

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 862

This is to certify that:

IDAHO WATER RESOURCE BOARD
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)
73-10005	11/7/1889	PAHSIMEROI RIVER	1.72	147	86.0	0.020	1.71
73-11987	2/18/1926	SPRING	0.03	8.6	26.5	0.001	0.11
73-11982	2/18/1926	PAHSIMEROI RIVER	0.28	24.2	86.0	0.003	0.28
73-11981	2/19/1926	SPRING	0.51	55.9	86.0	0.008	0.65
73-11993	4/2/1950	GROUND WATER	0.76	65.0	86.0	0.009	0.76
Combined Limit			3.51	301	86.0	0.040	3.50
73-90	4/18/1888	PAHSIMEROI RIVER	0.04	7.0	2.0	0.020	3.50
73-11978	2/18/1926	PAHSIMEROI RIVER	0.01	4.8	2.0	0.005	2.40
73-11983	4/1/1926	UNNAMED STREAM	0.04	7.0	2.0	0.020	3.50
Combined Limit			0.04	7.0	2.0	0.020	3.50
73-11988	2/18/1926	SPRINGS	0.14	24.5	7.0	0.020	3.50
73-11992	2/18/1926	PAHSIMEROI RIVER	1.68	147	42.0	0.040	3.50
Combined Rental Total			5.37	479.5	137.0	0.039	3.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2028. 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 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2028: \$1,102.85 annually

The full fee for the rental of the above-described right(s) is \$1,102.85 per year for years 2024 - 2028. The rental fee includes an administrative fee of \$1,102.85 per year for years 2024 - 2028. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 73-10005, 73-11987, 73-11982, 73-11981, 73-11993, 73-90, 73-11978, 73-11983, 73-11988, 73-11992.

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

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Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MINIMUM STREAMFLOW	1.35	336

** The authorized water usage reflects a reduction from the water right elements rented, to account for change in nature of use and historic use.*

Detailed water right conditions are attached.

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



Signature of Renter

9/18/2024

Date

CYNTHIA BRIDGE CLARK

Printed Name

PLANNING & PROJECTS 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 9/17/24

Rental approved by IDWR 

Date 9/17/24

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER	NWNW	Sec. 21, Twp 15N, Rge 21E,	Custer County (B)
PAHSIMEROI RIVER	L3SWNW	Sec. 25, Twp 16N, Rge 20E,	Custer County (E)

BENEFICIAL USE

FROM - TO

DIVERSION RATE

MINIMUM STREAMFLOW	04/01 – 04/30	0.14
MINIMUM STREAMFLOW	05/01 – 05/31	0.82
MINIMUM STREAMFLOW	06/01 – 06/30	1.20
MINIMUM STREAMFLOW	07/01 - 07/31	1.35
MINIMUM STREAMFLOW	08/01 – 08/31	1.11
MINIMUM STREAMFLOW	09/01 – 09/30	0.73
MINIMUM STREAMFLOW	10/01 – 10/31	0.19

RENTERS PLACE OF USE: MINIMUM STREAM FLOW

The place of use for this rental is the stream reach between the beginning and ending points described above.

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 rental shall be non-consumptive.
10. 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 Districts No. 73.
11. There are no diversion associated with this rental. The quantification point for this instream flow rental is the end of the reach for minimum streamflow right 73-7045 as described above.
12. Diversion of water under this rental is limited to those times water available and in priority from the sources and at the points of division of the rights listed above.

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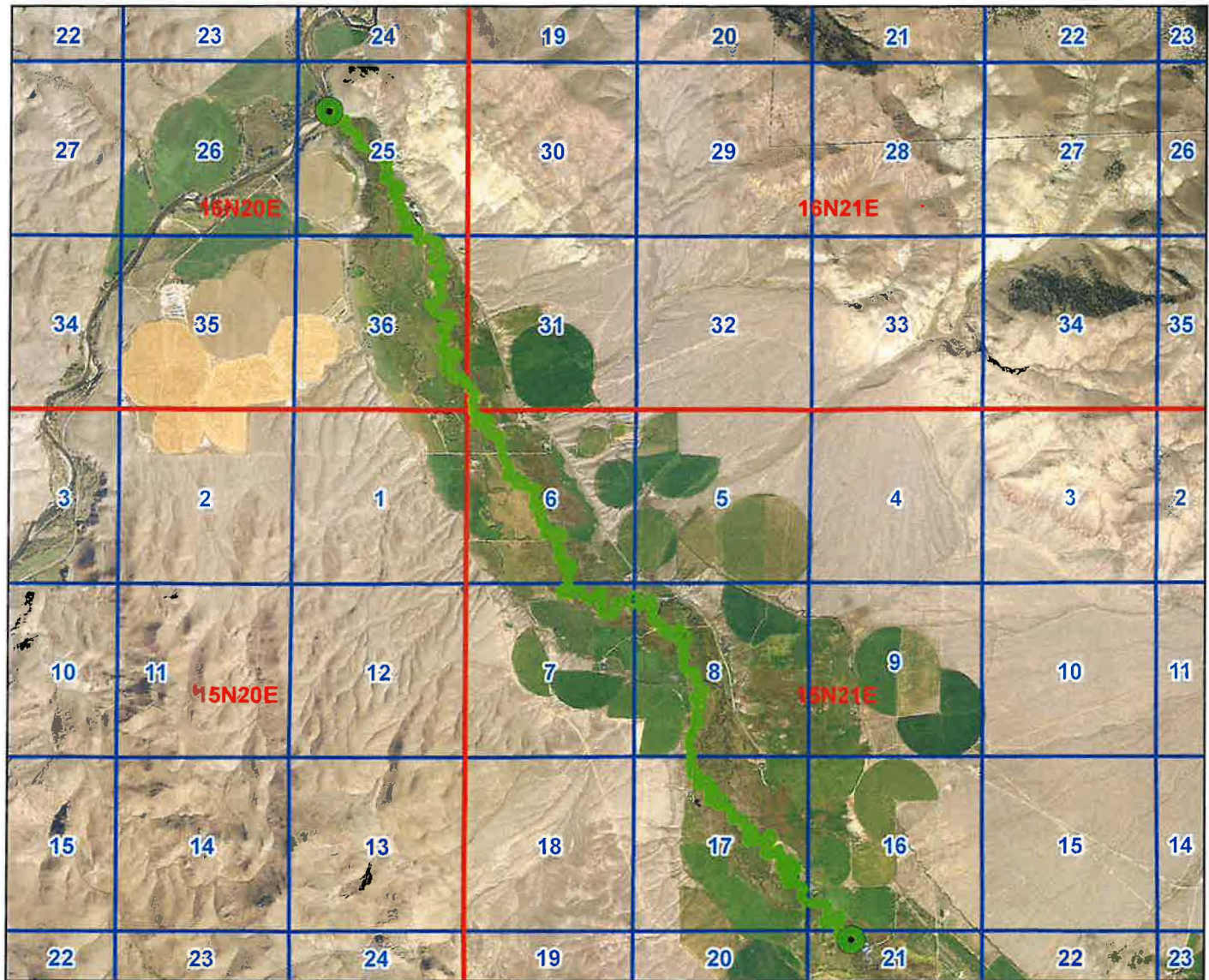
WATER SUPPLY BANK RENTAL AGREEMENT No. 862

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
14. The water rented under this agreement is appurtenant to irrigation of 137 acres.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 862

Effective until December 31, 2028

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



Legend

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



0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 27 2023

DEPARTMENT OF
WATER RESOURCES

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

Applicant 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)

73-11992	73-10005	73-11982	73-11993	73-11978
73-11988	73-11981	73-11987	73-90	73-11983

2844

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, ID 83720-0098

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 to the MSF is intended to increase natural stream flow in a the flow-limited reach of the Pahsimeroi River (River Mile 19-11) to improve fish habitat for ESA-listed Chinook salmon, steelhead, and bull trout.

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)
CFS	509.2 AF	CFS	AF	137 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?	
4/1/2024	5/15/2024	☒ 1	☒ 2	☒ 3	☒ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

No distribution of water. Instream use only. This 5-yr Rental Application, 2024-2028, is a renewal of two previous instream rentals in WD73, Rental Agreement #60, 2016-2018, and Rental Agreement #347, 2019-2023.

- 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	Pahsimeroi River	73-78, 73-116
Pump	Pahsimeroi River	
Head gate	Springs- Little Mud Creek	
Pump	Springs- Pahsimeroi	

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, fish habitat from: 04/01 (mm/dd) to: 10/31 (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:

Water rights associated with Rental Agreement #60 were rented to contribute to the MSF WR No. 73-7045.

Subsequently, Rental Agreement #347 sought to secure additional flows to support habitat for ESA-listed fish.

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)
73-11992	Irrigation	1.68	147	42		1.68	147	42
73-11988	Irrigation	0.14	24.5	7		0.14	24.5	7
73-10005	Irrigation	1.71	301	86		1.71	301	86
73-11981	Irrigation	0.65	301	86		0.65	301	86
73-11982	Irrigation	0.28	301	86		0.28	301	86
73-11987	Irrigation	0.1	266	76		0.1	266	76
73-11993	Irrigation	0.75	301	86		*See 5.D		
73-90	Irrigation	0.12	12.7	2		0.12	12.7	2
73-11978	Irrigation	0.0375	3.97	2		0.0375	3.97	2
73-11983	Irrigation	0.15	18.6	2		.15	18.6	2
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	4.86	509.2	137
						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, 3.5 AF/Acre, at the original PODs and deliver the standard consumptive use volume, 2.5 AF/Acre, instream to Twp 15N, Rng 21E, Sec 21, SWNE, river mile 11.

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:

Water rights associated with Rental Agreement #347 are currently rented to contribute instream flow that supports fish habitat beneficial use in a flow-limited reach, river miles 19-11, on the Pahsimeroi River. This Rental Agreement application proposes a 5-yr renewal of Rental Agreement #347 that expires December 31, 2023.

- 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 ☒

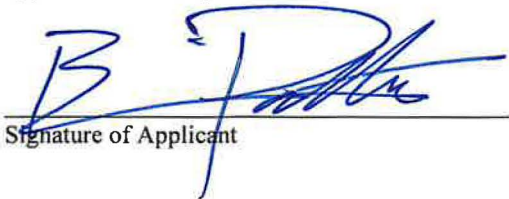
If yes, describe the date and location of the NOV.

- D. Additional Information

WR 73-11993 is a groundwater right that is stacked with 73-10005, 73-11981, 73-11982, and 73-11987. Although that right is leased into the bank as part of the other stacked rights appurtenant to the same POU, it will not be rented for instream flow.

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, for
The Idaho Water
Resource Board
Printed Name of Applicant

11/20/2023
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE 2024-2028 LITTLE
MUD CREEK AND PAHSIMEROI RIVER
WATER TRANSACTION

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, the 2004 Snake River Water Rights Agreement (also known as the "Nez Perce
2 Agreement") commits the state to providing incentives for improving fish habitat and improving
3 or protecting flow conditions to augment streams flows; and
4

5 WHEREAS, Chinook salmon and steelhead habitat in the Pahsimeroi River Basin is limited
6 by low flow in the main-stem and disconnected tributaries; and
7

8 WHEREAS, Little Mud Creek and the Pahsimeroi River have been identified as high priority
9 streams for flow restoration efforts to provide high quality habitat for anadromous Chinook
10 salmon and steelhead; and
11

12 WHEREAS, in accordance with the Nez Perce Agreement, it is in the interest of the State
13 of Idaho to maintain the reconnection of Little Mud Creek to the Pahsimeroi River to encourage
14 recovery of ESA-listed Chinook salmon and steelhead; and
15

16 WHEREAS, the Board previously authorized transactions to lease and rent water rights
17 owned by BAR G FARM through the Board's Water Supply Bank to enhance flows in the Little
18 Mud Creek and the Pahsimeroi River; and
19

20 WHEREAS, the Board will compensate BAR G FARM or its successors, \$38.50 per acre per
21 irrigation season for said rental for annual payment of \$5,686.45 for 147 acres and a 5-year total
22 of \$28,432.24; and
23

24 WHEREAS, the lease application fees (\$1,500) and rental fees (\$5,985.75) for said
25 agreement will not exceed \$7,485.75; and
26

27 WHEREAS, a proposal for \$35,918.00 has been submitted to the Columbia basin Water
28 Transactions Program for approval; and
29

30 WHEREAS, funding is available through the Columbia Basin Water Transaction Program
31 for said lease and rental agreements; and
32

33 WHEREAS, staff anticipates the funds being placed in the Idaho Water Resource Board
34 (IWRB) Revolving Development Account for annual payment to the water rights owners; and
35

36 WHEREAS, the Little Mud Creek and Pahsimeroi River transaction is in the public interest
37 and is in compliance with the State Water Plan; and
38

39 NOW, THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman to enter into
40 5- year lease and rental agreements from 2024-2028 for water rights 73-10005, 73-11982, 73-
41 11983, 73-90, 73-11978, 73-11992, 73-11993, 73-11988, 73-11987, and 73-11981 for delivery to
42 minimum stream flow 73-7045, for an amount not to exceed \$35,918.00.
43

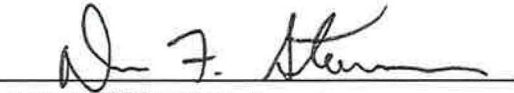
44 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
45 that the Board receives the requested funding from the Bonneville Power Administration through
46 the Idaho MOA/Fish Accord Water Transaction Program or the Columbia Basin Water Transaction
47 Fund in an amount up to \$35,918.00.
48

DATED this 15th day of September 2023.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST



DEAN STEVENSON, Secretary



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 28, 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). 73-90, 73-10005, 73-11978, 73-11981, 73-11982, 73-11983, 73-
77987, 73-11988, 73-11992, 73-11993, AGREEMENT 862**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 479.5 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 \$1,102.85 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

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, February 28, 2025 9:45 AM
To: IdwrPayable
Cc: Bank
Subject: Corrected Letter for WSB Rental Agreement 862 - IWRB
Attachments: Executed WSB Rental Agreement 862 Idaho Water Resource Board.pdf

Hello there,

Attached is the corrected Letter for executed WSB Rental Agreement 862 and a copy of the executed Rental Agreement. My original message regarding this letter was sent on 2/26/2025.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

Memo

To: Sascha Marston

From: John Loffredo

Date: 10/21/2024

Re: 2024 Water Supply Bank Water Transaction Payments from RDA Subaccount

Please prepare the following payments from funds in the Board's RDA (NFWF subaccount) to the Water Supply Bank (rental fees) and for the following FY24 water transactions:

Name	WR No.	2024 rental fee	Payment to water user	Rental Fee Reimbursement to WSB
Defiance Investments Ltd. (Fourth of July Creek, Rental No. 48)	WR 71-2014/71- 10762	\$131.69	\$1,185.25	\$131.69 (fee)
DOT LLP (Beaver Creek, Rental No. 34)	WR 71-2091C, etc.	\$1,919.58	\$5,564.00	\$1,919.58 (fee)
Cape Horn Ranch LLC (Knapp Creek, Lease No. 1624)	WR 77-4208	n/a	\$7,804.50	No rental for this agreement
Bar G Farms Ent (Pahsimeroi-Little Mud, Rental No. 862)	WR 73-11992, etc.	\$1,102.85	\$5,274.50	\$1,102.85 (fee)
Storlie-Kaiser (Hat Creek Lease/Rental No. 714)	WR 75-2137, 75- 4199, 75-4200	\$512.79	Donated Rental	\$512.79 (fee)

c: Cynthia Bridge Clark
Brian Patton
Mary Condon

Memorandum



To: Brian Patton, IDWR Deputy Director/Planning & Projects Bureau Chief
From: John Loffredo
Date: November 20, 2023
Re: Bar G Farm 2024–2028 Water Supply Bank Rental Application

REQUIRED ACTION: Signature on 2024–2028 water supply bank rental agreement on Muddy Springs Creek and Pahsimeroi River

Background:

The Idaho Water Resource Board's (Board) recovery of instream flow in the Salmon River and its tributaries is a one-part of the overall ESA-recovery strategy for the State of Idaho. Recovery and de-listing of Chinook salmon, steelhead, and bull trout would put management of the resource back under State control. Implementation of approved restoration plans also adds some measure of a defense against a third-party "taking" lawsuit under the ESA. It is in the local public interest to recover the species for natural resource, recreational, and economic interests to maintain the viability of agricultural communities.

The Pahsimeroi River Basin, in Central Idaho, provides enormous potential for spawning and rearing habitat for Endangered Species Act-listed steelhead and Chinook salmon. Muddy Springs, tributary of the Pahsimeroi River, was previously intercepted and dewatered by a large cross-ditch until the 2008 Pahsimeroi P-9 ditch removal project eliminated the cross-ditch and allowed Little Mud Springs to flow freely into the Pahsimeroi River. However, due to legal surface water withdrawals, instream flow remains a limiting factor for salmonid recovery goals in Little Mud Springs and the greater Pahsimeroi River Basin.

Bar G Farm, owned by Billy and Rivers Gydesen, diverts water out of Little Mud Springs and the Pahsimeroi River to irrigate approximately 147 acres using both flood and hand line irrigation methods. The remaining ranch acreage is under three pivots and is leased to an adjacent landowner (Attachment 1). Since 2018, the high labor costs and the relatively low return on production associated with the flood and hand line acreage has convinced the Gydesen family that a lease of that acreage is a good short-term solution as they continue to develop a long-term strategy for their farm and ranch.

2024–2028 Water Transaction:

In September 2023, the Board approved Resolution 34-2023 to renew the lease and instream rental of 4.72 cfs appurtenant to 147 acres from Muddy Springs and the Pahsimeroi River to support ESA-listed salmon recovery for an additional 5-year term. Bar G Farm will be compensated by a concurrent rental payment contract at \$38.50/acre, 2024–2028, based on soil productivity and the current cost per animal unit month. Total transaction costs are \$35,918.00 (\$28,432.25 landowner payment, \$5,985.74 WSB rental fees, and \$1,500.00 WSB application fees). Funds are available through the Columbia Basin Water Transaction Program and will be held in the Water Transaction Subaccount of the Board's Revolving Development Account for WSB application fees and annual landowner payments.

For your signature, attached is the Board's water supply bank 2024–2028 rental application of Bar Farm's leased 147 acres.

Attachments:

1. 2024-2028 Water Supply Bank Rental Application
2. Resolution 34-2023

Strange, Jennifer

From: Loffredo, John
Sent: Monday, November 20, 2023, 10:02 AM
To: Strange, Jennifer
Cc: Clark, Cynthia Bridge; Condon, Mary
Subject: Bar G Farm WSB Rental App - Brian signature request
Attachments: Bar G rental app memo_bureau cheif signature request.pdf; WSB-rental-application 2024-2028.pdf; 34-2023RESOLUTIONLittleMudSpringsWaterTransaction.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Jennifer,

I have a signature request for Brian. Attached is a briefing memo, signed resolution, and 5-yr water supply bank rental application that needs Brian's signature.

Let me know if you or Brian has any questions. Once signed, please return a copy to me and forward to the Water Supply Bank. ✓ Scan

Mary, I am heading to the post office now to drop off the appurtenant cover letter and Bar G Farm WSB lease agreements.

Regards,

John Loffredo | Program Manager
[Idaho Water Transaction Program](#)
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