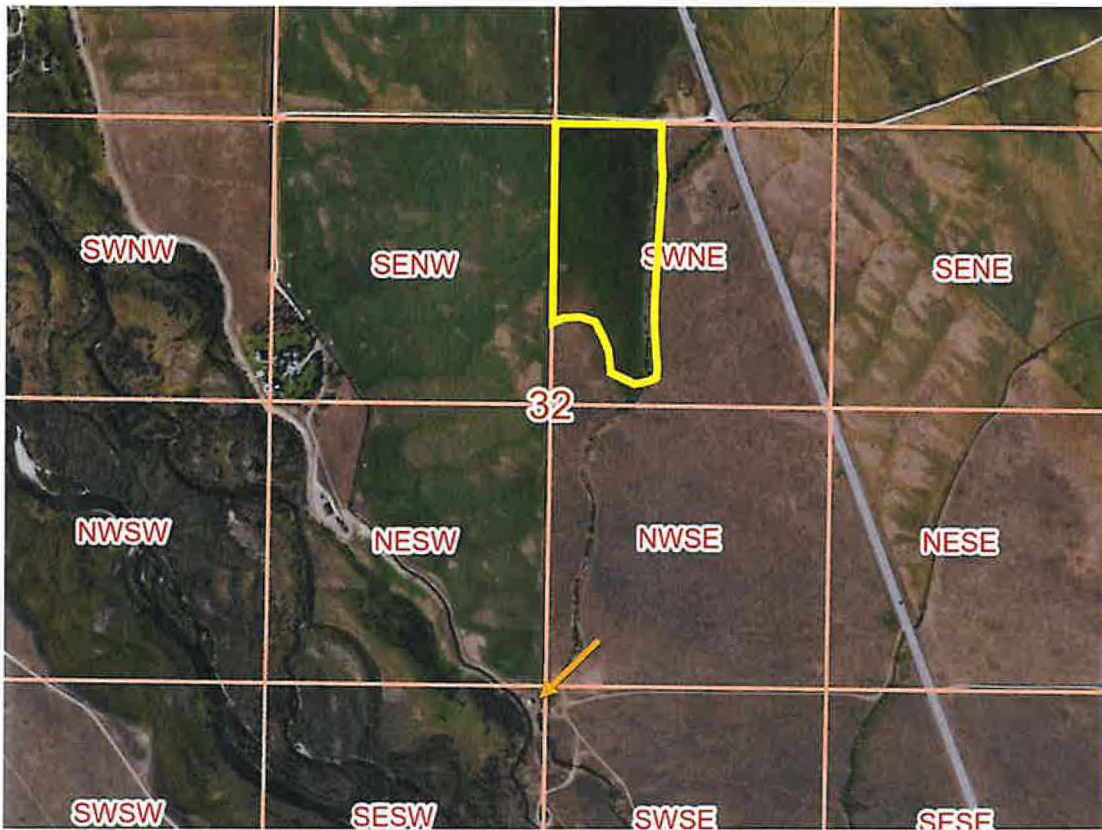


Figure 4. The orange arrow indicates the location of the concrete structure at the origin of the ditch branch leading to the POU.

MEMORANDUM FOR AGREEMENT # 654

To: Water Supply Bank Rental Application 2140
From: Remington Buyer
Date: August 12, 2022
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On September 7, 2021, the Idaho Water Resource Board (IWRB) submitted to the Water Supply Bank an application to rent numerous Upper Salmon River (basin 71) water rights, for the purposes of helping satisfy minimum streamflow (MSF) water rights on Alturas Lake Creek, Valley Creek, and on the main of the Salmon River. This rental review memo pertains to a rental of water rights 71-41, 42B, 43B, 49B and 50, which all authorize diversions of water from Valley Creek for irrigation purposes.

Through this rental, the IWRB will rent water rights 71-41, 42B, 43B, 49B and 50, leaving them undiverted, instream, to help satisfy Valley Creek MSF water right 71-10886. The five water rights being rented authorize diversions of water throughout the irrigation season, from May 1 through October 31, however, this rental proposes to condense the season of use down to the period of just July 1 through September 30.

A review of USGS stream gage data from station 13295000 (located on Valley Creek, near Stanley) reveals that, on average, over the past twenty years, from 2000 through 2021, MSF levels have been breached beginning in March and running through August as follows:

Salmon River at USGS Gage 13295000 (Stanley) - MSF Evaluation, 01/01/2000 - 09/30/2021																																					
Month	Jan			Feb			Mar			Apr			May			Jun			Jul			Aug			Sep			Oct			Nov			Dec			
Day	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under	Flow	MSF	Over/Under				
1	89	49	40	89	48	41	85	85	0	149	298	-149	383	765	-382	625	787	-162	356	215	141	121	83	38	82	61	21	104	57	47	110	59	51	100	52	48	
2	89	49	40	89	48	41	84	85	-1	151	298	-147	386	765	-379	628	787	-159	339	215	124	118	83	35	81	61	20	96	57	39	112	59	53	109	52	57	
3	89	49	40	88	48	40	85	85	0	151	298	-147	403	765	-362	647	787	-140	328	215	113	115	83	32	81	61	20	95	57	38	111	59	52	102	52	50	
4	88	49	39	87	48	39	84	85	-1	154	298	-144	420	765	-345	671	787	-116	320	215	105	112	83	29	81	61	20	94	57	37	108	59	49	96	52	44	
5	88	49	39	88	48	40	84	85	-1	163	298	-135	439	765	-326	704	787	-83	310	215	95	111	83	28	80	61	19	98	57	41	103	59	44	99	52	47	
6	88	49	39	86	48	38	86	85	1	172	298	-126	462	765	-303	685	787	-102	299	215	84	110	83	27	82	61	21	95	57	38	104	59	45	97	52	45	
7	87	49	38	87	48	39	85	85	0	183	298	-115	485	765	-280	665	787	-122	286	215	71	110	83	27	83	61	22	96	57	39	105	59	46	95	52	43	
8	87	49	38	88	48	40	85	85	0	195	298	-103	480	765	-285	641	787	-146	272	215	57	110	83	27	82	61	21	92	57	35	120	59	61	93	52	41	
9	87	49	38	91	48	43	85	85	0	201	298	-97	488	765	-277	610	787	-177	260	215	45	106	83	23	83	61	22	92	57	35	108	59	49	91	52	39	
10	88	49	39	93	48	45	90	85	5	202	298	-96	485	765	-280	582	787	-205	251	215	36	104	83	21	83	61	22	91	57	34	105	59	46	93	52	41	
11	87	49	38	89	48	41	91	85	6	211	298	-87	484	765	-281	545	787	-242	240	215	25	101	83	18	83	61	22	98	57	41	99	59	40	92	52	40	
12	86	49	37	88	48	40	93	85	8	222	298	-76	488	765	-277	512	787	-275	229	215	14	98	83	15	84	61	23	96	57	39	95	59	36	95	52	43	
13	86	49	37	86	48	38	95	85	10	238	298	-60	494	765	-271	509	787	-278	222	215	7	97	83	14	85	61	24	95	57	38	102	59	43	95	52	43	
14	85	49	36	87	48	39	100	85	15	253	298	-45	500	765	-262	492	787	-295	216	215	1	97	83	14	87	61	26	101	57	44	101	59	42	96	52	44	
15	85	49	36	87	48	39	104	85	19	238	298	-60	533	765	-232	486	787	-301	207	215	-8	93	83	10	87	61	26	103	57	46	98	59	39	93	52	41	
16	84	49	35	87	48	39	111	85	26	232	298	-66	564	765	-201	485	787	-302	197	215	-18	91	83	8	89	61	28	109	57	52	109	59	50	91	52	39	
17	85	49	36	87	48	39	111	85	26	242	298	-56	569	765	-196	484	787	-303	188	215	-27	90	83	7	88	61	27	103	57	46	106	59	47	90	52	38	
18	87	49	38	87	48	39	110	85	25	260	298	-38	574	765	-192	478	787	-309	182	215	-33	88	83	5	91	61	30	99	57	42	107	59	48	90	52	38	
19	88	49	39	87	48	39	117	85	32	269	298	-29	608	765	-157	463	787	-324	176	215	-39	86	83	3	97	61	36	109	57	52	106	59	47	90	52	38	
20	88	49	39	86	48	38	121	85	36	292	298	-6	625	765	-140	450	787	-337	169	215	-46	85	83	2	95	61	34	109	57	52	104	59	45	92	52	40	
21	87	49	38	86	48	38	122	85	37	326	298	-28	624	765	-141	445	787	-342	161	215	-54	85	83	2	93	61	32	102	57	45	106	59	47	91	52	39	
22	85	49	36	86	48	38	126	85	41	346	298	-48	608	765	-157	442	787	-345	156	215	-59	86	83	3	92	61	31	102	57	45	105	59	46	91	52	39	
23	86	49	37	86	48	38	130	85	45	361	298	-37	600	765	-165	429	787	-358	154	215	-61	88	83	5	91	61	30	107	57	50	102	59	43	91	52	39	
24	86	49	37	85	48	37	127	85	42	358	298	-40	597	765	-168	417	787	-370	151	215	-64	85	83	2	89	61	28	108	57	51	110	59	51	89	52	37	
25	86	49	37	84	48	36	126	85	41	359	298	-39	592	765	-173	410	787	-377	144	215	-71	84	83	1	87	61	26	111	57	54	101	59	42	90	52	38	
26	85	49	36	85	48	37	126	85	41	383	298	-15	597	765	-168	411	787	-376	141	215	-74	85	83	2	89	61	28	104	57	47	98	59	39	89	52	37	
27	86	49	37	84	48	36	124	85	39	384	298	-16	588	765	-177	400	787	-387	137	215	-78	84	83	1	86	61	25	104	57	47	106	59	47	89	52	37	
28	87	49	38	84	48	36	125	85	40	382	298	-16	594	765	-171	389	787	-398	133	215	-82	83	83	0	86	61	25	104	57	47	98	59	39	89	52	40	
29	88	49	39	88	48	40	126	85	41	373	298	-25	601	765	-164	382	787	-405	129	215	-86	82	83	-1	95	61	34	112	57	55	96	59	37	94	52	42	
30	88	49	39				132	85	47	379	298	-19	599	765	-166	374	787	-413	126	215	-89	84	83	1	119	61	58	130	57	53	94	59	35	93	52	41	
31	86	49	37				143	85	58				610	765	-155				125	215	-90	82	83	-1			0	114	57	57			0	90	52	38	
Average			37.81			36.55			21.87			-35.84			233.39			-262.87			-1.97			12.84			25.84		44.71			43.84			41.48		

Table 1. Average daily flows measured on Valley Creek, from 2000-2021

The water rights requested for rental have presumably not been diverted from Valley Creek in recent years, during the time that they have been leased into the Water Supply Bank. The effect of this non-use presumably resulted in the leased extent of the water rights (18.59 cfs) being left instream in Valley Creek and the USGS flow measurements in Valley Creek would have been further reduced by 18.59 cfs, if the leased water rights had been put to use and fully diverted from the creek for consumptive purposes. The table on the next page is a modification of Table 1 in which the measured flows are further reduced by 18.59 cfs during the irrigation season, from May through October, to reflect what the actual flows would be if the leased water rights were not secured instream, through this rental.

Valley Creek at USGS Gage 13295000 (Stanley) - MSF Evaluation, 01/01/2000 - 09/30/2021, Minus 18.59 CFS for Rented WRs																																													
Month	Jan			Feb			Mar			Apr			May			Jun			Jul			Aug			Sep			Oct			Nov			Dec											
Day	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under	Flow	MSF	Over / Under									
1	89	49	40	89	48	41	85	85	0	149	298	-149	364.41	765	-400.59	806.41	787	-180.59	337.41	215	122.41	102.41	83	19.41	63.41	61	2.41	85.4	57	47	110	59	51	100	52	48									
2	89	49	40	89	48	41	84	85	-1	151	298	-147	367.41	765	-387.59	609.41	787	-177.59	320.41	215	105.41	99.41	83	16.41	62.41	61	1.41	77.4	57	39	112	59	53	109	52	57									
3	89	49	40	88	48	40	85	85	0	151	298	-147	384.41	765	-380.59	628.41	787	-158.59	309.41	215	94.41	96.41	83	13.41	62.41	61	1.41	76.4	57	38	111	59	52	102	52	50									
4	88	49	39	87	48	39	84	85	-1	154	298	-144	401.41	765	-363.59	652.41	787	-134.59	301.41	215	86.41	93.41	83	10.41	62.41	61	1.41	75.4	57	37	108	59	49	96	52	44									
5	88	49	39	88	48	40	84	85	-1	163	298	-135	420.41	765	-344.59	665.41	787	-101.59	291.41	215	76.41	92.41	83	9.41	61.41	61	0.41	79.4	57	41	103	59	44	99	52	47									
6	88	49	39	86	48	38	86	85	1	172	298	-126	443.41	765	-321.59	666.41	787	-120.59	280.41	215	65.41	91.41	83	8.41	63.41	61	2.41	76.4	57	38	104	59	45	97	52	45									
7	87	49	38	87	48	39	85	85	0	183	298	-115	466.41	765	-288.59	646.41	787	-140.59	267.41	215	52.41	91.41	83	8.41	64.41	61	3.41	77.4	57	39	105	59	46	95	52	43									
8	87	49	38	88	48	40	85	85	0	195	298	-103	461.41	765	-301.59	622.41	787	-164.59	253.41	215	38.41	91.41	83	8.41	63.41	61	2.41	73.4	57	35	120	59	61	93	52	41									
9	87	49	38	91	48	43	85	85	0	201	298	-97	469.41	765	-285.59	591.41	787	-195.59	241.41	215	26.41	87.41	83	4.41	64.41	61	3.41	73.4	57	35	108	59	49	91	52	39									
10	88	49	39	93	48	45	90	85	5	202	298	-96	466.41	765	-288.59	563.41	787	-223.59	232.41	215	17.41	85.41	83	2.41	64.41	61	3.41	72.4	57	34	105	59	46	93	52	41									
11	87	49	38	89	48	41	91	85	6	211	298	-87	465.41	765	-299.59	526.41	787	-260.59	221.41	215	6.41	82.41	83	-0.59	64.41	61	3.41	79.4	57	41	99	59	40	92	52	40									
12	86	49	37	88	48	40	93	85	8	222	298	-76	469.41	765	-295.59	493.41	787	-293.59	210.41	215	-4.59	79.41	83	-3.59	65.41	61	4.41	77.4	57	39	95	59	36	95	52	43									
13	86	49	37	86	48	38	95	85	10	238	298	-60	475.41	765	-283.59	473.41	787	-306.59	203.41	215	-11.59	78.41	83	-4.59	66.41	61	5.41	76.4	57	38	102	59	43	95	52	43									
14	85	49	36	87	48	39	100	85	15	253	298	-45	481.41	765	-283.59	490.41	787	-313.59	197.41	215	-17.59	78.41	83	-4.59	68.41	61	7.41	82.4	57	44	101	59	42	96	52	44									
15	85	49	36	87	48	39	104	85	19	238	298	-60	514.41	765	-250.59	467.41	787	-319.59	188.41	215	-26.59	74.41	83	-8.59	68.41	61	7.41	84.4	57	46	99	59	39	93	52	41									
16	84	49	35	87	48	39	111	85	26	232	298	-66	545.41	765	-219.59	466.41	787	-320.59	178.41	215	-36.59	72.41	83	-10.59	70.41	61	9.41	90.4	57	52	109	59	50	91	52	39									
17	85	49	36	87	48	39	111	85	26	242	298	-56	550.41	765	-214.59	465.41	787	-321.59	169.41	215	-45.59	71.41	83	-11.59	69.41	61	8.41	84.4	57	46	106	59	47	90	52	38									
18	87	49	38	87	48	39	110	85	25	260	298	-38	555.41	765	-209.59	459.41	787	-327.59	163.41	215	-51.59	69.41	83	-13.59	72.41	61	11.41	80.4	57	42	107	59	48	90	52	38									
19	88	49	39	87	48	39	117	85	32	269	298	-29	589.41	765	-175.59	444.41	787	-342.59	157.41	215	-57.59	67.41	83	-15.59	78.41	61	17.41	90.4	57	52	106	59	47	90	52	38									
20	88	49	39	86	48	38	121	85	36	292	298	-6	606.41	765	-158.59	431.41	787	-355.59	150.41	215	-64.59	66.41	83	-16.59	76.41	61	15.41	90.4	57	52	104	59	45	92	52	40									
21	87	49	38	86	48	38	122	85	37	326	298	-28	605.41	765	-159.59	426.41	787	-360.59	143.41	215	-72.59	66.41	83	-16.59	74.41	61	13.41	83.4	57	45	106	59	47	91	52	39									
22	85	49	36	86	48	38	126	85	41	346	298	-48	589.41	765	-175.59	423.41	787	-361.59	137.41	215	-77.59	67.41	83	-15.59	73.41	61	12.41	83.4	57	45	105	59	46	91	52	39									
23	86	49	37	86	48	38	130	85	45	361	298	-63	581.41	765	-183.59	410.41	787	-376.59	135.41	215	-79.59	69.41	83	-13.59	72.41	61	11.41	88.4	57	50	102	59	43	91	52	39									
24	86	49	37	85	48	37	127	85	42	358	298	-60	578.41	765	-186.59	398.41	787	-388.59	132.41	215	-82.59	66.41	83	-16.59	70.41	61	9.41	89.4	57	51	110	59	51	89	52	37									
25	86	49	37	84	48	36	126	85	41	359	298	-61	573.41	765	-191.59	391.41	787	-395.59	125.41	215	-89.59	65.41	83	-17.59	68.41	61	7.41	92.4	57	54	101	59	42	90	52	38									
26	85	49	36	85	48	37	126	85	41	383	298	-85	578.41	765	-186.59	392.41	787	-394.59	122.41	215	-92.59	66.41	83	-18.59	70.41	61	9.41	85.4	57	47	98	59	39	89	52	37									
27	86	49	37	84	48	36	124	85	39	384	298	-86	569.41	765	-195.59	381.41	787	-405.59	118.41	215	-96.59	65.41	83	-17.59	67.41	61	6.41	85.4	57	47	106	59	47	89	52	37									
28	87	49	38	84	48	36	125	85	40	382	298	-84	575.41	765	-189.59	370.41	787	-416.59	114.41	215	-100.59	64.41	83	-18.59	67.41	61	6.41	85.4	57	47	98	59	39	92	52	40									
29	88	49	39	88	48	40	126	85	41	373	298	-75	582.41	765	-182.59	363.41	787	-423.59	110.41	215	-104.59	63.41	83	-19.59	76.41	61	15.41	93.4	57	55	96	59	37	94	52	42									
30	88	49	39				132	85	47	379	298	-81	580.41	765	-184.59	355.41	787	-431.59	107.41	215	-107.59	65.41	83	-17.59	100.41	61	39.41	91.4	57	53	94	59	35	93	52	41									
31	86	49	37				143	85	58			0	591.41	765	-173.59				106.41	215	-108.59	63.41	83	-19.59				95.4	57	57			0	90	52	38									
Average		37.81			36.55			21.87				-95.34		-251.98				-280.22			-20.36			-5.75		8.11		44.71			43.94														

Table 2. Average adjusted daily flows on Valley Creek, from 2000-2021, with leased water rights removed

Based on the above, if the leased extent of the five water rights requested for rental were fully used for diversionary, consumptive purposes, the minimum streamflow on Valley Creek would have been breached in July and August, and it would come close to being breached in early September. Because the water rights requested to be rented can be used for consumptive, diversionary purposes, and because the rights are likely currently contributing to minimum stream flows in Valley Creek (through their lease and non-use), it is logical to request a rental of these water rights, to formally acknowledge the benefits to the Valley Creek MSF that these water rights are presently providing.

AUTHORITY TO FILE: The IWRB holds water right 71-10886, which authorizes a variable MSF flow rate, year-round, above the confluence of Valley Creek and the Salmon River. The application was submitted by Amy Cassel, and signed by Brian Patton, both of whom are authorized agents of the IWRB. No concerns about authority to file.

WATER RIGHT VALIDITY: The water rights requested are valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: This rental will leave water instream and no injury is foreseeable through the rental.

ENLARGEMENT OF USE: No enlargement is apparent through this rental. Enlargement would occur if the overall and consumptive use volume extent of the rented water use (minimum streamflow) exceeded the overall and consumptive use volume extents of the leased irrigation water rights.

There are no historic irrigation records available to review associated with these water rights. As such, [University of Idaho Evapotranspiration and Consumptive irrigation Requirements for Idaho](#)¹ data, for the [Stanley area](#)² was evaluated to estimate a potential historic consumptive use. Specifically, “[grass pasture – high management](#)” data³ was referenced to estimate a historic irrigation consumptive use for these water rights, as follows:

1. [Actual evapotranspiration data](#)⁴ was used to establish a baseline historic overall consumptive water use volume for the pasture acres associated with the five water rights.
2. Next, [precipitation deficit data](#)⁵ was considered to identify minimum, potential consumptive use water associated with the five water rights,
3. Lastly, [OpenET evapotranspiration data](#)⁶ for the five fields was measured to identify the consumptive use volume of water naturally evapotranspired from the pastures, during the past five years, when the water rights were leased to the Water Supply Bank.

Hypothetical actual evapotranspiration data for the five water rights, as calculatable from University of Idaho data, is as follows:

Average Actual Evapotranspiration & Precipitation Deficit Data - High Management Pasture Grass - Stanley Idaho, 1917-2016													
Month	January	February	March	April	May	June	July	August	September	October	November	December	Annual Sum
Days per Month	31	28	31	30	31	30	31	31	30	31	30	31	365
Days per Month - Irrigation Season			31	30	31	30	31	31	30	31			245
Average Actual Evapotranspiration Data - High Management Pasture Grass - Stanley Idaho, 1917-2016													
Average daily Evapotranspiration (mm)	0.13	0.21	0.35	0.50	1.14	4.39	5.94	2.96	0.46	0.28	0.17	0.10	
Average daily Evapotranspiration (Feet)	0.000	0.001	0.001	0.002	0.004	0.014	0.019	0.010	0.002	0.001	0.001	0.000	
Water Right	Water Right Data												
71-41	Acres	153	153	153	153	153	153	153	153	153	153	153	
	Daily AF Vol	0.07	0.11	0.18	0.25	0.57	2.20	2.98	1.49	0.23	0.14	0.09	0.05
	Monthly AF Vol	2.02	2.95	5.45	7.53	17.74	66.11	92.43	46.06	6.93	4.36	2.56	1.56
	Average Daily CFS	0.033	0.053	0.089	0.127	0.289	1.111	1.503	0.749	0.116	0.071	0.043	0.025
71-42B	Acres	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	
	Daily AF Vol	0.02	0.03	0.05	0.07	0.17	0.66	0.89	0.44	0.07	0.04	0.03	0.01
	Monthly AF Vol	0.60	0.88	1.63	2.25	5.30	19.75	27.61	13.76	2.07	1.30	0.76	0.46
	Average Daily CFS	0.010	0.016	0.026	0.038	0.086	0.332	0.449	0.224	0.035	0.021	0.013	0.008
71-43B	Acres	45	45	45	45	45	45	45	45	45	45	45	
	Daily AF Vol	0.02	0.03	0.05	0.07	0.17	0.65	0.88	0.44	0.07	0.04	0.03	0.01
	Monthly AF Vol	0.59	0.87	1.60	2.21	5.22	19.44	27.19	13.55	2.04	1.28	0.75	0.46
	Average Daily CFS	0.010	0.016	0.026	0.037	0.085	0.327	0.442	0.220	0.034	0.021	0.013	0.007
71-49B	Acres	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	
	Daily AF Vol	0.06	0.10	0.17	0.25	0.57	2.19	2.96	1.48	0.23	0.14	0.08	0.05
	Monthly AF Vol	2.01	2.93	5.41	7.48	17.61	65.63	91.77	45.73	6.88	4.33	2.54	1.54
	Average Daily CFS	0.033	0.053	0.088	0.126	0.286	1.103	1.492	0.744	0.116	0.070	0.043	0.025
71-50	Acres	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	
	Daily AF Vol	0.04	0.06	0.10	0.14	0.31	1.21	1.63	0.81	0.13	0.08	0.05	0.03
	Monthly AF Vol	1.11	1.61	2.98	4.12	9.70	36.17	50.57	25.20	3.79	2.38	1.40	0.85
	Average Daily CFS	0.018	0.029	0.048	0.069	0.158	0.608	0.822	0.410	0.064	0.039	0.024	0.014
Annual AF Sub Total													801.00

Table 3. Monthly and annual estimated average consumptive water uses for the five water rights

Hypothetical precipitation deficit data for high-alpine meadow pasture grass, as provided by University of Idaho data, were calculated in the table on the following page.

¹ <http://data.kimberly.uidaho.edu/ETIdaho/>

² <http://data.kimberly.uidaho.edu/ETIdaho/stninfo.py?station=112>

³ <http://data.kimberly.uidaho.edu/ETIdaho/stnstats.py?station=112&cover=15>

⁴ <http://data.kimberly.uidaho.edu/ETIdaho/stcvsrstats.py?station=112&cover=15&stats=Actual>

⁵ <http://data.kimberly.uidaho.edu/ETIdaho/stcvsrstats.py?station=112&cover=15&stats=Deficit>

⁶ <https://explore.etdata.org/#13/44.3555/-115.1312>

Precipitation Deficit Data - High Management Pasture Grass - Stanley Idaho, 1917-2016													
Average daily Evapotranspiration (mm)		0.00	0.03	0.03	0.08	0.45	3.65	5.48	2.49	0.00	0.00	0.00	
Average daily Evapotranspiration (Feet)		0.000	0.000	0.000	0.000	0.001	0.012	0.018	0.008	0.000	0.000	0.000	
Water Right	Water Right Data												
71-41	Acres	153	153	153	153	153	153	153	153	153	153	153	
	Daily AF Vol	0.00	0.02	0.02	0.04	0.23	1.83	2.75	1.25	0.00	0.00	0.00	
	Monthly AF Vol	0.00	0.42	0.47	1.20	7.00	54.97	85.27	38.75	0.00	0.00	0.00	188.08
	Average Daily CFS	0.000	0.008	0.008	0.020	0.114	0.924	1.387	0.630	0.000	0.000	0.000	
71-42B	Acres	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	
	Daily AF Vol	0.00	0.00	0.00	0.01	0.07	0.55	0.82	0.37	0.00	0.00	0.00	
	Monthly AF Vol	0.00	0.13	0.14	0.36	2.09	16.42	25.47	11.57	0.00	0.00	0.00	56.18
	Average Daily CFS	0.000	0.002	0.002	0.006	0.034	0.276	0.414	0.188	0.000	0.000	0.000	
71-43B	Acres	45	45	45	45	45	45	45	45	45	45	45	
	Daily AF Vol	0.00	0.00	0.00	0.01	0.07	0.54	0.81	0.37	0.00	0.00	0.00	
	Monthly AF Vol	0.00	0.12	0.14	0.35	2.06	16.17	25.08	11.40	0.00	0.00	0.00	55.32
	Average Daily CFS	0.000	0.002	0.002	0.006	0.033	0.272	0.408	0.185	0.000	0.000	0.000	
71-49B	Acres	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	
	Daily AF Vol	0.00	0.01	0.01	0.04	0.22	1.82	2.73	1.24	0.00	0.00	0.00	
	Monthly AF Vol	0.00	0.42	0.46	1.20	6.95	54.57	84.66	38.47	0.00	0.00	0.00	186.73
	Average Daily CFS	0.000	0.008	0.008	0.020	0.113	0.917	1.377	0.626	0.000	0.000	0.000	
71-50	Acres	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	
	Daily AF Vol	0.00	0.01	0.01	0.02	0.12	1.00	1.50	0.68	0.00	0.00	0.00	
	Monthly AF Vol	0.00	0.23	0.26	0.66	3.83	30.07	46.65	21.20	0.00	0.00	0.00	102.89
	Average Daily CFS	0.000	0.004	0.004	0.011	0.062	0.505	0.759	0.345	0.000	0.000	0.000	
Annual AF Sub Total													589.20

Table 4. Monthly and annual estimated precipitation-deficit consumptive water uses for the water rights

OpenET data for irrigation of the pastures associated with the leased water rights were as follows:

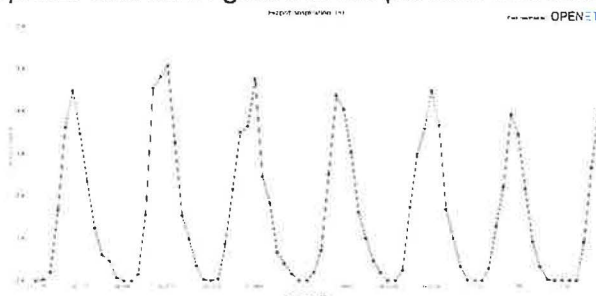


Chart 1. OpenET data for water right 71-41

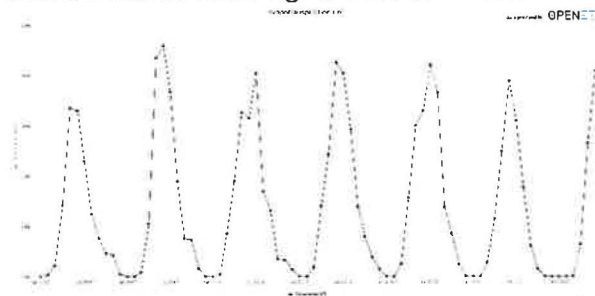


Chart 2. OpenET data for water right 71-42B

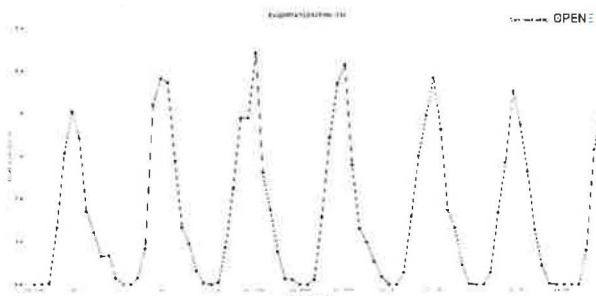


Chart 3. OpenET data for water right 71-43B

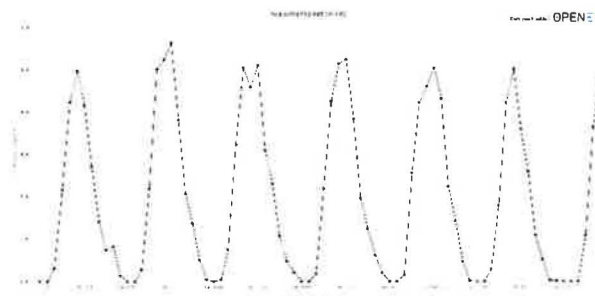


Chart 4. OpenET data for water right 71-49B

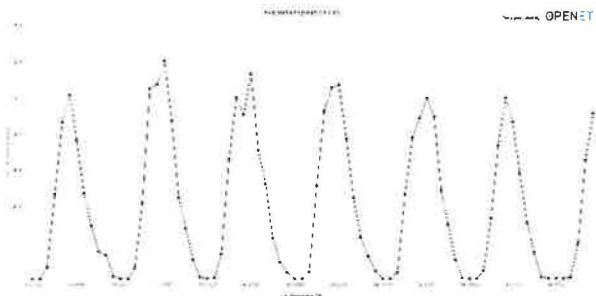


Chart 5. OpenET data for water right 71-50

OpenET data for the five water rights are summarized as follows:

OpenET Evapotranspiration Data - 2016-2021														
Water Right	Water Right Data	January	February	March	April	May	June	July	August	September	October	November	December	Annual Sum
71-41	Acres	153	153	153	153	153	153	153	153	153	153	153	153	
	Daily AF Vol	0.00	0.00	0.13	0.64	1.32	1.75	1.73	1.16	0.62	0.31	0.14	0.03	
	Monthly AF Vol	0.00	0.14	4.04	19.30	41.04	52.64	53.64	35.84	18.64	9.65	4.25	0.92	240.10
	Average Daily CFS	0.000	0.002	0.066	0.324	0.667	0.885	0.872	0.583	0.313	0.157	0.071	0.015	
71-42B	Acres	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	
	Daily AF Vol	0.00	0.00	0.04	0.18	0.39	0.48	0.44	0.27	0.13	0.07	0.03	0.01	
	Monthly AF Vol	0.00	0.05	1.19	5.38	12.00	14.27	13.57	8.37	3.93	2.11	0.97	0.21	62.05
	Average Daily CFS	0.000	0.001	0.019	0.090	0.195	0.240	0.221	0.136	0.066	0.034	0.016	0.003	
71-43B	Acres	45	45	45	45	45	45	45	45	45	45	45	45	
	Daily AF Vol	0.00	0.00	0.03	0.19	0.41	0.54	0.55	0.33	0.18	0.10	0.04	0.01	
	Monthly AF Vol	0.00	0.02	1.06	5.78	12.77	16.20	17.05	10.16	5.37	3.19	1.33	0.29	73.24
	Average Daily CFS	0.000	0.000	0.017	0.097	0.208	0.272	0.277	0.165	0.090	0.052	0.022	0.005	
71-49B	Acres	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	151.9	
	Daily AF Vol	0.00	0.00	0.13	0.99	1.83	2.08	1.96	1.38	0.78	0.43	0.20	0.04	
	Monthly AF Vol	0.00	0.08	4.08	29.72	56.85	62.33	60.67	42.90	23.33	13.42	6.15	1.24	300.77
	Average Daily CFS	0.000	0.001	0.066	0.500	0.925	1.047	0.987	0.698	0.392	0.218	0.103	0.020	
71-50	Acres	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	83.7	
	Daily AF Vol	0.00	0.00	0.07	0.56	1.01	1.15	1.13	0.81	0.49	0.25	0.11	0.02	
	Monthly AF Vol	0.00	0.03	2.18	16.69	31.20	34.62	35.16	25.11	14.59	7.70	3.26	0.58	171.11
	Average Daily CFS	0.000	0.000	0.035	0.280	0.507	0.582	0.572	0.408	0.245	0.125	0.055	0.009	
Monthly Average Combined CFS		0.000	0.006	0.204	1.292	2.502	3.026	2.929	1.990	1.107	0.587	0.268	0.053	847.27

Table 5. Monthly and annual observed consumptive water uses for the five water rights

Provided the hypothetical consumptive use volumes calculated in step one and/or step two exceed the measured consumptive use volumes calculated in steps three, there would be no enlargement in water use through this rental if the difference between the estimated consumptive use volume and the observed consumptive use volume was allocated to the rental. The following charts summarize the consumptive use volumes calculated in steps one, two and three for each of the five water rights, and a final chart depicts the difference in the annual volumes estimated and calculated for the five water rights:

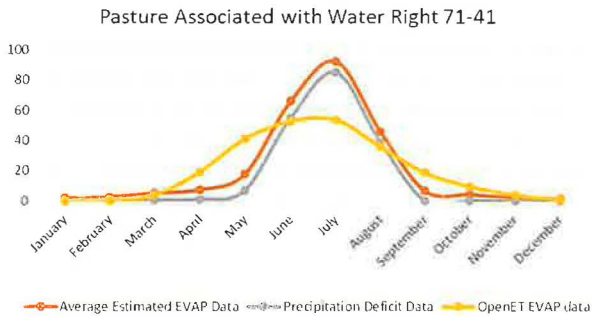


Chart 6. Consumptive water use for W.R. 71-41

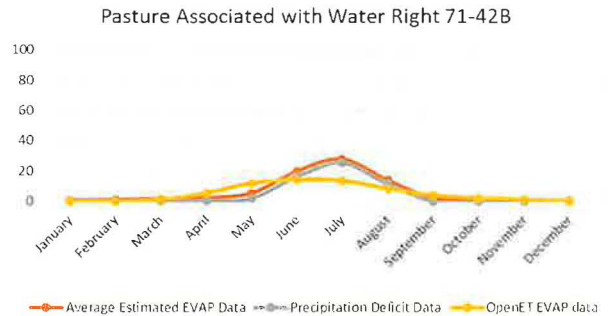


Chart 7. Consumptive water use for W.R. 71-42B

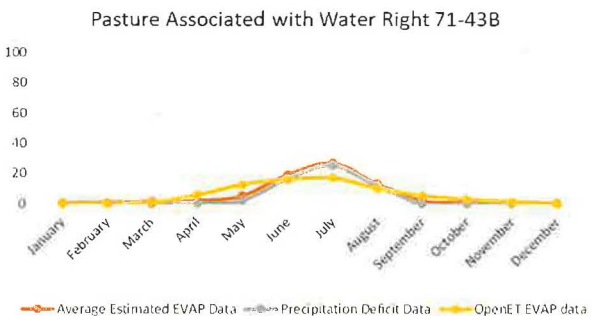


Chart 8. Consumptive water use for W.R. 71-43B

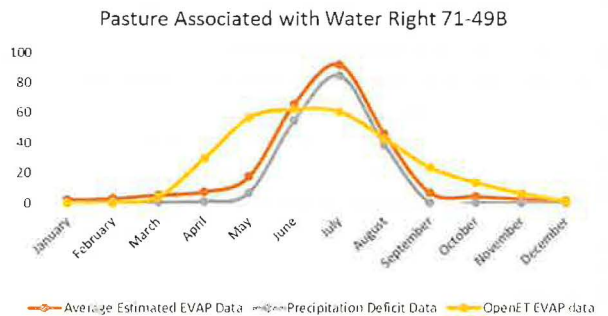


Chart 9. Consumptive water use for W.R. 71-49B

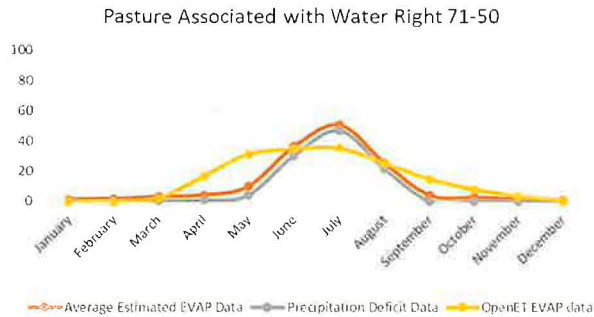


Chart 10. Consumptive water use for W.R. 71-50

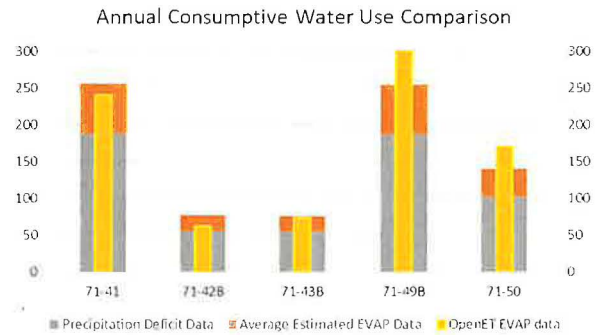


Chart 11. Annual consumptive water uses

As depicted by chart 11, the actual observed consumptive use of water occurring through natural sub-irrigation was approximately equal to, or in some instances greater than, the estimated consumptive use of water that would have occurred through active irrigation of pasture. Specifically, for water rights 71-41, 71-42B and 71-43B, there is a small, incremental, historic consumptive use volume associated with the three water rights that might be made available for rental under the water rights. However, for water rights 71-49B and 71-50, the observed, natural, actual consumptive use of water for the high-alpine meadow pastures exceeds the estimated consumptive use of water for irrigation under the rights, meaning there is no additional consumptive use of water available for rental under these water rights.

Further, as evidenced by charts 6 through 10 above, estimated consumptive water uses had higher peaks (typically during the period of June through August) than the actual observed consumptive uses of observed OpenET water use data. The table below summarizes the monthly and annual consumptive use values estimated and calculated using University of Idaho and OpenET data for the pasture places of use associated with the five water rights requested for rental:

Month		January	February	March	April	May	June	July	August	September	October	November	December	Annual Sum
Water Right	Consumptive Water Use (AF)													
71-41	Average Estimated EVAP Data	2.02	2.95	5.45	7.53	17.74	66.11	92.43	46.06	6.93	4.36	2.56	1.56	255.69
	Precipitation Deficit Data	0.00	0.42	0.47	1.20	7.00	54.97	85.27	38.75	0.00	0.00	0.00	0.00	188.08
	OpenET EVAP data	0.00	0.14	4.04	19.30	41.04	52.64	53.64	35.84	18.64	9.65	4.25	0.92	240.10
71-42B	Actual Avg EVAP Data	0.60	0.88	1.63	2.25	5.30	19.75	27.61	13.76	2.07	1.30	0.76	0.46	76.37
	Precipitation Deficit Data	0.00	0.13	0.14	0.36	2.09	16.42	25.47	11.57	0.00	0.00	0.00	0.00	56.18
	OpenET EVAP data	0.00	0.05	1.19	5.38	12.00	14.27	13.57	8.37	3.93	2.11	0.97	0.21	62.05
71-43B	Actual Avg EVAP Data	0.59	0.87	1.60	2.21	5.22	19.44	27.19	13.55	2.04	1.28	0.75	0.46	75.20
	Precipitation Deficit Data	0.00	0.12	0.14	0.35	2.06	16.17	25.08	11.40	0.00	0.00	0.00	0.00	55.32
	OpenET EVAP data	0.00	0.02	1.06	5.78	12.77	16.20	17.05	10.16	5.37	3.19	1.33	0.29	73.24
71-49B	Actual Avg EVAP Data	2.01	2.93	5.41	7.48	17.61	65.63	91.77	45.73	6.88	4.33	2.54	1.54	253.85
	Precipitation Deficit Data	0.00	0.42	0.46	1.20	6.95	54.57	84.66	38.47	0.00	0.00	0.00	0.00	186.73
	OpenET EVAP data	0.00	0.08	4.08	29.72	56.85	62.33	60.67	42.90	23.33	13.42	6.15	1.24	300.77
71-50	Actual Avg EVAP Data	1.11	1.61	2.98	4.12	9.70	36.17	50.57	25.20	3.79	2.38	1.40	0.85	139.88
	Precipitation Deficit Data	0.00	0.23	0.26	0.66	3.83	30.07	46.65	21.20	0.00	0.00	0.00	0.00	102.89
	OpenET EVAP data	0.00	0.03	2.18	16.69	31.20	34.62	35.16	25.11	14.59	7.70	3.26	0.58	171.11

Table 6. Monthly and annual estimated and observed consumptive water uses for the water rights

Although the consumptive use extent of the water rights being requested for rental are largely being realized through the evapotranspiration of vegetation naturally occurring on the pastures, a rental of the water rights to the minimum streamflow on Valley Creek is still permissible without inducing enlargement, since the consumptive use extent of streamflow maintenance is negligible. No concerns about enlargement.

LOCAL PUBLIC INTEREST: Staff are not aware of any information that indicates this rental is contrary to or inconsistent with any local public interests. Minimum stream flows rentals benefit public interests.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The beneficial use being realized under this rental approval is for minimum stream flow maintenance on Valley Creek. No water will be diverted under this rental. Instead, water authorized to be diverted from Valley Creek under the rented water rights will instead remain un-diverted in Valley Creek. Because the water rights being rented are for irrigation purposes, and because no diversion volume was decreed for the rights, a maximum annual volume for the water rights being rented should be calculated based on the field headgate standard of 3.5 af/acre times the number of acres authorized to be irrigated under the rented water rights.

There is no prescribed way in which the diversion rate must be calculated for this minimum stream flow rental. In circumstances where the rented water rights might be used for diversionary, consumptive, non-irrigation uses, it might be necessary to set the rental diversion rate as being no more than the average continuous flow rate equivalent to the monthly consumptive use volume calculated for the rented water rights. For water rights 71-41, 42B, 43B, 49B and 50, the combined average continuous flow rates based on the observed consumptive uses of the water rights in July, August and September are 2.93 cfs, 1.99 cfs and 1.11 cfs, respectively. However, a combined diversion rate of 18.59 cfs for water rights 71-41, 42B, 43B, 49B and 50 has been left un-diverted, instream for the past twenty years and staff are not aware that this has caused injury to any water users. Hence, staff have no reason to suspect that the rental of 18.59 cfs to Valley Creek minimum stream flow water right 71-10886 should now result in any new injuries. Accordingly, an 18.59 cfs minimum streamflow beneficial use is recommended for this rental.

It should also be noted that minimum streamflow water right 71-10886 is fully subordinate to future domestic, commercial, municipal and industrial (DCMI) uses, and up to 4.2 cfs was made subordinate to junior, non-DCMI uses. It appears 2.79 cfs has been exercised under junior water rights 71-10912, 10913, 10917, 10920, 10926, 10944, 10945, 10979 and 10980, leaving 1.41 cfs available for appropriation by future non-DCMI uses. This rental will not diminish the availability of the 1.41 cfs remaining available to future non-DCMI uses.

This rental appears to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Southern Region and Water District 170 staff on August 12, 2022.

WATER SUPPLY BANK RECOMMENDATION: Staff recommend this rental be approved.

Buyer, Remington

From: Buyer, Remington
Sent: Friday, August 12, 2022 2:10 PM
To: Graybill, David; Skinner, Corey
Cc: Bank
Subject: WSB Applications 2415 and 2140
Attachments: Draft Lease Contract - 1570.docx; Lease Review Memo - Contract 1570.docx; Map - Lease Contract 1570.pdf; Rental Review Memo Application 2140.docx; Draft Rental Agreement 654.docx; Rental Map - Agreement 654.pdf

Corey, David,

I've completed a review of WSB lease application 2415 and rental application 2140, which propose a lease-rental of Valley Creek irrigation water rights 71-41, 42B, 43B, 49B and 50, to help maintain Valley Creek minimum streamflow water right 71-10886.

My review memos, maps and draft approval documents are attached. Please advise on whether you have any questions, comments or concerns.

Thanks,

Remington



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Albert Barker
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Dean Stevenson
Paul
District 3

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

August 30, 2021

RE: Applications to Rent WR Nos. 71- 41, 71-42B, 71-43B, 71-49B, 71-50 for delivery to the Valley Creek Minimum Stream Flow Water Right 71-10886, WR Nos. 71-64B, 71-66, and 71-68 for delivery to the Alturas Lake Creek Minimum Stream Flow Water Right 71-10890, and WR Nos. 71-59, 71-61, 71-10277, 71-10278, 71-2004D, 71-10772, 71-1072B, 71-10871, 71-10766, 71-7002, and 71-2053 for delivery to the Salmon River Minimum Stream Flow Water Right 71-16668

Enclosed please find applications to permanently rent the above-mentioned water rights numbers for delivery to the Idaho Water Resource Board's minimum stream flow water rights on Valley Creek, Alturas Lake Creek, and the Salmon River. The purpose of this rental is to improve flows to facilitate the spawning and rearing of fish species listed under the Endangered Species Act.

The water rights are owned by the United States Forest Service (USFS) and are currently leased into the water supply bank. On August 31, 2021, the USFS submitted lease applications to amend the current lease contracts from 5 years to indefinite. The Idaho Water Resource Board passed a resolution on May 21, 2021, approving the indefinite rental and the one-time rental fee (attached).

Also attached is correspondence between the USFS Acting Regional Forester – Intermountain Region and the Idaho Water Resource Board. The correspondence indicates the wishes of both parties to pursue a permanent rental of the water rights.

Please copy all correspondence regarding this rental to:

Gayla (Jamie) Gough
Water Rights Specialist
Forest Service
Intermountain Region
p: 208-204-4571
gayla.gough@usda.gov

If you have any questions or need further clarification regarding the rental application, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amy Cassel', with a long, sweeping horizontal line extending to the right.

Amy Cassel

Program Manager, Idaho Water Transactions Program
Idaho Department of Water Resources
102 S. Warpath
Salmon, ID 83467

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE PERMANENT RENTAL OF
SAWTOOTH VALLEY WATER RIGHTS

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, Chinook and Sockeye salmon, steelhead, and bull trout habitat in the Upper Salmon
2 River basin is limited by low flow conditions and high water temperatures; and
3

4 WHEREAS, it is in the interest of the State of Idaho to augment stream flows and provide habitat
5 in the Upper Salmon River Basin to encourage recovery of ESA-listed Chinook and Sockeye salmon,
6 steelhead, and bull trout fish; and
7

8 WHEREAS, the 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to
9 providing incentives for improving fish habitat which includes improving or protecting flow conditions to
10 augment stream flows; and
11

12 WHEREAS, Alturas Lake Creek, Valley Creek, and the Upper Salmon River have been identified as
13 high priority streams for flow restoration efforts, to provide high quality habitat for anadromous Chinook
14 and Sockeye salmon, steelhead and resident bull trout; and
15

16 WHEREAS, as provided for in the Nez Perce Agreement, the Idaho Water Resource Board (Board)
17 established minimum streamflow Water Rights 71-10890 on Alturas Lake Creek, 71-10886 on Valley
18 Creek, and 72-16668 on the Salmon River to be met through water right rentals or acquisitions under state
19 law; and
20

21 WHEREAS, the United States Forest Service (USFS) owns Water Right Nos. 71-41, 71-42B, 71-43B,
22 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278,
23 71-10728, 71-10766, 71-10772 and 71-10871 (Water Rights) on Alturas Lake Creek, Valley Creek, the
24 Salmon River, and several Salmon River tributaries, and has leased the referenced rights into the Idaho
25 Water Supply Bank; and
26

27 WHEREAS, the Board, pursuant to Section 42-1734, Idaho Code, has the authority to acquire,
28 purchase, lease, or exchange land, rights, water rights, easements, franchises, and other property deemed
29 necessary or proper for the construction, operation, and maintenance of water projects; and
30

31 WHEREAS, the USFS desires to protect the Water Rights in stream and offers them to the Board
32 for rental and permanent delivery to Board minimum stream flow Water Right Nos. 71-10890, 71-10886,
33 and 72-16668; and
34

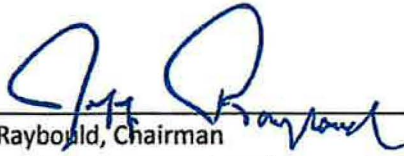
35 WHEREAS, the permanent rental of the Water Rights is in the public interest, and is consistent
36 with the State Water Plan and intent of the Nez Perce Agreement; and
37

38 WHEREAS, the total rate of the flow from the Water Rights is 124 cfs, resulting in a one-time rental
39 fee of \$14,941.20 to be paid to the Idaho Water Supply Bank; and
40

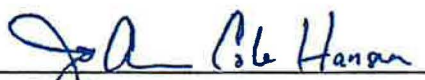
41 WHEREAS, funds are available in the Board's Revolving Development Account to cover the cost of
42 the one-time rental fee; and
43

44 NOW THEREFORE BE IT RESOLVED that the Board authorizes expenditure of a one-time rental fee
45 in the amount of fourteen thousand, nine hundred forty-one dollars and twenty cents (\$14,941.20) to the
46 Idaho Water Supply Bank from the Board's Revolving Development Account.
47
48

DATED this 21st day of May 2021.



Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST 

Jo Ann Cole Hansen, Secretary



IDAHO WATER RESOURCE BOARD

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Lewiston
At Large

October 1, 2020

Frank Beum
Acting Regional Forester
Intermountain Region
324 25th Street
Ogden, UT 84401

Dear Mr. Beum:

The Idaho Water Resource Board (IWRB) holds Minimum Stream Flow Water Right Nos. 71-10886 for Valley Creek and 72-16668 for the Salmon River. These minimum stream flow water rights were issued following the Snake River Water Rights Agreement of 2004 with the intent "to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality..." IWRB staff has determined that the minimum flow rates authorized under water rights 71-10886 and 72-16668 are not always met. Therefore, any available water that is leased into the Idaho Water Supply Bank that could be rented to meet the minimum stream flows would be beneficial to the State of Idaho and aid in the recovery of fish species listed under the Endangered Species Act.

The United States Forest Service (USFS) currently holds 13 separate lease agreements through the water supply bank that total approximately 123 cfs and 2,490 acres and consist of 19 individual water rights. The rights are not currently rented and are therefore available for a rental to meet instream flows in Valley Creek and the Salmon River.

The IWRB would like to formally request that the USFS consider renting these leased water rights, in perpetuity, to the IWRB in order to help meet the minimum stream flow water rights in Valley Creek and the Salmon River. The USFS will retain ownership of the 19 water rights and a permanent rental will not require a new lease application or the associated five-year administrative costs. A proposal will be made to use funding from the Columbia Basin Water Transactions Program (CBWTP) to cover all fees associated with this transaction, including a one-time permanent rental fee and any water district administration fees. The IWRB is the only Qualified Local Entity in the state of Idaho to receive CBWTP funding. The goals of the CBWTP are to increase streamflow in the Columbia River Basin to increase the productivity and resiliency of Pacific salmon, steelhead trout, and a host of resident fish species, and the IWRB believes this transaction is consistent with those goals and the intent of the minimum streamflow water rights.

If you have questions about the IWRB's interest in collaboration on this effort, please feel free to contact Amy Cassel, Idaho Water Transactions Program Manager for the IWRB, at (208) 742-0656.

Sincerely,

A handwritten signature in blue ink that reads "Roger Chase". The signature is fluid and cursive, with the first name "Roger" and the last name "Chase" clearly distinguishable.

Roger Chase

Chairman, Idaho Water Resource Board

Cc: Jim DeMaagd, Sawtooth National Forest Service
Kathryn Conant, National Forest Service

File Code: 2540

Date: November 10, 2020

Roger Chase, Chairman
Idaho Water Resources Board
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Chase:

Thank you for your October 1, 2020, letter regarding your request that the U.S. Department of Agriculture, U.S. Forest Service (Forest Service) consider a permanent rental of 19 water rights currently leased into the Idaho Water Supply Bank to the Idaho Water Resources Board (IWRB). We view this proposal as a win-win opportunity for the State of Idaho and the Forest Service working together in support of minimum streamflow's which aid in the recovery of fish species listed under the Endangered Species Act (ESA).

In 1992, the Forest Service purchased the Busterback Ranch, which included five irrigation water rights in the Upper Salmon River Basin for the purpose of enhancing flows for salmon migration. The cost of this acquisition was \$3.2 million. The Bonneville Power Administration contributed \$769,000 toward the purchase in order to dedicate the water rights to instream flow, as agreed to in a Memorandum of Understanding. Unfortunately, after the purchase was completed, the Forest Service learned that Idaho state law provides no mechanism for the Forest Service to convert the irrigation water rights to instream flow water rights. Thus, the intent of the purchase could not be fulfilled.

The ESA prohibits federal action that may jeopardize the existence of any threatened or endangered species. Chinook salmon, sockeye salmon, steelhead trout, and bull trout spend part of their life cycle in and around Valley Creek and the upper Salmon River. These species are listed as threatened or endangered under the ESA. An endangered plant, the Ute ladies'-tresses, is also known to grow in riparian habitat in the area. Had the Forest Service undertaken historic irrigation withdrawals from 1992 through the 2020 irrigation seasons, such diversions would have constituted a federal action and could have resulted in the destruction of, or adverse modification of, critical habitat. Moreover, such action could have jeopardized the continued existence of the listed species. Finally, such diversions may have placed the Forest Service at risk of violating the take prohibitions of the ESA.

Under state law, water rights must be applied to beneficial use at least once every five years in order to prevent forfeiture. Over the years, the Forest Service worked closely with the State of Idaho to protect these water rights in accordance with state and federal law. In 1999, these water rights were decreed to the United States in the Snake River Basin Adjudication. In March 2004, the Forest Service received five-year extensions of time to avoid forfeiture for non-use.



Those extensions expired in March 2009, and there were no provisions under state law to allow for further extensions. The rights became subject to immediate forfeiture for non-use.

At that time, the State of Idaho requested that the Forest Service consider leasing the water rights into the Idaho Water Supply Bank where they could be protected from forfeiture for a longer period of time. That action was taken, and the rights have been in the Idaho Water Supply Bank for the last 11 years. During that time, no one has applied to rent the rights from the Idaho Water Supply Bank. The current five-year lease contract for the five Busterback water rights (as well as 14 other irrigation rights) are set to expire on December 31, 2021.

The intent of the Forest Service in leasing these water rights to the Idaho Water Supply Bank is to protect instream flows for fish that are listed under the ESA. Entering into a permanent rental agreement with the IWRB would provide long-term protection from forfeiture for the water rights and would contribute to the State of Idaho's minimum streamflow program, which support threatened or endangered fish. Working with the IWRB to achieve these common goals also supports the values of shared stewardship between the Forest Service and the State of Idaho.

We look forward to working with your staff to coordinate on the rental contracts for the 19 water rights associated with the 13 lease agreements. Please coordinate with Jamie Gough, Idaho Forest Service Water Rights Coordinator, at jamie.gough@usda.gov or 208-204-4571.

Sincerely,

JAMES
DEMAAGD

Digitally signed by JAMES
DEMAAGD
Date: 2020.11.10
14:11:21 -07'00'

/s/ James Demaagd (for)

FRANK R. BEUM
Acting Regional Forester, Intermountain Region

Enclosure: USFS Letter from IWRB

cc: Kathryn Conant, Regional Director, Lands and Minerals, Intermountain Region