

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 892

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)
2-10300A	2/25/1963	SNAKE RIVER	8.00	1,339.0	400.0	0.020	3.35
2-10300B	5/10/1965	SNAKE RIVER	8.00	Not Stated	400.0	0.020	0.65
Combined Limit			8.00	1600.0	400.0	0.02	4.0
2-10506	2/25/1963	SNAKE RIVER	4.50	900.0	225.0	0.003	0.63
Combined Rental Totals			12.50	2,500.0	625.0	0.009	1.12

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2029. 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 2025, whichever occurs last.

Annual Rental Fee:

2025 - 2029: \$8,250.00 annually

The full fee for the rental of the above-described right(s) is \$8,250.00 per year for years 2025 - 2029. The rental fee includes an administrative fee of \$8,250.00 per year for years 2025 - 2029. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-10506, 2-10300 A, 2-10300 B.

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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MUNICIPAL	12.50	1875.0
Combined Total	12.50	1875.0

*** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and a change in the nature of use from irrigation to municipal**

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

1/27/2025

Date

CYNTHIA BRIDGES 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, Executive Manager
Idaho Water Resource Board

Date 3/7/25

Rental approved by IDWR 

Date 3/7/25

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4SWSW Sec. 22, Twp 05S, Rge 04E, ELMORE County

BENEFICIAL USE
MUNICIPAL

DIVERSION RATE
12.50 CFS

VOLUME
1875.0 AF

SEASON OF USE

Water Right No.	From	To
2-10300B	4/1	10/31
2-10300A	4/1	10/31
2-10506	4/1	10/31

RENTERS PLACE OF USE: MUNICIPAL

Place of use is within the service area of the Mountain Home Air Force Base municipal water supply system.

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. Rights 2-10300A and 2-10300B when combined shall not exceed a total diversion rate of 8.00 cfs, a total annual maximum diversion volume of 1600.0 af at the field headgate, and the irrigation of 400 acres.
10. Use of rights 2-10506, 2-10300A, and 2-10300B under rental agreement nos. 859 and 892 when combined shall not exceed a total diversion rate of 12.50 cfs and a total annual maximum diversion volume of 1875 af.
11. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

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12. 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. 02.
13. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
14. This right does not grant any right-of-way or easement across the land of another.
15. Use of water under this right shall be considered fully consumptive.
16. Place of use is within the service area of the Mountain Home Air Force Base municipal water supply system as provided for under Idaho Law.
17. The period of use for rights 2-10300A and 2-10300B described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/31/2012.
18. The period of use for right 2-10506 described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 02 2024

DEPT. 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)

2-10300A	combined	2-10506	max combo
2-10300B			

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**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Water Resource Board

Mailing Address 322 East Front Street, Suite 648 Boise ID 83702
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 Cynthia Bridge Clark Professional Title Water Projects Section Manager
 Organization Idaho Department of Water Resources Relationship to Applicant Representative
 Mailing Address 322 East Front Street, Boise, ID 83702
 Email Address Cynthia.Clark@idwr.idaho.gov Phone Number 208-287-4817

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 Idaho Water Resource Board is leasing into the Bank Snake River irrigation water rights 2-10300A & B, as well as 2-10506, and it is requesting to rent them back out, to authorize municipal uses on the Mountain Home Air Force Base. Please see the attachment to this application for additional information on this and other questions.

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)
12.5 CFS	1,875 AF	12.5 CFS	1,875 AF	N/A 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?	
7/1/2024	1/1/2025	☐ 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.

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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):

The State of Idaho is constructing a pump station and pipeline to divert and deliver Snake River water to Mountain Home Air Force Base.

- 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
MHAFB Pumpstation	Snake River	Permit 2-10556

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: **Municipal** from: **03/01** (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**.

- 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:

Ground water rights 61-7224 and 61-11940~11943 all authorize municipal uses on MHAFB. The ground water aquifer is declining and an alternative municipal water source is required to sustain on-base operations.

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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)
2-10300A	Irrigation	8.0	1,339	400		8.0	1,004.25	
2-10300B	Irrigation	8.0	261	400		8.0	195.75	
combined	Irrigation	8.0	1,600	400		8.0	1,200	
2-10506	Irrigatoin	4.5	900	225		4.5	675	
max combo	Irrigation	12.5	2,500	625		12.5	1,875	
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	12.5	1,875	
						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**:

See attached

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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:

This 50-year duration rental will provide the majority of the supply of Snake River surface water to MHAFB during the irrigation season of March through October. The IWRB has submitted an application for permit (2-10556) for an authorization to provide Snake River surface water during the non-irrigation season.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

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

Signature of Applicant

Idaho Water Resource Board

Printed Name of Applicant

Date

Signature of Representative

Cynthia Bridge Clark

Printed Name of Representative

Date

5/7/2024

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

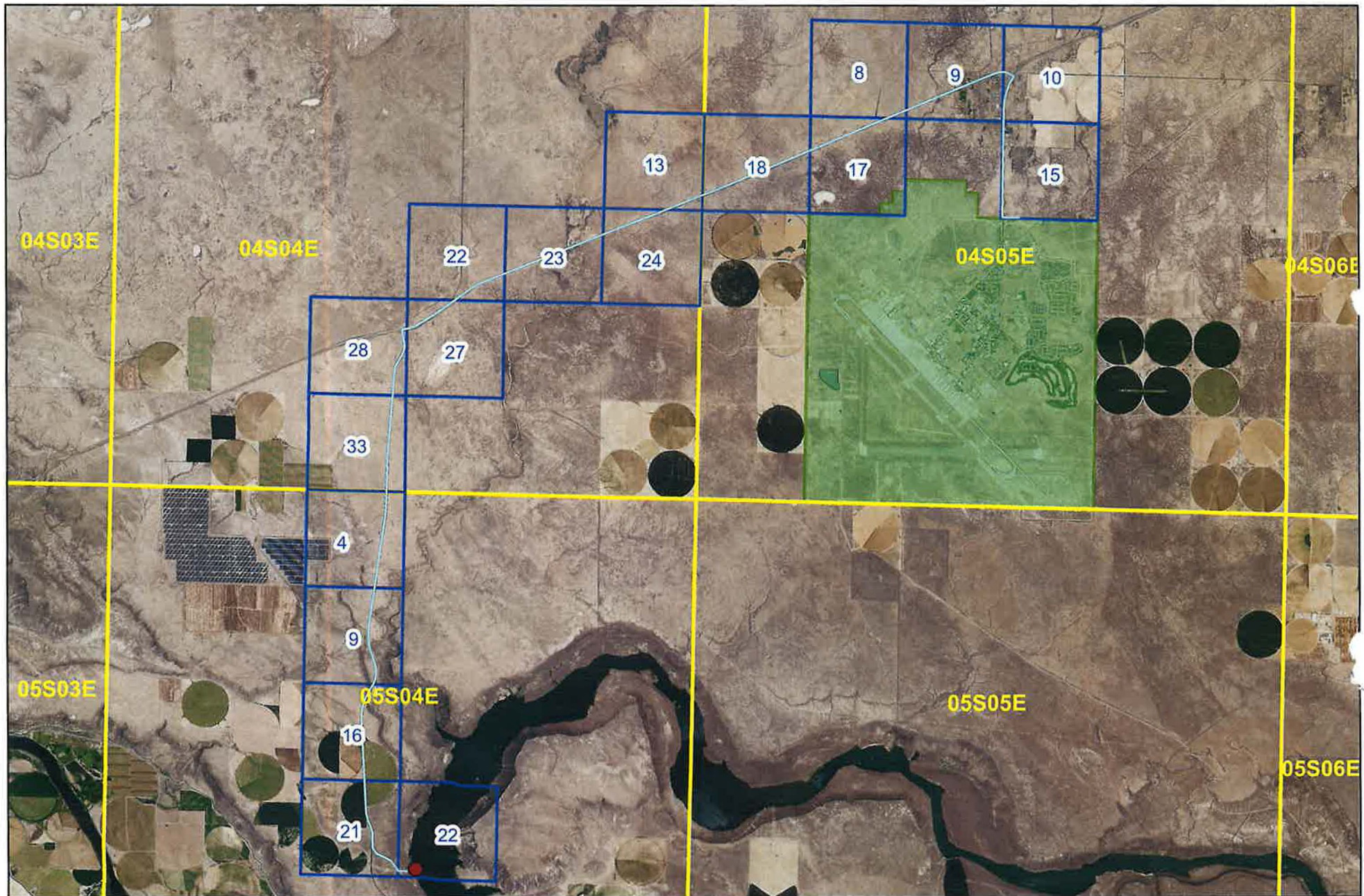
- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Pipeline Alignment



Attachment

Water Supply Bank Rental Application for Water Rights 2-10300A/B & 10506

The Idaho Water Resource Board (IWRB) in partnership with the U.S. Air Force (USAF) is completing the Mountain Home Air Force Base (MHAFB) Water Resilience Project (Project). The purpose of the Project is to provide an alternative reliable water source to the MHAFB, which is currently dependent upon a declining groundwater supply. Given the significant economic benefits of the MHAFB to the State of Idaho, the Governor and state legislature have directed the IWRB to partner with the USAF to construct a water supply pipeline from CJ Strike Reservoir to the base.

The IWRB will build a water transmission system consisting of a water intake and pumping station at CJ Strike Reservoir and a 14.4-mile pipeline to deliver water to MHAFB from the pump station. The U.S. Army Corps of Engineers (USACE) will build a water treatment plant (WTP) for the Air Force near the main entrance to MHAFB. The State of Idaho has appropriated the necessary funding to support construction of the pumpstation and pipeline along with acquisition of senior Snake River water rights.

Two of the water rights used to facilitate the rental, decreed in 2012 to the Cottonwood Mutual Canal Company, overlay acreage that has historically been irrigated via ground water. A brief history was established by Ms. Skaggs in a 2013 Water Supply Bank review memo as follows, full memo as Attachment A:

- Partial decrees issued for the water rights in 2012
- A 2012 transfer changes the place of use and point of diversion to acreage already irrigated via ground water
- Ownership of the water rights conveyed to J R Simplot Co via 2013 Water Right deed
- Water Supply Bank lease application received in 2013 placing the rights in the Bank

During the review, the J R Simplot Co. was contacted to determine the status of the rights, whether surface and ground water usage had occurred, and the status of the diversion works. Per Ms. Skaggs:

"I called Diana Gastanaga, representative of J. R. Simplot Co., to clarify the status of the rights proposed leased to the Bank. Vic Conrad also joined our telephone discussion to help clarify the history of the rights and purpose of the lease application. The right holder acquired the rights following the approval of Transfer 78075 to their property. The pump and diversion works are in place for the Snake River diversion as it serves other rights; however, the distribution system to the transferred place of use has not been completed and irrigation has not occurred under Rights 2-10300A and 2-10300B since the transfer approval or during the 2013 irrigation season. The ground water and surface water rights have not been used together on their common acres and are not currently considered stacked rights. This allows the rights to be rented from the Bank or transferred in the future so long as combined use of rights and sources on the common acres does not occur."

As the diversion works had not been complete and as the water rights have been continuously leased to the Bank since, the water rights have not become stacked and may be used independent of each other provided the combined use of rights and sources on the common acres does not occur.

3A. Detailed Description of Use

This rental application requests a change in nature of use and place of use for Snake River irrigation water rights 2-10300A/B & 10506. Presently the water rights authorize the irrigation of lands above CJ Strike Reservoir.

Through this rental, the place of use will be relocated to MHAFB. Further, the beneficial use of water will be converted from irrigation use to municipal use. The point of diversion will remain unchanged, however an inlet and a pump station will be constructed at the current point of diversion location.

There does not appear to be an immediate concern of injury as the rate and volume proposed are within the already authorized limits of the rights however, based on the size of this proposal, comments from the statewide advertisement of the application will be taken into consideration regarding possible injury.

3B. Desired & Minimum Diversion Rates and Volumes

The irrigation water rights presently authorize the diversion of a combined, instantaneous flow rate of 12.5 cfs from CJ Strike Reservoir during the irrigation season.

No change is proposed to either the location of the point of diversion, nor the season of use requested for the municipal use of the water rights. Because the water rights presently authorize a combined, instantaneous diversion rate of 12.5 cfs during the irrigation season, this rental is requesting a maximum diversion rate of 12.5 cfs for municipal uses during the irrigation season.

A water treatment facility is being constructed on MHAFB to receive and treat raw Snake River water delivered via the state's transmission system. The facility will include two water tanks that can each store 3.5 million gallons of water, equivalent to 10.7 acre-feet per tank. MHAFB desires the ability to fill at least one tank from empty over a 24-hour period. A continuous diversion rate of 5.64 cfs would be sufficient to fill one of the 10.7 af tanks over the course of one day. Accordingly, a minimum diversion rate of 5.64 cfs is requested for this rental.

3C. Desired & Latest Possible Start Dates

The resilience project has been in the planning stages for many years and a design-builder was selected in 2023 to complete design and construction of the water transmission system, commencing in 2024. Accordingly, a start date of July 1, 2024 is requested to begin diverting water under this rental.

It is anticipated construction of the water transmission system will be complete by summer of 2025, and that commissioning of the water treatment facility will commence prior to winter 2025. As such, the latest possible start for the diversion of water under this rental is July 1, 2025.

3D. Description of Water Distribution and Delivery System

Please see the attached map for a detailed depiction of the point of diversion and the place of use and how water will be transferred between the two locations.

3K. Authorization to Use Water at the Rental Place of Use

Please see the attached Memorandum of Understanding signed in 2021 by the Governor of the State of Idaho, the Chairman of the Idaho Water Resource Board and by representatives of Mountain Home Air Force Base and the Secretary of the Air Force.

4C. Proposed Change in Nature of Use

Irrigation water rights 2-10300A/B & 10506 authorize water uses as follows:

Water Right / Permit	Priority Date	Basis	Beneficial Use	Season of Use	Diversion Rate	Diversion Volume	Acres	Rate/AC	Vol/AC
2-10300A	2/25/1963	Decree	Irrigation	4/1 - 10/31	8.000	1,339.0	400.0	0.020	3.3
2-10300B	5/10/1965	Decree	Irrigation	4/1 - 10/31	8.000	Not Stated	400.0	0.020	
combined limit					8.000	1,600.0	400.0	0.020	4.0
2-10506	2/25/1963	Decree	Irrigation	4/1 - 10/31	4.500	900.0	225.0	0.020	4.0
combined limit					12.500	2,500.0	625.0	0.020	4.0

Note: the season of use can begin March 1 and continue until November 15th, provided no injury occurs to other water rights

A change in nature of use from irrigation to municipal use requires consideration of instantaneous diversion rates, annual maximum diversion volumes, and annual maximum consumptive use volumes to ensure no injury or enlargement occurs through the change. The Director of the Department of Water Resources must also further constrain and reduce instantaneous diversion rates and diversion volumes under a rental whenever a potential rental water use has the potential to injure other water users.

Because water rights 2-10300A/B & 10506 already authorize a maximum combined instantaneous diversion rate of 12.5 cfs, no enlargement is apparent through a diversion of this same diversion rate for municipal uses.

Water rights 2-10300A/B & 10506 authorize a combined annual diversion volume of 2,500 acre feet (af) of water for irrigation purposes. Irrigation uses are not fully consumptive as some water diverted for irrigation purposes naturally infiltrates the ground and may return to the source (the Snake River).

The municipal use of this water at MHAFB is anticipated to be fully consumptive; water distributed from the water treatment facility will be treated on base and then land-applied for disposal, resulting in a return flow of 0 af to local ground and surface water bodies. Accordingly, to avoid enlargement and provide for the lack of return flows, this rental proposes to keep the annual diversion volume for municipal uses to the maximum consumptive use of water accomplishable through irrigation practices.

The water rights authorize a maximum combined limited annual duty of water of 4.0 af/acre. The regional consumptive use headgate standard is 3.0 af/acre. Accordingly, the maximum annual consumptive use of water estimated under these water rights is 1,875 af (3.0 afa/ac * 625 irrigable acres). Enlargement will be avoided provided this municipal rental is limited to a maximum annual diversion volume of 1,875 af.

When considering a change in nature of use for surface water rights, and the potential for reductions in return flows accessible to downstream water users, it may sometimes be necessary to evaluate the monthly consumptive uses of water authorized under the water rights being proposed for change, to ensure the change from historic uses to new uses do not injure prior appropriators who may be reliant on return flows.

Accordingly, the consumptive use of water potentially accomplishable under water rights 2-10300A/B & 10506 was determined, through consideration of evapotranspiration data calculated for the growing of Alfalfa, as indicated by effective precipitation and cropping data provided for the Grand View Idaho Agrimet Station, for the period of 2017-2021.

A report submitted as part of the winter permit application, authored by SPF Water Engineering, used the Glenn's Ferry Agrimet station and selected a potato crop analogue assuming that's what would have been grown in the area. Staff have selected a different crop for two major reasons. First, based on the [Idaho State Department of Agriculture](#), "Idaho ranks first in the U.S. for production of certified organic hay and is the second largest U.S. producer of alfalfa hay. Alfalfa constitutes more than 80% of Idaho's total hay production, with over four million tons harvested annually." This would suggest that Alfalfa as an analogue would have been a better selection as Idaho ranks first in domestic production, of which alfalfa makes up 80%. Second, historically, the Department has used Alfalfa (Frequent Cuttings) as the benchmark when historic irrigation practices were unavailable.

The Grand View Agrimet station was selected over the Glenn's Ferry location as the proposed diversion locations and current place of use were closer to the Grand View station than Glenn's Ferry. Additionally, after the water rights were relocated under transfer 77479, the crop growing conditions are more similar to the conditions at the Grand View station and its proximity to the Snake River than the Glenn's Ferry station and the distance from the Snake River.

Peak alfalfa cropping practices possible under water rights 2-10300A/B & 10506 would result in a maximum annual consumptive use volume of 2,493.6 af, while average alfalfa cropping practices would result in a maximum annual consumptive use volume of 1,739 af, as follows:

Consumptive Use Volume Calculated for MHAFB Project Water Rights, Based on Peak Alfalfa Cropping Practices													
Month	January	February	March	April	May	June	July	August	September	October	November	December	Annual Sum
Days / Month			31	30	31	30	31	31	30	31	15		260
Average Effective ETr			0.06	0.37	0.61	0.71	0.88	0.72	0.44	0.19			3.99
Acres			625	625	625	625	625	625	625	625			625
C/U Vol			40.4	231.2	384.2	442.7	551.8	452.4	274.6	116.4	0		2493.6
C/U Vol / Day			1.3	7.7	12.4	14.8	17.8	14.6	9.2	3.8			
AVG C/U Vol/Day to CFS			0.7	3.9	6.2	7.4	9.0	7.4	4.6	1.9	0		41.1

Consumptive Use Volume Calculated for MHAFB Project Water Rights, Based on Average Alfalfa Cropping Practices													
Month	January	February	March	April	May	June	July	August	September	October	November	December	Annual Sum
Days / Month			31	30	31	30	31	31	30	31	15		260
Average Effective ETr			0.05	0.29	0.41	0.48	0.60	0.51	0.31	0.12			2.78
Acres			625	625	625	625	625	625	625	625			625
C/U Vol			31.0	178.3	258.1	302.5	377.7	318.3	196.5	75.9			1738.3
C/U Vol, adjusted			31.0	178.0	258.0	303.0	378.0	318.0	197.0	76.0			1739.0
Average C/U Vol / Day			1.0	5.9	8.3	10.1	12.2	10.3	6.5	2.4			
AVG C/U Vol/Day to CFS			0.5	3.0	4.2	5.1	6.1	5.2	3.3	1.2			

Although Agrimet data indicates the maximum annual consumptive use volume under the water rights might be as high 2,494 af, the IWRB is not pursuing such a high diversion volume for municipal purposes under this rental. Instead, the IWRB is requesting a diversion volume 1,875 af and it desires no less than 1,739 af.

Finally, the Director is not required to limit overall diversion volumes on a monthly basis, since it has already been established that no injury will occur through the instantaneous diversion of 12.5 cfs from the point of diversion during the irrigation season. However, to avoid enlargement in the beneficial use of water, it is appropriate to limit the annual maximum diversion volume of water rights 2-10300A/B & 10506 to no more than 1,875 af for municipal purposes.

MEMORANDUM

TO: Water Right Files 2-10300A & 2-10300B

FROM: Pam Skaggs

SUBJECT: Water Supply Bank Lease Application Research

DATE: 09-30-2013

A Water Supply Bank (Bank) Lease application for these rights was received on 09-27-2013. The application notes an overlapping use of ground water Rights 61-7088 and 61-11747 on the same acres proposed leased to the Bank.

Review of recent actions on these rights shows the following:

- Partial Decrees issued 07-31-2012
- Transfer 78075 was approved 10-16-2012 changing the point of diversion & place of use of Snake River Rights 2-10300A & 2-10300B to 400 acres already irrigated under the larger groundwater place of use of Rights 61-7088 and 61-11747
- Ownership was conveyed by Water Right deed to J R Simplot Co. 10-25-2012
- Ownership Change of water rights was processed 09-16-2013 when submitted
- Bank Lease application received 09-27-2013.

I called Diana Gastanaga, representative of J. R. Simplot Co., to clarify the status of the rights proposed leased to the Bank. Vic Conrad also joined our telephone discussion to help clarify the history of the rights and purpose of the lease application. The right holder acquired the rights following the approval of Transfer 78075 to their property. The pump and diversion works are in place for the Snake River diversion as it serves other rights; however, the distribution system to the transferred place of use has not been completed and irrigation has not occurred under Rights 2-10300A and 2-10300B since the transfer approval or during the 2013 irrigation season. The ground water and surface water rights have not been used together on their common acres and are not currently considered stacked rights. This allows the rights to be rented from the Bank or transferred in the future so long as combined use of rights and sources on the common acres does not occur.

The proposed leased acres will continue to be irrigated by the original sole source of ground water while the right holder pursues sale of the surface water rights. If the sale is not completed, the Snake River rights distribution system will be completed and the rights used as transferred. The right holder proposes to keep the use of ground and surface rights separate. If the surface water rights are used, the overlapping ground water rights will be placed into the Bank. The ground and surface water rights will only become stacked together in the event all four rights are used to irrigate the common acres of the currently described place of use in a single season.

While discussing the possibilities of the rights being rented from the Bank, Vic Conrad requested that the leased rights be limited to a year-by-year lease to make them available more quickly if sold. The proposed lease period will be amended to an end date of 12-31-2014. The right holder will reevaluate at that time if an extension is desired.

A condition of approval of Transfer 78075 requires the transfer to be accomplished within 5 years. The purpose of this condition is to encourage non-use at the original place of use no longer authorized, and to protect users from potential forfeiture issues that may occur at the end of a five-year period. In this case, the ownership has changed and the right is now authorized at the new owner's property. Forfeiture is not currently an issue and non-use years will not accumulate while the rights are leased to the Bank. The right holder's representatives are aware of these issues and expect to resolve water use under these rights in a timely manner.

Watermaster does not oppose approval of these applications. Within Water District # 02.



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

March 17, 2025

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE, ID 83720-0098

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10300A, 2-10300B, 2-10506, AGREEMENT 892 & 898**

Dear Renter:

Please find enclosed two copies of fully executed Water Supply Bank Rental Agreements in connection with the rental of 2500 acre-feet of water for Industrial and Municipal during 2025. 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 total rental fee for 2025 was \$8,250, of which \$5,750 has been received. The remaining balance due of \$2,500 will be accomplished through internal fund allocation. If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

for
Water Supply Bank

Enclosures: Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Representative
Water District 2

MEMORANDUM

DATE: 3/7/25
TO: Rental Application 2982
FROM: Phill Hummer
RE: Payment

On 12/9/24 confirmation that \$11,500 was transferred to pay for the IWRB industrial and municipal rentals was received via email from IDWR fiscal staff. Due to a mistake regarding the conclusion of lease contract 1130 in 2024 and the increase to fees for 2025 rentals the total fee for rental 859, 898, and 892 is \$14,000. On 1/28/25 IWRB staff submitted a payment request for the remaining \$2,500 to be transferred.

Rental agreement was paid in full by the transferred, executed and has concluded. Rental agreement 898 and 892 will be signed and stamped and set to active in the databased on 3/7/25 based on the understanding the remaining fee is "in the que" to be transferred and will be completed as soon as possible (if not already complete and fiscal staff have not informed IWRB or WR Section staff yet).

Memorandum



To: Sascha Marston, Fiscal Officer
Cynthia Bridge Clark, Planning & Projects Bureau Chief

bl

From: Mike Morrison
Justin Ferguson

Date: January 27, 2025

Re: Payment Request – Mountain Home Air Force Base Project Water Supply Bank Rentals

Please prepare a payment in the amount of \$2,500 for Water Supply Bank Rental Agreements 892 & 898 for the Mountain Home Air Force Base Water Resilience Project. Agreement 898 allows the IWRB's construction contractor, IMCO, to divert water from the reservoir for Industrial use through the end of 2025. Agreement 892, which will be extended through 2075, allows the Installation to divert water for municipal use under water rights 2-10300A, 2-10300B and 2-10506. Agreement 892 will be an annual, reoccurring payment from the IWRB. Attached is a memo breaking down the fees for this year for the two agreements

January 27, 2025	
Contract No.	Agreements 892 & 898
Contract Start Date	January 1, 2025
Resolution No.	1-2025
LUMA Coding	360/WRAP/2900/49002
Luma Project ID	360WBWMPLLIT
Invoice No.	N/A
Invoice Date	1/27/2025
Billing Date Range	1/1/2024 – 12/31/2025
Board Approved Funds	\$2,500
Request for reimbursement	\$2,500
Remaining Funds	\$0.00
Budget Percent Complete	100%

Attachments:

- Industrial Use Rental for Mountain Home Memorandum
- Idaho Water Resource Board Resolution 1-2025

MEMORANDUM

DATE: 1/9/25
TO: 2-10300A, 2-10300B, 2-10506
FROM: Phill Hummer
RE: Industrial Use Rental for Mtn Home Base Project

On April 15, 2024 the Department received rental application 2974 requesting to use rights 2-10300A, 2-10300B, and 2-10506 for industrial use during the construction of the municipal pump station and pipeline. The construction will occur in 2024 and 2025.

Right 2-10506 was fully leased from 2020 to 2024 under contract 1131 and rights 2-10300A and 2-10300B were fully leased from 2020 to 2024 under contract 1130. Contract 1861 places all three rights into the bank for 2025 through 2029. Since the proposed industrial use project will occur during the terms of multiple lease contracts agreement 859 will need to conclude at the end of 2024 and agreement 898 will be for 2025.

IWRB will use the same water rights for municipal use during the irrigation season under rental 892. Agreement 898 will be condition to limit the use with the municipal rental of the same rights to the total rate and same volume to ensure enlargement does not occur. Since the two rentals authorize a combined volume of 2500 af for industrial and municipal use, the total rental fee for all three rental agreements is \$14,000.00:

2024 - 2500 af at 2.3\$/af = \$5,750 (industrial rental 859)	
2025 - 2500 af at 3.3\$/af = \$8,250 (industrial rental 898 and municipal rental 892 combined)	
Total	\$14,000
Paid	\$11,500
Remaining	\$2,500

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE MOUNTAIN HOME AIR
FORCE BASE WATER SUPPLY PROJECT

RESOLUTION TO EXTEND WATER SUPPLY
BANK LEASE & RENTAL PACKAGE

1 WHEREAS, Mountain Home Air Force Base (MHAFB) is an active-duty United States of America
2 Air force base, located in Elmore County, Idaho; and

3
4 WHEREAS, the municipal water supplies for MHAFB are sourced exclusively from ground water
5 pumped from the Mountain Home Plateau aquifer in Elmore county; and

6
7 WHEREAS, groundwater supplies within Elmore County are limited and are presently inadequate
8 to meet the long-term needs of water users in the county, including Mountain Home Air Force Base
9 (Base); and

10
11 WHEREAS, the State of Idaho recognizes the economic value of the Base to the local and
12 state economy and supports the United States military (Military) in achieving its national security
13 functions; therefore, the State of Idaho intends to coordinate with the Military to develop a long-term
14 sustainable water supply to support the Base and its mission; and

15
16 WHEREAS, on May 14, 2021, the IWRB, the Governor of Idaho, and the United States Air Force
17 entered into a Memorandum of Understanding (MOU) under which the parties would cooperate to
18 build a Water Transmission System and a water treatment plant for MHAFB; and

19
20 WHEREAS, under the MOU the IWRB is to acquire, maintain, and manage all necessary water
21 rights for operation of the Water Transmission System on behalf of MHAFB; and

22
23 WHEREAS, the Idaho Water Resource Board ("Board") is a constitutional agency of the State of
24 Idaho, organized, existing, and operating pursuant to Article XV, Section 7 of the Idaho Constitution and
25 Idaho Code § 42-1732 through § 42-1780. Among its powers and duties, the Board has authority to
26 purchase and hold water rights; construct and operate water projects; and acquire, purchase, lease, or
27 exchange land, rights, water rights or other property related to water projects; and

28
29 WHEREAS, on July 25, 2014, the Board purchased senior Snake River water right nos. 02-
30 10300A, 25 02-10330B and 02-10472 ("Snake River Water Rights") for the purpose of obtaining a water
31 supply for the Base; and

32
33 WHEREAS, the Board has filed a water supply bank lease and rental application to change the
34 Snake River Water Rights to suit the needs of the Base for municipal summertime use ("Water Supply
35 Bank Rental"); and

37 WHEREAS, per IDAPA 37.02.03 Section 30.06: *"The Board will review applications for purchase*
38 *or which propose the rental of water rights for a duration of more than five (5) years..."*; and
39

40 WHEREAS, the Board and the Military have negotiated a mutually agreeable Mountain Home Air
41 Force Base Water Use Agreement that sets forth those terms and conditions for a 50-year term through
42 2075.
43

44 NOW THEREFORE BE IT RESOLVED that the Idaho Water Resource Board hereby approves the
45 extension of the Water Supply Bank lease and rental approvals for water rights 2-10300A, 2-10300B, &
46 2-10506 through 2075; and
47

48 BE IT FURTHER RESOLVED that the IWRB authorizes its Executive Manager to execute any
49 additional Water Supply Bank applications or amendments for water rights 2-10300A, 2-10300B, & 2-
50 10506 pertaining to adjustments based on the water use data provided by the Air Force Base.

DATED this 17th day of January 2025.


JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST 
DEAN STEVENSON, Secretary

Hummer, Phill

From: Ferguson, Justin
Sent: Monday, December 9, 2024 1:48 PM
To: Condon, Mary; Hummer, Phill
Subject: Fw: Rental Agreement Payment - MHAFB

All,

We've transferred \$11,500 for the IMCO construction rental back in June for water rights 2-10506, 2-10300A, & 2-10300B. That total should cover the 2 year rental period but let me know if there are additional costs and I'd be happy to check it out.

Justin

From: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Sent: Monday, December 9, 2024 1:18 PM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Subject: RE: Rental Agreement Payment - MHAFB

We transferred \$11,500.00 on 6/26/2024. I believe that was for two years of rentals.

Hummer, Phill

From: Condon, Mary
Sent: Thursday, September 5, 2024 12:04 PM
To: Hummer, Phill
Subject: Rental Application 2982 - MHAFB Municipal - change requested start to 2025

Hi Phill,

Justin stopped by and requested that we move the requested start date for 2025, which would also line up with the lease.

The rental fees will include owner/admin, and once approved, Justin will also go before the IWRB to request their approval for a resolution to allow the lease and rental to extend beyond 5 years for the requested 50 year MOA. The IWRB will get billed for the rental fees, and request reimbursement from the Air Force.

Let me know if you want me to do any updates in the software to reflect the change to the requested start date.

Mary



Mary Condon
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83702

May 2, 2024

RECEIVED

MAY 02 2024

DEPT. OF WATER RESOURCES

Brad Little
Governor

Re: Water Supply Bank Applications for the Mountain Home Air Force Base

Ms. Condon,

Jeff Raybould
Chairman
St. Anthony
At Large

Please find attached to this letter Water Supply Bank lease and rental applications for Idaho Water Resource Board (IWRB) water rights 2-10506, 2-10300A and 2-10300B. The IWRB is proposing to lease these Snake River irrigation water rights into the Bank and to rent the water rights for municipal purposes at the Mountain Home Air Force Base (MHAFB) for an indefinite period of time. The MHAFB is presently completely reliant on a declining ground water supply and this lease-rental transaction will provide MHAFB with a reliable, resilient supply of surface water.

Jo Ann Cole-Hansen
Vice Chair
Lewiston
At Large

The provision of surface water to MHAFB through this lease-rental transaction will enable the Department of the Air Force (DAF) to continue current operations while facilitating the expansion of on-base operations. This alternate water supply will benefit local public interests in Elmore County and the Treasure Valley and support the national security interests of the United States by securing the mission of the base well into the future.

Dean Stevenson
Secretary
Paul
District 3

The IWRB has conducted an analysis of the proposed rental transaction and finds there will not be any resulting injury or enlargement. The IWRB respectfully requests an expeditious review of the lease and rental applications by the Water Supply Bank as it is imperative for municipal water use to commence for the benefit of the MHAFB in 2024 and no later than 2025.

Dale Van Stone
Hope
District 1

Please contact me if you have any questions about these applications.

Albert Barker
Boise
District 2

Brian Olmstead
Twin Falls
At Large

Thank you,

Cynthia Bridge Clark
Planning and Projects Bureau Chief
Idaho Water Resource Board Representative

Marcus Gibbs
Grace
District 4

Patrick McMahon
Sun Valley
At Large