STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 667

This is to certify that:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
CYNTHIA BRIDGE CLARK
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)
71-10277	6/1/1925	CHAMPION CREEK, Tributary of Salmon River	0.15	27.9	9.3	0.016	3.0
71-10278	7/28/1930	CHAMPION CREEK, Tributary of Salmon River	0.15	27.9	9.3	0.016	3.0
Combined Limit Rental Totals			**0.30**	**27.9**	**9.3**	**0.032**	**3.0**

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.

One-Time Rental Fee:

$55.80

The rental fee is a one-time administrative fee of $55.80. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 71-10277, 71-10278.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MINIMUM STREAM FLOW	0.07	12.4
Combined Total	0.07	**12.4**

**** The authorized water usage reflects a diversion volume limited to the historical consumptive use associated with 9.3 acres of irrigation when factoring in the contribution of natural subirrigation at the historical place of use. 0.07 cfs is the diversion rate, applied continuously, that would produce the consumptive volume over the course of the 92-day period of use.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 667

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 — Date: 1/19/2024

BRIAN PATTON — EXECUTIVE OFFICER ID WATER RESOURCE Board

Printed Name — 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 _____ Date 1-19-24
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 1-19-24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 667

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

Beginning Point	CHAMPION CREEK	NWNW	Sec. 23, Twp 08N, Rge 14E,	CUSTER County
Ending Point	SALMON RIVER	NESW	Sec. 22, Twp 11N, Rge 18E,	CUSTER County

BENEFICIAL USE	FROM	TO	DIVERSION RATE
MINIMUM STREAM FLOW	07/01	09/30	0.07 CFS

RENTERS PLACE OF USE: **MINIMUM STREAM FLOW**
The place of use for this rental is the reach of the Salmon River above the point of quantification for water right 72-16668. The quantification point is located at the point of diversion described above in Sec 22, Twp 11N, Rge 18E.

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. The duration of this rental shall be indefinite. The rental agreement may be reviewed every 100 years.
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.
12. Use of water under this rental agreement is limited to those times when water is available and in priority at the points of diversion listed on water rights 71-10277 and 71-10278.
13. In the event water is called for under this rental agreement, the renter must provide the watermaster with measurement data demonstrating that the rate called for at the quantification point under this rental is successfully delivered to the Salmon River at the mouth of Champion Creek.
14. Use of water under this rental agreement shall be junior and subordinate to all uses of water with priority dates senior to April 1, 2005, diverting from sources tributary to the reach of the Salmon River between the beginning and ending points described above.

WATER SUPPLY BANK RENTAL AGREEMENT No. 667

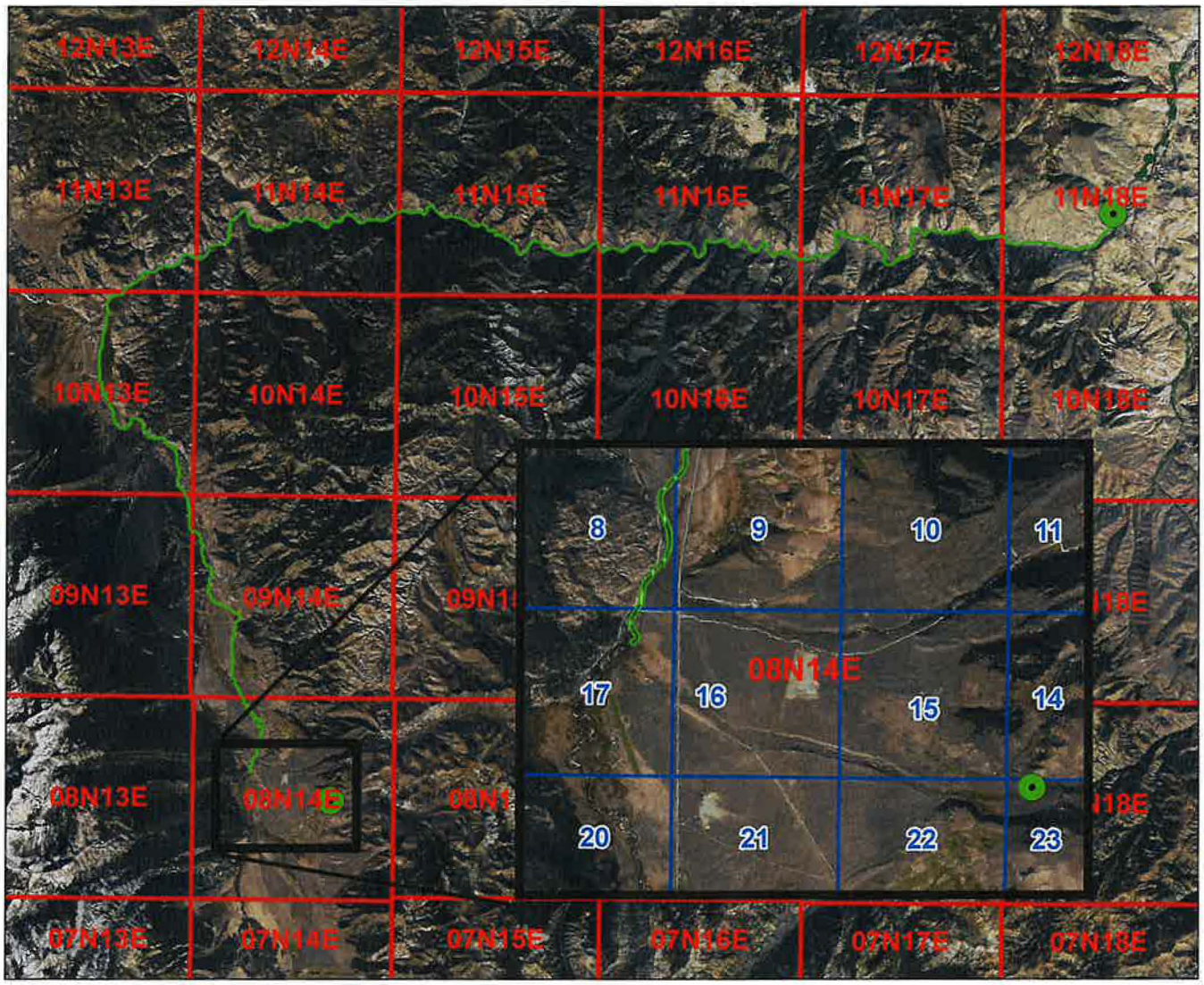
15. Use of water under his rental agreement shall be subordinated to all DCMI uses established after April 1, 2005.
16. This rental agreement will be administered consistent with Wild and Scenic Flows from the North Fork Salmon to Long Tom Bar. This rental is subordinated to the extent necessary to permit full utilization of the future water development preserved by the subordination contained within the description of the Wild and Scenic River water rights for the Salmon River, water right numbers 75-13316 and 77-11941.
17. 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 (71 & 72D).
18. 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. 72-16668 on the Salmon River. Upon finding and order of the Director, the renter may be required to install and maintain gaging stations on the Salmon River 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 Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 667

Indefinite

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



Legend

- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range

N

0 5 10 Miles

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
SEP 07 2021
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)

Attachment	N/A	Yes	
		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
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)				
71-10728	71-10871	71-10772	71-10278	71-2053A
71-10766	71-2004D	71-10277	71-7002	

2139

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 (Street) Boise (City) Idaho (State) 83720 (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 the Salmon River above the East Fork Salmon River, No. 72-16668. The rental to the MSF is intended to increase the natural flow and reduce stream temperatures in the Salmon River 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)
11.55 CFS	487.5 AF	CFS	AF	162.5 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?	
7/1/2022	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 resolutions 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 72-16668 on the Salmon River above the East Fork Salmon River

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	Champion River	71-2026, 71-4021, 71-10080, 71-4006, 71-10081
head gate	Fourth of July	71-10762, 71-2014
head gate	Salmon River	71-4038, 71-2016, 71-10765, 71-2053B
head gate	Unnamed Drain	

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: 09/30 (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:
Other water rights are rented by the IWRB to meet MSF 72-16668 on the Salmon River. However, these rights are not sufficient to meet the MSF.

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)
71-10728	irrigation	0.8	34.8	11.6		0.8	34.8	11.6
71-10766	irrigation	1.37	36.0	12.0		1.37	36.0	12.0
71-10871	irrigation	4.5	200.4	66.8		4.5	200.4	66.8
71-2004D	irrigation	0.9	35.1	11.7		0.9	35.1	11.7
71-10772	irrigation	0.9	35.1	11.7		0.9	35.1	11.7
71-10277	irrigation	0.3	27.9	9.3		0.3	27.9	9.3
71-10278	irrigation	0.3	27.9	9.3		0.3	27.9	9.3
71-7002	irrigtaion	1.8	60.3	20.1		1.8	60.3	20.1
71-2053A	irrigation	0.68	30.0	10.0		0.68	30.0	10.0
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**	11.55	487.5	162.5
						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 Salmon River MSF 72-16668.

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 contracts nos. 334, 326, 300, 323, 324, 289, and 355. The USFS has submitted an amended lease contract 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.

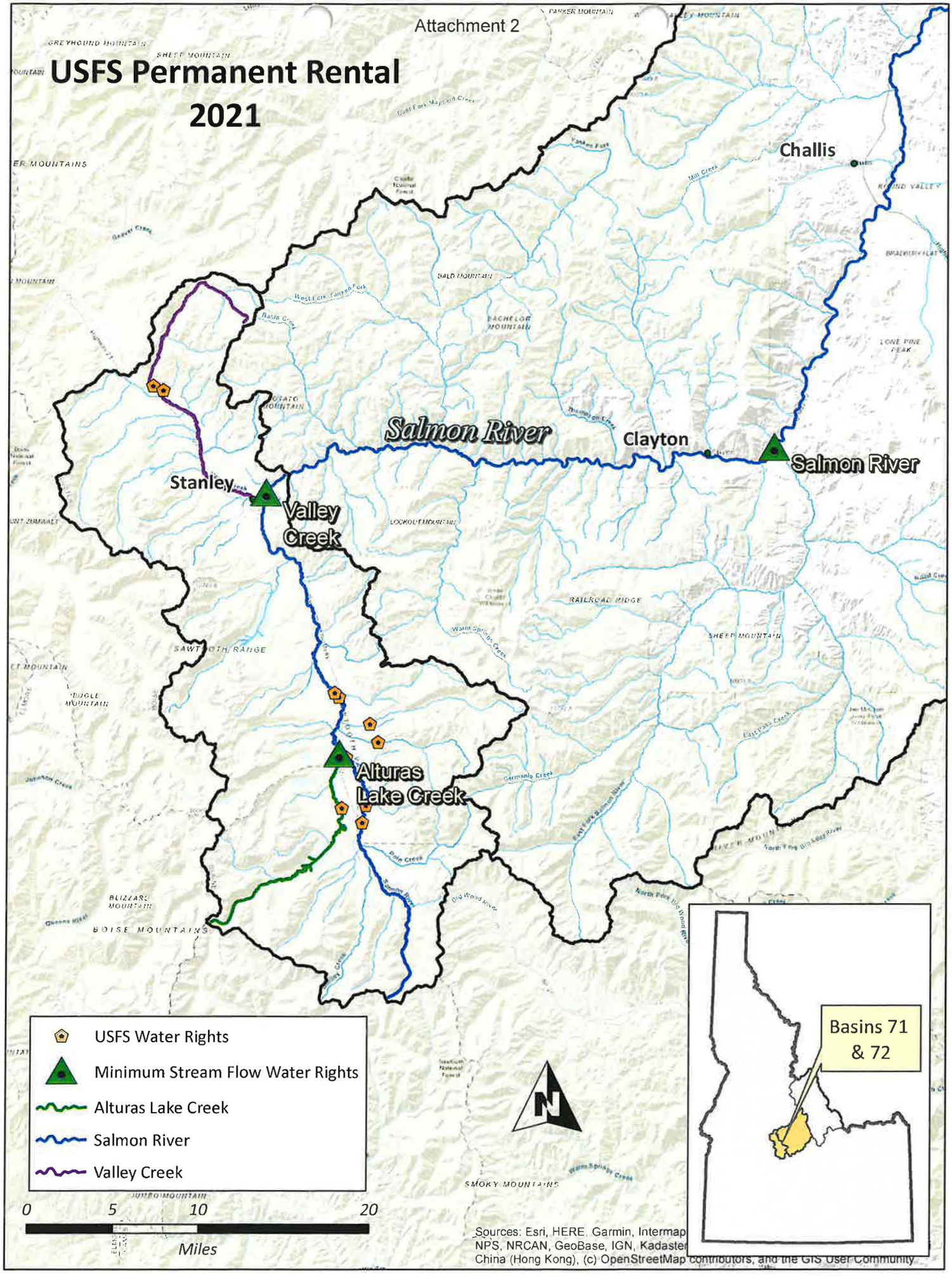
Signature of Applicant	Brian Patton, Executive Officer, IWRB Printed Name of Applicant	9/7/21 Date
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

Attachment 2

USFS Permanent Rental 2021



Attachment 3A

Memorandum

To: Water Supply Bank

From: Amy Cassel

Date: August 31, 2021

Re: Salmon River above East Fork Salmon River Minimum Stream Flow WR No. 72-16668

The IWRB's Minimum Stream Flow (MSF) WR No. 72-16668 is located approximately 25.62 river miles downstream of USGS 13296500 SALMON RIVER BELOW YANKEE FORK SALMON RIVER NR CLAYTON ID. This is the closest upstream gage of MSF 72-16668, either currently maintained or historic. There are 21 named tributaries entering the Salmon River between USGS 13296500 gage and MSF 72-16668. Two of the four largest tributaries in this reach are currently gaged: USGS 13297330 THOMPSON CREEK and USGS 13297355 SQUAW CREEK.

USGS 13296500 SALMON RIVER BELOW YANKEE FORK SALMON RIVER NR CLAYTON ID
https://waterdata.usgs.gov/nwis/inventory?agency_code=USGS&site_no=13296500

USGS 13297330 THOMPSON CREEK NR CLAYTON ID
https://waterdata.usgs.gov/nwis/inventory?agency_code=USGS&site_no=13297330

USGS 13297355 SQUAW CREEK BELOW BRUNO CREEK NR CLAYTON ID
https://waterdata.usgs.gov/nwis/inventory?agency_code=USGS&site_no=13297355

The table below represents a good-faith estimation of whether or not the Salmon River above East Fork Salmon River MSF is currently being met during naturally flow-limited months (Table 1). Monthly mean discharges (ft^3/s) June through October at three upstream USGS gage stations were compiled and is compared to the June through October minimum stream flows for MSF 72-16668.

The discharges observed at three upstream gage stations represent *estimated* flow at the Salmon River above East Fork Salmon River. Observed discharge is compared to the minimum stream flows for WR No. 72-16668 and represents the deficit or surplus flow in the Salmon River needed to meet the Salmon River above East Fork Salmon River MSF. For example, in August-October 2000–2020 the MSF was met, plus an additional 83–58 cfs above the MSF. Whereas in June-July 2000–2020, the estimated flow in the Salmon River above the East Fork Salmon River was, on average, 394–158 cfs short of meeting the MSF. Out of 252 cumulative months over 21 years, IWTP staff estimated monthly MSFs were not met 46 times. For example, 15 out of 21 July MSFs were not met in the Salmon River above the East Fork Salmon River and 5 out of 21 September and October MSFs were not met in Salmon River during the period of analysis.

The United States Forest Service owns water right nos. 71-1072B, 71-10766, 71-10871, 71-2004D, 71-10772, 71-10277, 71-10278, 71-7002, and 71-2053A. These water rights are available for rental and delivery to the MSF 72-16668 on the Salmon River. Idaho Fish and Game's Region 7 (Salmon) Regional Supervisor has provided a

statement attesting to the biological justification of the Salmon River above East Fork Salmon River water right rental for late-season MSFs to benefit migrating adult Chinook salmon (Figure 1).

Month	Monthly Average Discharge 2000-2020	MSF 72-16668	Difference
June	2915.09	3310.00	-394.91
July	1161.7	1320.00	-158.30
August	536.07	453.00	+83.07
September	463.66	405.00	+58.66
October	529.98	447.00	+82.98

Table 1. Monthly average discharge June-October, 2000-2020 (21 years) on the Salmon River and two tributaries up to 25.62 mi upstream from confluence with the East Fork Salmon River. This record of historic discharge is compared to the monthly minimum stream flow required by WR No. 72-16668.

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.

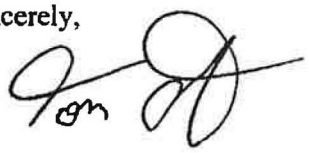
The 2004 Snake River Water Rights ("Nez Perce") Agreement commits the state to providing incentives for improving fish habitat which includes improving or protecting flow conditions to augment stream flows. In the Sawtooth Valley, at the headwaters of the Salmon River; Alturas Lake Creek, Valley Creek, 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,

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,



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

August 26, 2024

IDAHO WATER RESOURCE BOARD
C/O CYNTHIA BRIDGE CLARK
PO BOX 83720
BOISE ID 83720-0098

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 71-59, 71-61, 71-64B, 71-66, 71-68, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10772, 71-10871, AGREEMENTS 667, 786, 813, 814, 785, & 658

Dear Renter:

The total rental fee amount of **$11,918.00,** in connection with the enclosed copies of six fully executed Water Supply Bank Rental Agreements for the rental of 5,959 acre-feet annually for Minimum Streamflow Maintenance, has been received.

Name	WR No(s).	Volume Rented	Admin Fee Due	Owner Payment	Amount Received
Rental Agreement 667 - USFS SNRA (Champion Creek – Salmon River)	WR 71-10277 & 71-10278	27.9 AF	$55.80	N/A	$55.80
Rental Agreement 786 - USFS SNRA (4th of July Creek – Salmon River)	WR 71-2004D & 71-10772	32.1 AF	$64.20	N/A	$64.20
Rental Agreement 813 - USFS SNRA (Unnamed Drain - Salmon River)	WR 71-2053A & 71-7002	90.3 AF	$180.60	N/A	$180.60
Rental Agreement 814 - USFS SNRA (Salmon River)	WR 71-10871	200.4 AF	$400.80	N/A	$400.80
Rental Agreement 785 - USFS SNRA (Busterback Ranch - Salmon River)	WR 71-59 & 71-61	3,642.3 AF	$7,284.60	N/A	$7,284.60
Rental Agreement 658 - USFS SNRA (Busterback Ranch - Alturas Lake Creek)	WR 71-64B, 71-66, 71-68	1,966 AF	$3,932.00	N/A	$3,932.00

Pursuant to the Water Supply Bank Rules and IWRB Resolution No. 16-2021, the rental fee will be retained by the Department to offset administrative costs as a one-time fee for the indefinite terms of these rental agreements.

Sincerely,

Water Supply Bank Program Coordinator

Enclosures: Executed Rental Agreements 667, 786, 813, 814, 785, & 658 (copies)

c: Sascha Marston – IDWR Fiscal
John Loffredo – IDWR Water Transactions Program Manager

From: Marston, Sascha
To: Loffredo, John
Cc: Condon, Mary
Subject: RE: Invoice for WSB permanent rental fees from IWRB RDA
Date: Thursday, August 22, 2024 10:44:34 AM
Attachments: image001.png

John,

The $11,918.00 was transferred to the WSB.

Sascha

From: Loffredo, John <John.Loffredo@idwr.idaho.gov>
Sent: Monday, August 19, 2024 9:42 AM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: FW: Invoice for WSB permanent rental fees from IWRB RDA

Good Morning Sascha and Mary,

Apologies for the prolonged back and forth.

Sascha, the last we touched base on this you asked for additional documentation on the $11,918 being requested by the WSB for the total $14,941.20 approved by the IWRB on the Busterback Rentals.

Attached is Mary's spreadsheet calculating consumptive use volumes and admin fees for the two of three MSF rentals executed to-date. The last worksheet has the $11,918 total highlighted.

Please let us know if you have any further questions regarding the transfer of these funds from the RDA to the WSB.

Regards,

John Loffredo I Program Manager
Idaho Water Transaction Program
Idaho Department of Water Resources
1301 Main St., Ste. 10 | Salmon, ID 83467
tel: (208) 742-0659 cell: (208) 296-0880
john.loffredo@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

Memo

To: Sascha Marston

From: John Loffredo

Date: 01/22/2024

Re: 2024 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 FY24 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 785)	WR 71-59 & 71-61	NA	NA	$7,284.60
USFS SNRA Busterback Ranch (RA 814)	WR 71-10871	NA	NA	$400.80
USFS SNRA Busterback Ranch (RA 667)	WR 71-10277 & 71-10278	NA	NA	$55.80
USFS SNRA Busterback Ranch (RA 786)	WR 71-2004D & 71-10762	NA	NA	$64.20
USFS SNRA Busterback Ranch (RA 831)	WR 71-2053A & 71-7002	NA	NA	$180.60
USFS SNRA Busterback Ranch (RA 658)	WR 71-64B, 71-66, 71-68	NA	NA	$3,932.00

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 COMMITTMENT

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

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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

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

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

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

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

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

DATED this 21st day of May 2021.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, October 12, 2022 1:32 PM
To: legalnotices@postregister.com
Subject: Legal Notice- WSB Rentals
Attachments: DRAFT - Legal Notice - Rental Application 2138 2139 2140 (002).docx

Enclosed you will find a legal notice which we wish to have published in the Post Register on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact me immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, IDWR, PO Box 83720, Boise, ID, 83720-0098 on or before November 7, 2022. Please let me know if you have any questions.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

NOTICE OF PROPOSED RENTAL FROM WATER SUPPLY BANK

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2138), to rent Water Right No(s). 71-64B, 71-66 and 71-68 from the Water Supply Bank for an indefinite period of time. The proposed rental in Blaine and Custer County would provide for the permanent dedication of 29.32 cfs from Alturas Lake Creek, for maintenance of minimum stream flow water right 71-10890 on Alturas Lake Creek, which is tributary to the Salmon River.

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2139), to rent Water Right No(s). 71-59, 71-61, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10772 and 71-10871 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 0.3 cfs from Champion Creek, 0.9 cfs from Fourth of July Creek, 2.48 cfs from an Unnamed Drain and 73.32 cfs from the Salmon River, for maintenance of minimum stream flow water right 72-16668 on the Salmon River, which is tributary to the Snake River.

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2140), to rent Water Right No(s). 71-41, 71-42B, 71-43B, 71-49B and 71-50 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 18.59 cfs from Valley Creek for maintenance of minimum stream flow water right 71-10886 on Valley Creek, which is tributary to the Salmon River.

Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before November 7,2022. For more information, visit www.idwr.idaho.gov/water-supply-bank.

Gary Spackman, Director

Published on 10/19 and 10/26

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, October 12, 2022 1:32 PM
To: info@challismessenger.com
Subject: Legal Notice for the Challis Messenger
Attachments: DRAFT - Legal Notice - Rental Applications custer.docx

Enclosed you will find a legal notice which we wish to have published in the Idaho Statesman, Times News, and the Lewiston Tribune, respectively, on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact me immediately.
An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, IDWR, PO Box 83720, Boise, ID, 83720-0098 on or before November 7, 2022. Please let me know if you have any questions.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, October 12, 2022 1:33 PM
To: BOI Legals; TWF Legals; LT Legals
Subject: Legal Notice - For Water Supply Bank Rental Applications
Attachments: DRAFT - Legal Notice - Rental Application 2138 2139 2140.docx

Enclosed you will find a legal notice which we wish to have published in the Idaho Statesman, Times News, and the Lewiston Tribune, respectively, on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact me immediately.
An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, IDWR, PO Box 83720, Boise, ID, 83720-0098 on or before November 7, 2022. Please let me know if you have any questions.

Sincerely,

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

NOTICE OF PROPOSED RENTALS FROM WATER SUPPLY BANK

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2138), to rent Water Right No(s). 71-64B, 71-66 and 71-68 from the Water Supply Bank for an indefinite period of time. The proposed rental in Blaine and Custer County would provide for the permanent dedication of 29.32 cfs from Alturas Lake Creek, for maintenance of minimum stream flow water right 71-10890 on Alturas Lake Creek, which is tributary to the Salmon River.

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2139), to rent Water Right No(s). 71-59, 71-61, 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10728, 71-10766, 71-10772 and 71-10871 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 0.3 cfs from Champion Creek, 0.9 cfs from Fourth of July Creek, 2.48 cfs from an Unnamed Drain and 73.32 cfs from the Salmon River, for maintenance of minimum stream flow water right 72-16668 on the Salmon River, which is tributary to the Snake River.

Notice is hereby given pursuant to IDAPA Rule 37.02.03.030.02 (Water Supply Bank Rule 30.02) that the Idaho Water Resource Board, PO BOX 83720, Boise, ID, 83702-0098, filed an application on September 7, 2021 (Water Supply Bank Rental Application No. 2140), to rent Water Right No(s). 71-41, 71-42B, 71-43B, 71-49B and 71-50 from the Water Supply Bank for an indefinite period of time. The proposed rental in Custer County would provide for the permanent dedication of 18.59 cfs from Valley Creek for maintenance of minimum stream flow water right 71-10886 on Valley Creek, which is tributary to the Salmon River.

Comments may be submitted based on the criteria of Section 42-1763, Idaho Code. Comments should be filed in writing to the Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098, or emailed to Bank@idwr.idaho.gov on or before November 7, 2022. For more information, visit www.idwr.idaho.gov/water-supply-bank.

Gary Spackman, Director

Published on 10/20 and 10/27

MEMORANDUM FOR AGREEMENT # 667

To: Water Right(s) 71-59, 71-61 71-2004D, 71-2053A, 71-7002, 71-10277, 71-10278, 71-10772 & 71-10871

From: Mary Condon

Date: September 20, 2022 – October 7, 2022

Re: Review & Analysis of Application 2139 to Rent Water from the State Water Supply Bank

---

PURPOSE/NARRATIVE: Three separate applications 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, were received by the Department on September 7, 2021. A resolution by the IWRB for permanent rental of these rights, including a one-time administrative payment of $14,941.20 for a total flow rate of 124 cfs. This rental review memo pertains to a rental of water rights 71-59 & 71-61; 71-2004D & 71-10772, 71-2053A & 71-7002; 71-10277 & 71-10278, and 71-10871, which all authorize diversions on or tributary to the Salmon River for irrigation purposes. Rights 71-10728 and 71-10766 are also requested as part of this rental but cannot be added at this time.

Through this rental, the IWRB will rent water rights 71-59 & 71-61; 71-2004D & 71-10772, 71-2053A & 71-7002; 71-10277 & 71-10278, and 71-10871, leaving them in stream, to help satisfy Salmon River MSF water right 72-16668. Minimum streamflow under right 72-16668 for the three months as: July - 1,320 CFS, August - 453 CFS, and September - 405 CFS. Historic flow measurements on the reach upstream of the MSF right 72-16668 within each reach of the original points of diversion for these rights for rental are compared below. See attachment 1 – Upper Salmon River USGS Measurement Sites and Records for a full map and measurement tables.

Beginning at the uppermost mouth of the Salmon River, USGS 13292280, streamflow measurement in cubic feet per second on the Salmon River at Pole Creek Rd above Obsidian for available years between 2003 to 2015, April through October, had a mean flow for the three months as: July - 28 CFS, August - 12 CFS, and September - 9.1 CFS. This station is upstream from the first leased rights offered for this rental. Tributary stream, Pole Creek, just after this station and tributary to the Salmon River, recorded as USGS measurement site 13292380, and was measured from 2003 to 2015, April through October, with monthly mean flows for the three months as: July – 34 CFS, August – 27 CFS, and September – 24 CFS.

71-59 and 71-61

Busterback Ranch has been operating since 1912, with diversion rates of 25.6 CFS then an additional 40 CFS in 1933 for a total of 1,477.1 acres, from the Salmon River under rights 71-59 and 71-61 during the irrigation season of use from May through September until 2002. Reports of the two diversions dewatering the Salmon at the diversion points and for a distance downstream are cited in the 2022 lease review for these rights and was also included in the adjudication claim backfile for right 71-59. The full leased diversion rate of 65.6 CFS for the Salmon River would be a benefit for MSF maintenance through this rental.

The next measurement point on the Salmon River, just after the leased Salmon River rights 71-59 & 71-61 from Busterback Ranch for this rental, is USGS station 13292500 – Salmon River

above Lost Creek, and was measured from December 1940 through January 1953. The monthly mean flow for the three months was: July - 106 CFS, August - 21 CFS, and September - 28 CFS.

71-10871
Leased right 71-10871 with 4.54 CFS for 66.8 acres is after station 13292500 and just before station 13292600 - Salmon River above Alturas near Obsidian. Full rental of the 4.54 CFS for MSF maintenance would also be of benefit to the Salmon River.

Flow measurements taken at station 13292600 – Salmon River above Alturas near Obsidian in 2003, 2004, and 2009, had monthly mean flows as: July – 54.4 CFS and August – 46.4 CFS. No measurements were taken in September at this station, which is similar to the additive mean from 13292280 and 13292380, but less than the mean monthly flows from station 13292500. Again, minimum streamflow under right 72-16668 for July is 1,320 CFS, for August is 453 CFS, and for September is 405 CFS, which is not met in this reach.

The next stretch along the Salmon River between gages 13292600 and 13293500 includes flows from two tributaries with leased rights offered as part of this rental: Champion Creek and Fourth of July Creek.

71-10277 & 71-10278
Leased rights 71-10277 and 71-10278 are from Champion Creek, tributary to the Salmon and have 0.3 CFS for 9.3 acres leased. Upstream diversions for other rights above these two are equal to 4.6 CFS. Measurement data available on Champion Creek at station 13293200, below these diversions, was recorded in 1971, 1972, and in 2004, with a monthly mean flow of: July – 5.9 CFS and August – 5.4 CFS. No measurements were taken in September at this station. Full rental of the 0.3 CFS would be of benefit to maintaining the MSF on the Salmon River.

71-2004D & 71-10772
Leased rights 71-2004D and 71-10772 are from Fourth of July Creek, with 0.823 CFS for 10.7 acres of irrigation, and non-additive stockwater, available for rental. There are two USGS points of measurement available on Fourth of July Creek; one upstream of the diversions for these two rights, and one downstream at the mouth to the Salmon River. Other water right diversions from the same POD are leased rights 71-2014 and 71-10762, for half of their irrigation, equal to 2.9 CFS for 43.1 acres, and rented by the IWRB for streamflow maintenance each year since 2003 and through 2028, for MSF rights 72-16664 and 75-13316, at a continuous rate of 0.24 CFS from May 1 through October 31.

Measurement data for the upper station on Fourth of July Creek, ID 13293350, was recorded in 2003 and 2004, with a monthly mean flow of: July – 14 CFS, August – 6.2 CFS, and September – 5 CFS, and gains at the lower station, ID 13293400 as: July – 15.3 CFS and August – 8.6 CFS, with no measurement in September. Renting the 0.823 CFS for MSF maintenance of right 72-16668, would benefit the Salmon River.

USGS station 13293500 - Salmon near Pierson, just after Champion Creek and Fourth of July Creek enter the Salmon River, has collected flow measurements in October 1911 through October 1913, with a monthly mean flow of: July – 567 CFS, August – 310 CFS, September – 216 CFS, which was much higher than the previous station on the Salmon above Alturas - 13292600, but still does not meet the MSF rates for this three-month period, as: 1,320 CFS for July, 453 CFS for August, and 405 CFS for September.

Leased rights offered as part of this rental and considered in this review after station 13293500 and before the next station, Salmon River at Stanley, 13294500, are rights 71-10728 and 71-10766 from Salmon River, and rights 71-2053A and 71-7002 from Unnamed Drain.

Station 13294500 – Salmon at Stanley, has monthly stream flow measurements from June 1921 through August 1925, where the monthly mean flow for the requested rental months were: July – 819 CFS, August – 347 CFS, and September – 249 CFS, still far below the MSF flows under right 72-16668, justifying complete rental of leased rights to dedicate to MSF maintenance.

71-10728 & 71-10766
Leased right 71-10728 from the Salmon River for 11.6 acres of irrigation has 0.81 CFS leased to the Bank, and 0.59 CFS after conveyance reduction available for rental.

Leased right 71-10766 from the Salmon River for 12 acres of irrigation has 1.37 CFS leased to the bank, with full rate available for rental.

Rental of these two rights for MSF maintenance of right 72-16668 would benefit the Salmon River.

71-2053A & 71-7002
Leased rights 71-2053A and 71-7002 are adjacent to each other and both historically diverted a total of 2.48 CFS for a total of 30.1 acres from an unnamed drain, tributary to Williams Creek, tributary to Salmon River.

Rental of these two rights for the MSF maintenance of right 72-16668 would benefit the Salmon River.

AUTHORITY TO FILE: The IWRB holds MSF water right 72-16668, which authorizes a variable MSF flow rate, year-round, on the Upper Salmon River, where the MSF is for the reach above the point of quantification on the Salmon River. The application to rent 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 rights requested for this rental are valid and leased to the bank beginning in 2022 for an indefinite period.

INJURY TO OTHER WATER RIGHTS: No rights are expected to be injured through an approval of this rental.

ENLARGEMENT OF USE:
A change in nature of use from irrigation for these offered rights to a minimum stream flow maintenance rental, includes calculating the consumptive use standard for the number of acres available for rental, less any subirrigation which is obvious on the idled lands through sentinel imagery then ET viewer analysis, and calculated to the daily volume then daily allowable rate per day during the season of use under the rental. ET viewer is a mapping and data tool available on the IDWR website. This rental also condenses the season of use from 184 days to 92 days of use.

71-59 & 71-61
Leased rights 71-59 and 71-61 from the Salmon River are leased with combined rights 71-64B, et al, from Alturas Lake Creek, but the rights from Alturas Lake Creek are under a different rental (Rental Agreement 658), and these two Salmon River rights are under this rental. Lands under these rights are completely idled since 2002 and renting them for MSF maintenance is

not expected to cause enlargement of the rights. However, due to combined acre limits on the Salmon River rights with the Alturas Lake Creek rights, each source set will be proportionally reduced by the total number of acres rentable to avoid enlargement, which reduces the total consumptive use volume, and allowable daily rate and volume under the rental. Calculations of reduction and allowable daily rate are in Table 1.

As leased	Acres	CFS	Volume	AF/Acre
71-64B, et Alturas	797.30	29.32	2391.9	3
71-59, et Salmon	1477.10	65.60	4431.3	3
sum	2274.40	94.92	6823.2	
Combined limit (CL)	1869.40	94.92	5608.2	3
As Rentable				
*limited 71-64B, et	655.33	29.32	1966.0	3
*limited 71-59, et	1214.07	65.60	3642.2	3
Combined limit (CL)	1869.40	94.92	5608.2	3
*71-64B, % of sum x CL	35%	655.33		
*71-59, % of sum x CL	65%	1214.07		

71-59, et Salmon

1-May	31-Oct	as leased	cfs	*vol	*acres	cfs/acre	vol/acre
Normal Season of use		184	65.6	3,642.2	1,214.1	0.054	3.0
	cfs per day	9.98					
	vol per day	19.79					
	total vol	3642.2					
1-Jul	30-Sep	Rental	cfs	vol	acres	cfs/acre	vol/acre
Season of Use		92	65.6	2,428.1	1,214.1	0.054	2.0
	cfs per day	13.30	43.7				
	vol per day	26.4					
	total vol	2428.1					

Table 1 – WRs 71-59 & 71-61

71-10871

Leased right 71-10871 from the Salmon River is completely idled, and there are no concerns of enlargement through this rental. The amount rentable, with rate per day in the condensed season of use, is shown in Table 2.

71-10871

1-May	31-Oct	as leased	cfs	*vol	*acres	cfs/acre	vol/acre
Normal Season of use		184	4.54	200.4	66.8	0.068	3.0
	cfs per day	0.55					
	vol per day	1.09					
	total vol	200.4					
1-Jul	30-Sep	Rental	cfs	vol	acres	cfs/acre	vol/acre
Season of Use		92	4.54	133.6	66.8	0.068	2.0
	cfs per day	0.732	3.0				
	vol per day	1.45					
	total vol	133.6					

Table 2 – WR 71-10871

Renting the consumptive use of the offered rights and then limiting the maximum daily rate per day and volume per day during the condensed season of use is not expected to enlarge these rights.

71-10277 & 71-10278

Champion Creek rights 71-10277 and 71-10278 for irrigation have 9.3 acres leased to the Bank, but there are some indications of subirrigation on about 67% of the idled lands. Review of sentinel imagery, in the 2022 lease review of these rights – Attachment 1, with ET viewer review for available data years, shows 6.2+ acres with 1 acre-foot of consumptive irrigation requirement (CIR) in 2011 on the idled lands. Amy Cassel conducted a field exam of the leased place of use and irrigation ditch from the diversion to the point of exit from the leased acres. See attached review, dated September 1, 2022, from Amy Cassel. Her review found no discernable difference in flow from diversion to exit, but she did find an excavated beaver lodge, as well as numerous, established willows present on the lands on the western edge. The 6.2 acres appear to be a bowl in the land, which could also indicate the increase in vegetation is from pooling precipitation with average to little drainage. To avoid enlargement, since less water is needed

on the 6.2 acres due to subirrigation or natural pooling, the 6.2 acres will have the consumptive use reduced to 1 acre-foot per acre (standard of 2 acre-feet per acre less CIR), while the remaining 3.1 acres without any evidence of subirrigation since the first lease in 2009, but with obvious full irrigation until 1999, will receive the standard consumptive use. See Table 3, for calculations of daily allowable flow under this rental.

	1-May	31-Oct	as leased	cfs	*vol	*acres	cfs/acre	vol/acre
	Normal Season of use		183	0.30	27.9	9.3	0.032	3.0
		cfs per day	0.08					
		vol per day	0.15					
71-10277 & 71-10278		total vol	27.9					
	1-Jul	30-Sep	Rental	cfs	vol	acres	cfs/acre	vol/acre
	Season of Use		91	0.10	6.2	3.1	0.032	2.0
		cfs per day	0.069	0.20	6.2	6.2	0.032	1.0
		vol per day	0.14		12.4			
		total vol	12.4					

Table 3, WRs 71-10277 & 71-10278

71-2004D & 71-10772

Rights 71-2004D & 71-10772, have 10.7 acres with 0.823 CFS leased and available for rental. One acre was left out of the lease for irrigation around the work center. Sentinel and ET viewer review of the lease review of these rights is attachment 1 to the 2022 lease of these rights and indicates some consumptive irrigation requirement on the idled lands but appears to be erroneous when compared to surrounding pasture farms and rangeland. On August 25, 2022, I did visit the work center with Amy Cassel, and Sharon Barnes with USFS, which is noted in the field report for these and other rights for the Stanley area MSF rental, dated September 19, 2022. The leased acres were indiscernible from other non-irrigated lands in the area and the acre left out of the lease around the work center was irrigated. As such, renting to the standard consumptive use for the 10.7 acres as MSF maintenance, does not appear to be an enlargement of these rights. The 10.7 acres is calculated to the consumptive use standard with a condensed season of use, in Table 4.

				cfs	*vol	*acres	cfs/acre	vol/acre
	1-May	31-Oct	as leased					
	Normal Season of use		184	0.82	32.1	10.7	0.077	3.0
		cfs per day	0.09					
		vol per day	0.17					
71-2004D & 71-10762		total vol	32.1					
	1-Jul	30-Sep	Rental	cfs	vol	acres	cfs/acre	vol/acre
	Season of Use		92	0.82	21.4	10.7	0.077	2.0
		cfs per day	0.117	0.5				
		vol per day	0.23					
		total vol	21.4					

Table 4, WRs 71-2004D & 71-10762

71-2053A & 71-7002

Rights 71-2053A and 71-7002 from Unnamed Drain for 2.48 CFS on a total of 30.1 acres for irrigation has remained idled since it was decreed and does not have any apparent subirrigation. We did examine this location, as well, on August 25, 2022, because the 6-foot-wide ditch off the unnamed drain to the place of use for these rights appeared to be vegetated. Loss out of the drain into the ditch is intercepted by well-established willows and tall bunch grass, but does not provide a benefit through fish habitat, nor are there any other rights off the ditch from the drain. USFS personnel will work to plug the ditch, keeping any excess flows in the drain from entering it, and thereby allowing all flow in the drain to continue down to Williams Creek. This drain was running fully, and is documented in the field report, dated September 19, 2022. Full rental of the available consumptive use and rate, calculated for the change to MSF maintenance with a shortened season of use, should not cause an enlargement of the rights, and calculations are shown in Table 5.

	1-May	31-Oct	as leased	cfs	*vol	*acres	cfs/acre	vol/acre
	Normal Season of use		184	2.48	90.3	30.1	0.082	3.0
		cfs per day	0.25					
		vol per day	0.49					
71-2053A		total vol	90.3					
&								
71-7002	1-Jul	30-Sep	Rental	cfs	vol	acres	cfs/acre	vol/acre
	Season of Use		92	2.48	60.2	30.1	0.082	2.0
		cfs per day	0.330	1.7				
		vol per day	0.65					
		total vol	60.2					

Table 5, WRs 71-2053A & 71-7002

LOCAL PUBLIC INTEREST: This rental is consistent with the local public interest. A condition on MSF right 72-16668, states that when this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law. This rental will be advertised.

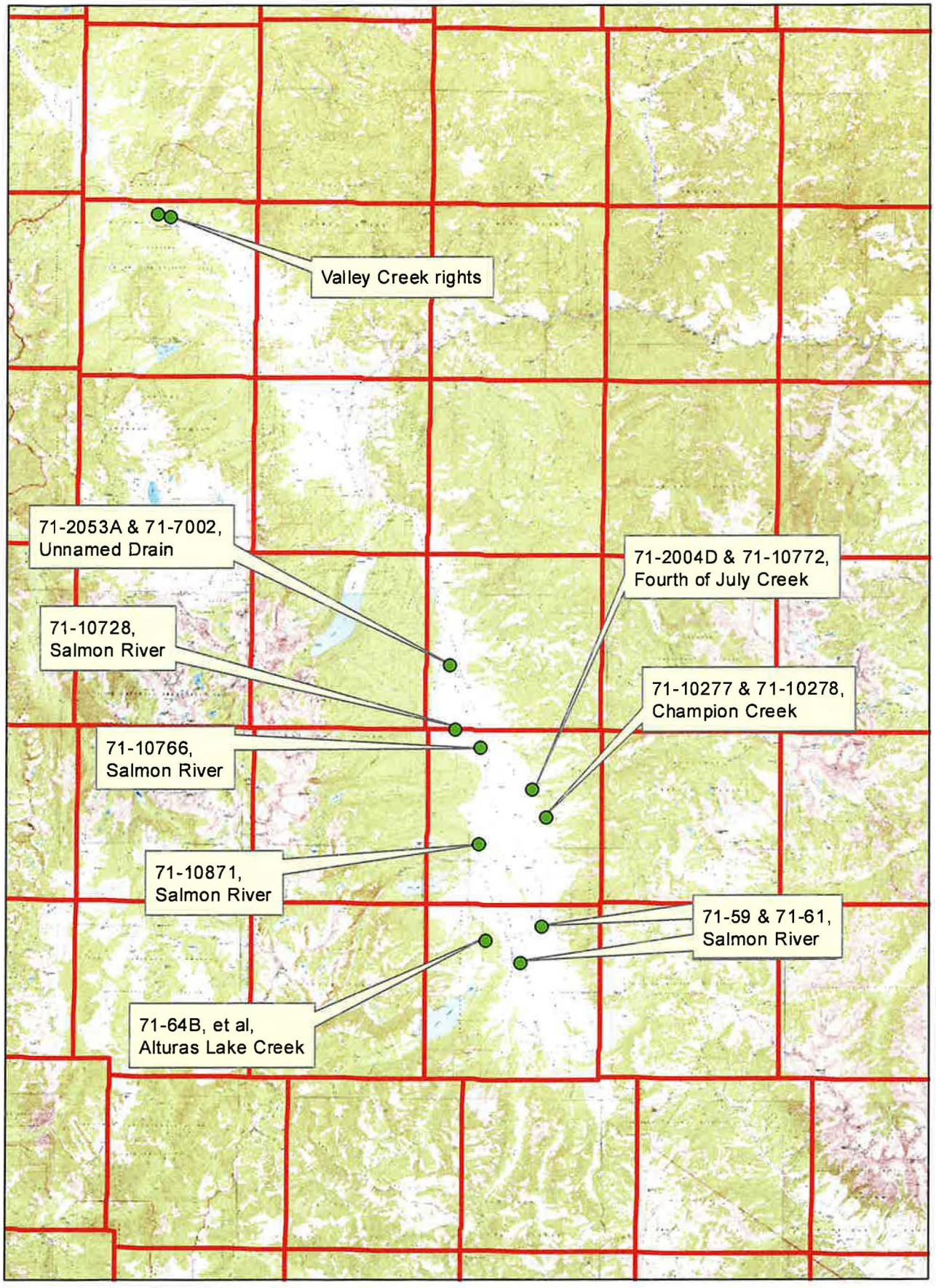
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental is consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 72D, a subdistrict of # 170, and within Southern Region. Request for comment from region manager and watermasters of WD 71, sent on October 11, 2022.

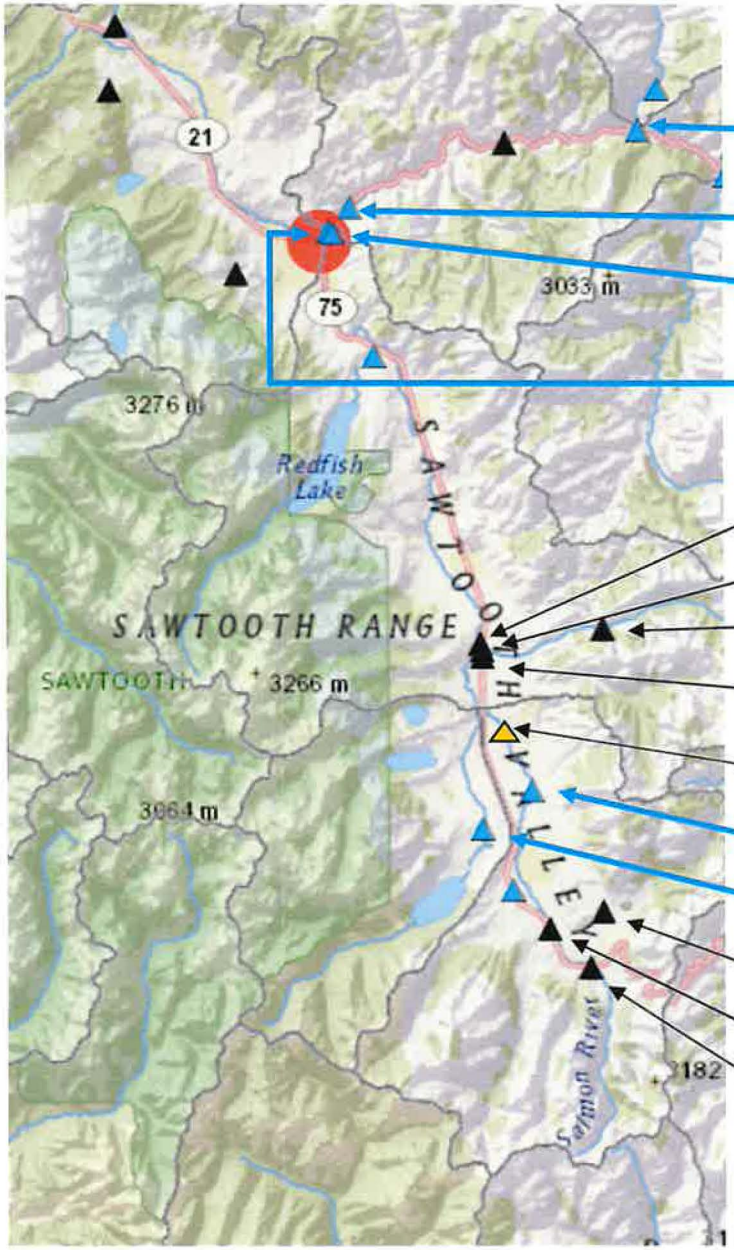
WSB STAFF RECOMMENDATION: Splitting 71-59 & 71-61 for Salmon River and 71-64B, 71-66 & 71-68 for Alturas Lake Creek for the purpose of two different rentals for non-consumptive, instream flow for Minimum Stream Flow maintenance is not expected to enlarge these rights. Historic diversion measurements, as reported in the previously cited reports in the 2022 lease review, justifies renting the consumptive use standard for entire (proportionately by source) POU to this non-consumptive, instream rental for Minimum Stream Flow maintenance during the late summer months. Previous MSF rental conditions for available water measured at the original diversion and installing measurement devices if requested by the Director will apply.

RA 34 is for same MSF, only 2.9 cfs
71-2044 & 71-10762

Valley Creek & Stanley 2022 Leases



Upper Salmon River USGS measurement sites and records



USGS Station	Mean of Monthly Measurement - Jul/Aug/Sep
ID: 13296500, **SR** bl Yankee Fork NR	
ID: 13295500, **SR** bl Valley Crk (VC)	
ID: 13294500, **SR** @ Stanley	**July – 819 cfs, Aug – 347 cfs, Sept – 249 cfs**
ID: 13295000, VC @ Stanley	
ID: 13293500, **SR** nr Pierson (Fig. 6)	**July – 567 cfs, Aug – 310 cfs, Sept – 216 cfs**
ID: 13293400, Fourth Of July Crk @ Mouth nr Obsidian	July – 15.3 cfs, Aug – 8.6 cfs, Sept – N/A
ID: 13293350, Fourth Of July Crk abv diversions nr Obsidian	July – 14 cfs, Aug – 6.2 cfs, Sept – 5 cfs
ID: 13293200, Champion Crk nr Obsidian	July – 5.9 cfs, Aug – 5.4 cfs, Sept – N/A
*ID 13292600, **SR** abv Alturas nr Obsidian	**July – 54.4 cfs, Aug – 46.4 cfs, Sept – N/A**
ID: 13292500, **SR** abv Lost Crk (Fig. 3)	**July – 106 cfs, Aug – 21 cfs, Sept – 28 cfs**
ID: 13293000, Alturas Lake Creek nr Obsidian	
ID: 13292380, Pole Crk blw Pole Crk nr Ranger Station	July – 34 cfs, Aug – 27 cfs, Sept – 24 cfs
ID: 13292280, **SR** @ Pole Crk (Fig. 1)	**July – 28 cfs, Aug – 12 cfs, Sept – 9.1 cfs**
ID: 13292200, SR @ Head nr Obsidian	
https://streamstats.usgs.gov/ss/	
* https://nwis.waterdata.usgs.gov/nwis/measurements/?site_no=13292600	

Upper Salmon River USGS measurement sites and records

Measurement data for each station referenced in the rental review memo for Salmon River MSF maintenance, beginning at station 13292280 - Salmon River at Pole Creek, and ending at 13294500 - Salmon River at Stanley (south to north) are tabulated below, with rental months highlighted.

YEAR	13292280, Salmon River @ Pole Cr rd above div nr Obsidian Monthly mean in ft3/s (Calculation Period: 2003-05-01 -> 2013-10-31) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2003					95.9	105.9	20.3	9.29	7.02			
2004				16	35	40.5	18.2	8.59	6.93			
2005					80.2	59.9	20.7	9.84	6.95			
2006						132.4	32.4	14.3	11.8	11.2		
2007					58.2	31.3	11.1	5.88	6.15	6.74		
2008				4.72	68.3	93.3	30.5	12.5	9.99	9.18		
2009					69.5	109.3	29.4	15.5	11.3	9.6		
2010				9.91	32.6	117.8	30.2	13.5	9.11	8.49		
2011					43.6	124.6	64.3	17.2	11.4	12.6		
2012					101.6	89.8	32.8	15.7	10.1	7.88		
2013					61.7	52.1	18.3	9.17	8.9	9.69		
Mean of monthly Discharge				10	65	87	28	12	9.1	9.4		
** No Incomplete data have been used for statistical calculation												

YEAR	13292380, Pole Creek below Pole Cr Ranger Station nr Obsidian Monthly mean in ft3/s (Calculation Period: 2003-06-01 -> 2015-10-31) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2003						65.8	31.4	26	24			
2004				18.6	22.9	28.7	22.4	17.4	15.5			
2005				25.5	33.9	44.3	27.1	21.8	20.6	19.2		
2006					62.4	88	48.4	35.2	30.7	27.9		
2007					36.4	33.2	22.2	20.6	20.3	19.5		
2008				15.4	33.3	52.9	36.2	27.8	25.5	23.8		
2009					34.7	59.3	39.1	31.2	26.4	25.8		
2010				19.9	21.6	57	40.5	28.9	25.5	23.8		
2011					27.4	62.6	57.7	35.2	30.3	29.2		
2012					51.9	63.9	43	33	29.6	28		
2013					32.4	39.6	24.6	21.4	21.7	20		
2014					33.7	41.7	26.4	25.1	26	23.3		
2015					32.2	37.6	26.1	22.9	21.7	20.5		
Mean of monthly Discharge				20	35	52	34	27	24	24		
** No Incomplete data have been used for statistical calculation												

Upper Salmon River USGS measurement sites and records

YEAR	13292500, Salmon River abv Lost Creek nr Obsidian Monthly mean in ft3/s (Calculation Period: 1940-12-01 -> 1953-01-31) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1940												22.4
1941	19.4	19.3	21.9	41.5	214.6	192.2	13.2	15	31.3	31.9	34.4	40.4
1942	25	25	23.2	70.6	152.9	244.6	100.9	6.48	12.2	26.6	33.3	29.3
1943	30	25	26.3	92.8	316.7	452.4	359.9	85	48.3	52.5	55.8	47
1944	34.9	33.1	30.9	38.3	174	212.2	83.9	13.2	24.1	36.9	33.6	22.8
1945	21.2	20	20.1	27	150.7	202.7	87.9	15.3	18.1	28.5	29.8	26.4
1946	25.9	23	25.2	86.3	295.7	274.9	64.3	9.03	21.9	44.6	41	29.5
1947	22	23	29.4	52.5	305.6	199.2	65.1	8.42	21.5	34.9	31	27
1948	23.6	21	21	33.8	220.3	382.4	58.6	8.32	35.8	47.8	41.7	29
1949	26	24	24	57.6	267.7	211	35.2	5.18	10	36.7	38.4	25.6
1950	24.9	25	24.7	35.2	188.4	340.3	150.2	12.1	35.7	57.7	52.9	41.9
1951	30.5	22.3	24.6	86.4	350.7	365.4	177.9	60.4	56.9	58.3	59.4	46.3
1952	40	38	35	88.6	427.1	335	74.8	9.35	25.7	40.8	32.2	30
1953	35.4											
Mean of monthly Discharge	28	25	26	59	255	284	106	21	28	41	40	32
** No Incomplete data have been used for statistical calculation												

YEAR	13292600, Salmon River abv Alturas Lake Creek nr Obsidian Monthly mean in ft3/s (Calculation Period: 2003-06-09 -> 2009-10-05) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2003							86	61.55				
2004						114	36.4	26		22.7		
2009							40.9	51.7				
Mean of monthly Discharge						114.0	54.4	46.4	NA	22.7		

YEAR	13293200, Champion Creek nr Obsidian Monthly mean in ft3/s (Calculation Period: 1971-06-09 -> 2004-10-05) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1971						32.7	9.29	3.69				
1972						56.7						
2004					5.98	3.66	2.53	7.08		8.15		
Mean of monthly Discharge					6.0	31.0	**5.9**	**5.4**	**NA**	8.2		

YEAR	13293350, Fourth of July Creek abv diversions nr Obsidian Monthly mean in ft3/s (Calculation Period: 2003-06-01 -> 2004-09-30) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2003						67.6	14.1	6.41	4.92			
2004					17.1	28.1	13.8	5.9	5.03			
Mean of monthly Discharge					17	48	14	6.2	5			
** No Incomplete data have been used for statistical calculation												

Upper Salmon River USGS measurement sites and records

YEAR	13293400, Fourth of July Creek at mouth nr Obsidan Monthly mean in ft3/s (Calculation Period: 1971-06-09 -> 2004-10-05) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1971						114	34.4	20.4				
1972						87.1						
2002										7.34		
2003							7.97	3.15		2.39		
2004					8.89	13.8	3.48	2.35		5.1		
Mean of monthly Discharge					8.9	71.6	**15.3**	**8.6**	**NA**	4.9		

YEAR	13293500, Salmon River nr Pierson Monthly mean in ft3/s (Calculation Period: 1911-10-01 -> 1913-10-31) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1911										220.7	212.5	76
1912	71.2	66.3	64.2	73.7	542.8	1,741	586.1	302.4	222.3	192.3	193.6	139.7
1913	125.7	132.7	127.9	185.4	919.7	1,570	548.5	318	209.9	193.9		
Mean of monthly Discharge	98	99	96	130	731	1,660	567	310	216	202	203	108
** No Incomplete data have been used for statistical calculation												

YEAR	13294500, Salmon River at Stanley, Latitude 44°13'19", Longitude 114°55'41" NAD83 Monthly mean in ft3/s (Calculation Period: 1921-06-01 -> 1925-08-31) Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1921						2,774	1,023	441.3	311	294	305.1	306.6
1922			254.2	274.3	948.4	2,500	822.5	392.4	291.2	257.9	255	260.5
1923	276.8	262.4	251.5	291.9	958.1	1,394	1,024	388.2	254.9	277.7	259	237.6
1924	185.2	214.9	205.5	348.1	902.6	490.8	220.4	146.7	139.9	160	190	168.7
1925	178.8	213	176.9	456.8	1,564	1,666	1,007	366.6				
Mean of monthly Discharge	214	230	222	343	1,090	1,760	819	347	249	247	252	243
** No Incomplete data have been used for statistical calculation												

MSF right 72-16668 monthly flow: July - 1,320 CFS, August - 453 CFS, September - 405 CFS

Leased rights offered for this rental – 71-59 & 71-61; 71-2004D & 71-10772, 71-2053A & 71-7002; 71-10277 & 71-10278, and 71-10871 – equal a total of ~~73.5~~ 13.75 CFS for this rental and limited to 14.6 CFS per day continuously diverted

71-10277
&
71-10278

TO: Water Supply Bank

FROM: Amy Cassel, Salmon Field Office

DATE: September 19, 2022

RE: Champion Creek site visit on September 1, 2022

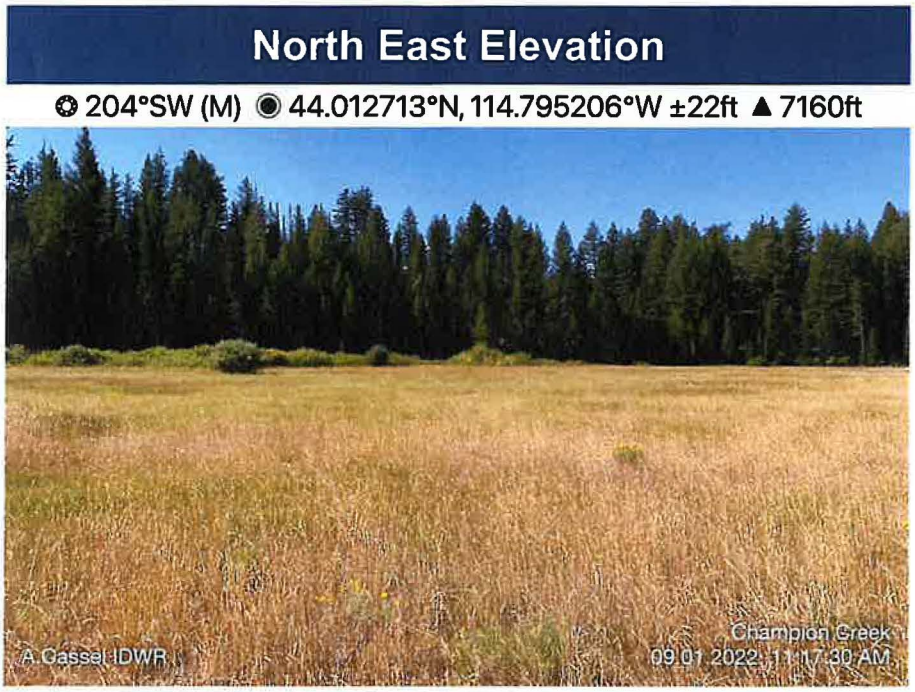
On September 1, 2022, I visited the point of diversion (CH1A) and the place of use for water rights 71-10277 and 71-10278. These water rights are owned by the United States Forest Service and are currently being evaluated for a water supply bank rental. WR Nos. 71-10277 and 71-10278 are currently leased into the water supply bank and are not being diverted.

A number of active water rights are still diverted from CH1A: 71-10275, 71-10080, 71-2026, 71-4021, 71-4006, and 71-10081. The head gate was open and water was actively diverted on September 1, 2022. The measuring device on the ditch, which is in need of replacement, read approximately 1.5 cfs. See picture 1.



Picture 1. Measuring device on ditch.

I walked the ditch to the place of use for 71-10277 and 71-10278. The majority of the place of use was dry. The vegetation was brown and the soils were dry. See pictures 2 and 3.



Picture 2. Brown vegetation and dry soils.



Picture 3. Brown vegetation and dry soils.

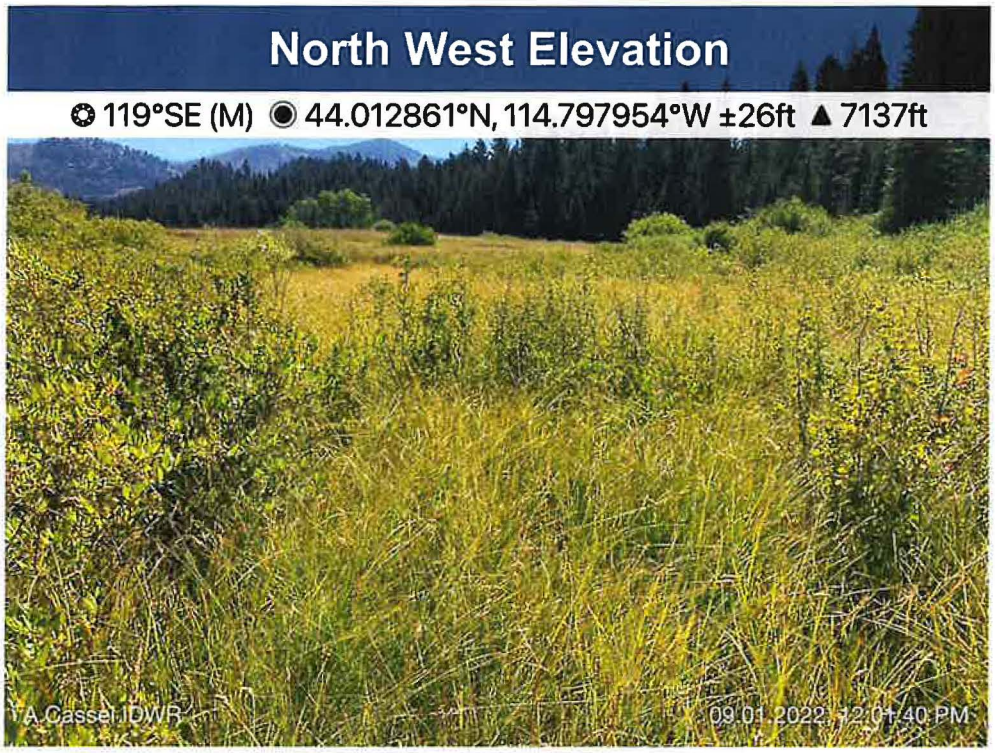
There were several exceptions where the place of use was green.



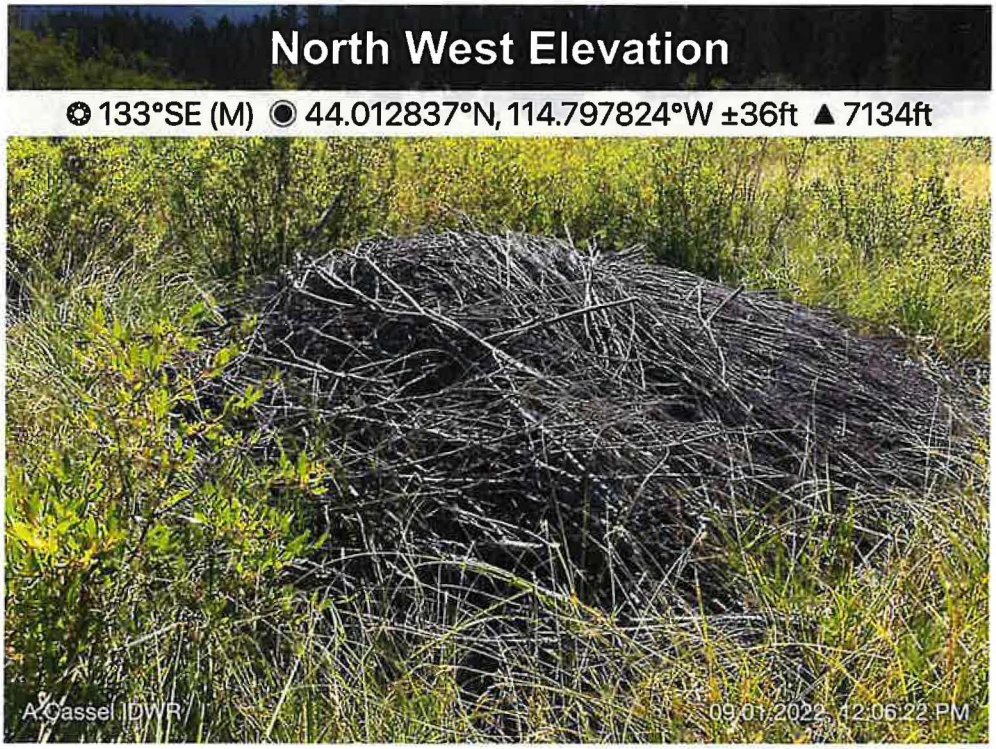
Picture 4. Slight depression in place of use.

A section of the place of use is in a slight depression, and this area contained native bunch grasses that were well-established and continued to be green despite no active irrigation (picture 4). The soils, however, were dry.

The other area of the place of use that was very green is located on the west side of the cabins and the south side of the dirt road. When I walked into this area, the soil was heavily saturated and covered with sedges. Upon further inspection, I found a relic beaver lodge. See pictures 5 and 6.



Picture 5. Saturated soils and tall grasses.



Picture 6. Relic beaver lodge.

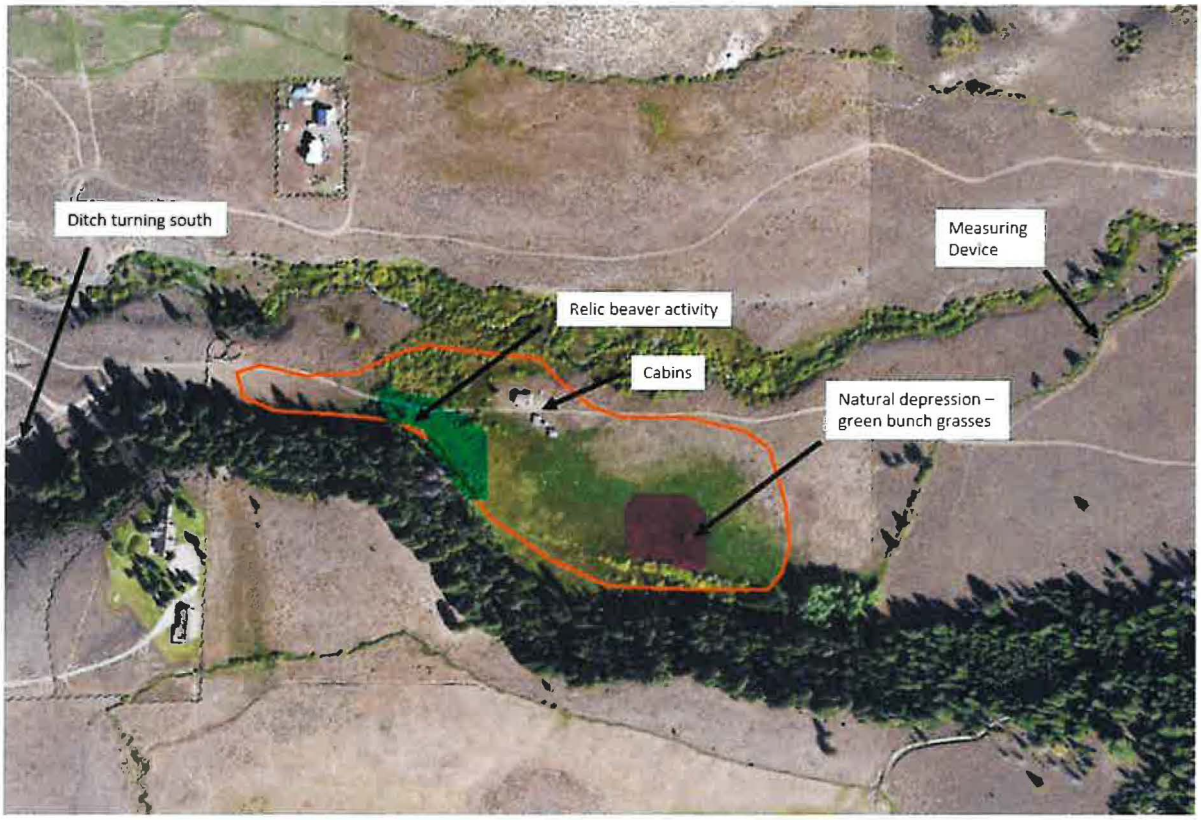
It is my opinion that, at some point in time, beavers were actively working in the ditch and created a wetland that persists despite the beavers no longer working in the area.

I then continued down the ditch and exited the place of use. The ditch turns south and continues. I estimated that the water in the ditch at this point was still about 1.5 cfs. Therefore, I concluded that there is little to no loss through the relic beaver complex. See picture 7.



Picture 7. Ditch continues south.

See map 1 below for location details.



Map 1. POU for WR Nos. 71-10277 and 71-10278

MEMORANDUM

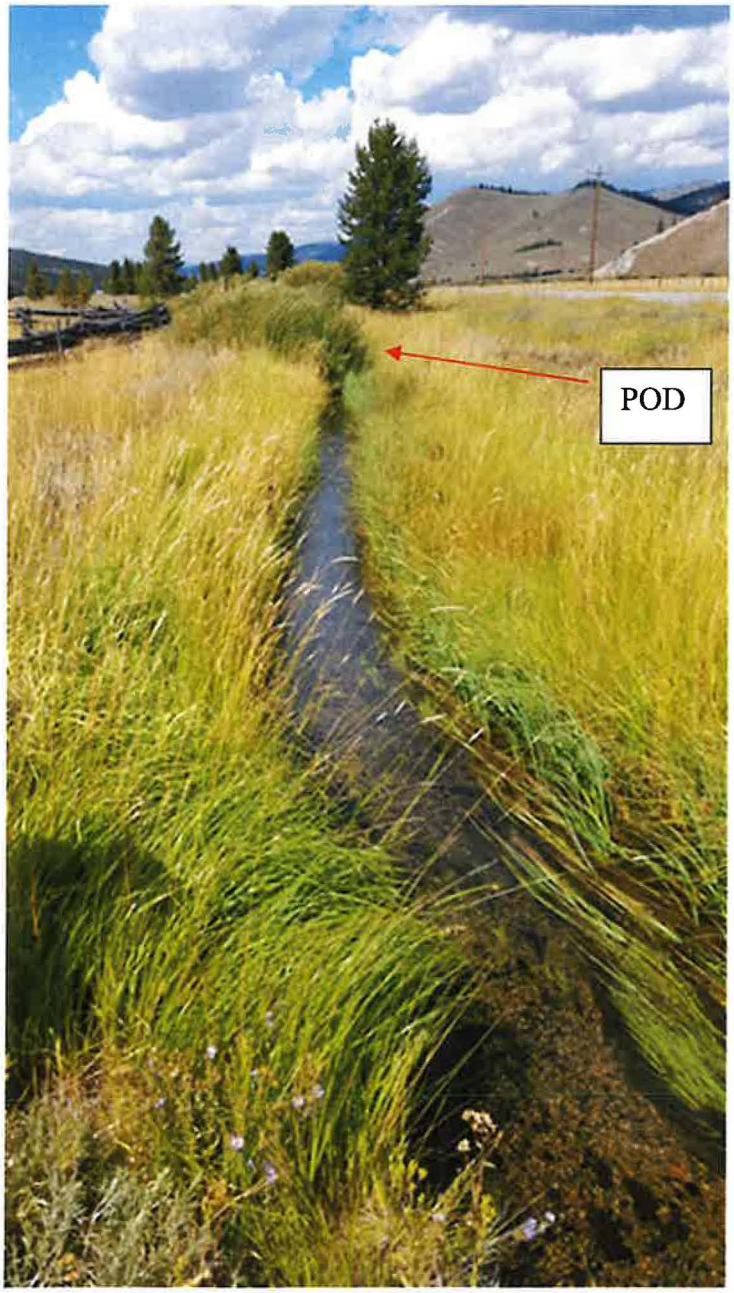
To: **Water Right File No(s). 71-2053A & 71-7002 and 71-2004D & 71-10772**

From: **Mary Condon, WSB Coordinator**

Date: **September 19, 2022**

Re: **Field Visit for permanent lease and rental for MSF – Salmon River, Tributaries**

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 lands and ditches for rights offered for permanent lease and rental for Salmon River MSF. 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. Details and pictures of the field visit for rights 71-2053A & 71-7002, as well as a mention for lands under rights 71-2004D & 71-10772, are below.



71-2053A & 71-7002

We parked on the westside of the highway, near the unnamed drain from Sessions Lodge which runs parallel to the highway up to Williams Creek. From the parking area, I measured the unnamed drain to be 2.5' in width and was on average 8.75" deep around the culvert under entry from highway to the parking area, which was capacity of the ditch. No flow measurements were taken.

There is split-pole fence surrounding a portion of the irrigation ditch from the POD for rights 71-2053A & 71-7002 off the unnamed ditch, and most of the ground within the fencing is marshy, with willows growing at the POD. Water was also present in the 6' wide irrigation ditch for a distance of at least 50 yards. See picture of unnamed drain and POD marked, in picture at right.

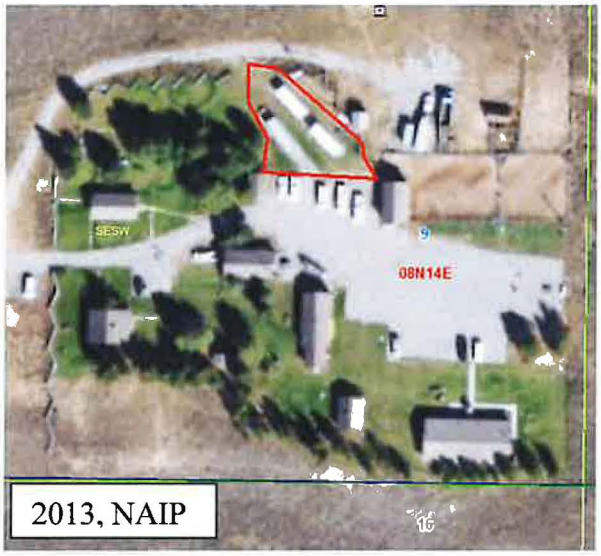
I recommended to Sharon with USFS to block the POD since there are no other rights off of it and the water entering it provides no beneficial use. USFS will

block the irrigation ditch at the POD to prevent water from entering from the unnamed drain so it can continue downstream to Williams Creek.

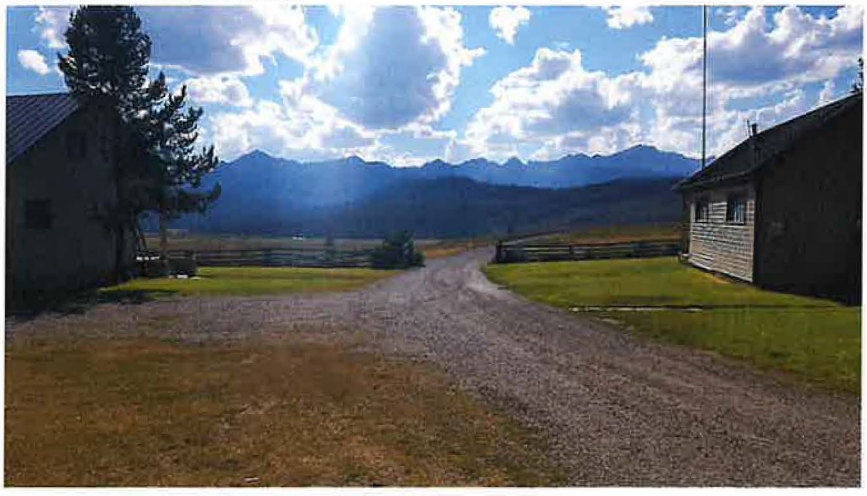
71-2004D & 71-10772

These rights are from Fourth of July Creek. We visited the work center at the base of the place of use for irrigation under these rights, but I did not examine the idled lands on the 10.7 acres leased to the bank, as it was evident in aerial imagery and sentinel that the land above the work center has been idled since it was decreed. Looking north from the work center, the idled lands did not appear cultivated, nor did they appear any different from other lands in the area that are not irrigated.

Lands around the work center are irrigated by manual sprinkler irrigation from scattered spigots. A small section in the top center of the work center area, which had appeared on aerial imagery to be parking for semi-trailers, was actually camper parking, and there was some sprinkler irrigation around them, but this finding does not warrant any additional removal of acres from the lands available for lease and rental. Area outlined in red, below.



Below, is a picture from the work center towards the entry gate, looking west towards the Sawtooth Mountains.



USDA United States Department of Agriculture | Forest Service | Sawtooth National Forest
Sawtooth National Recreation Area - Stanley Office
HC 64, Box 9900
Stanley, ID 83278
208-774-3000
Fax: 208-774-3003

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.

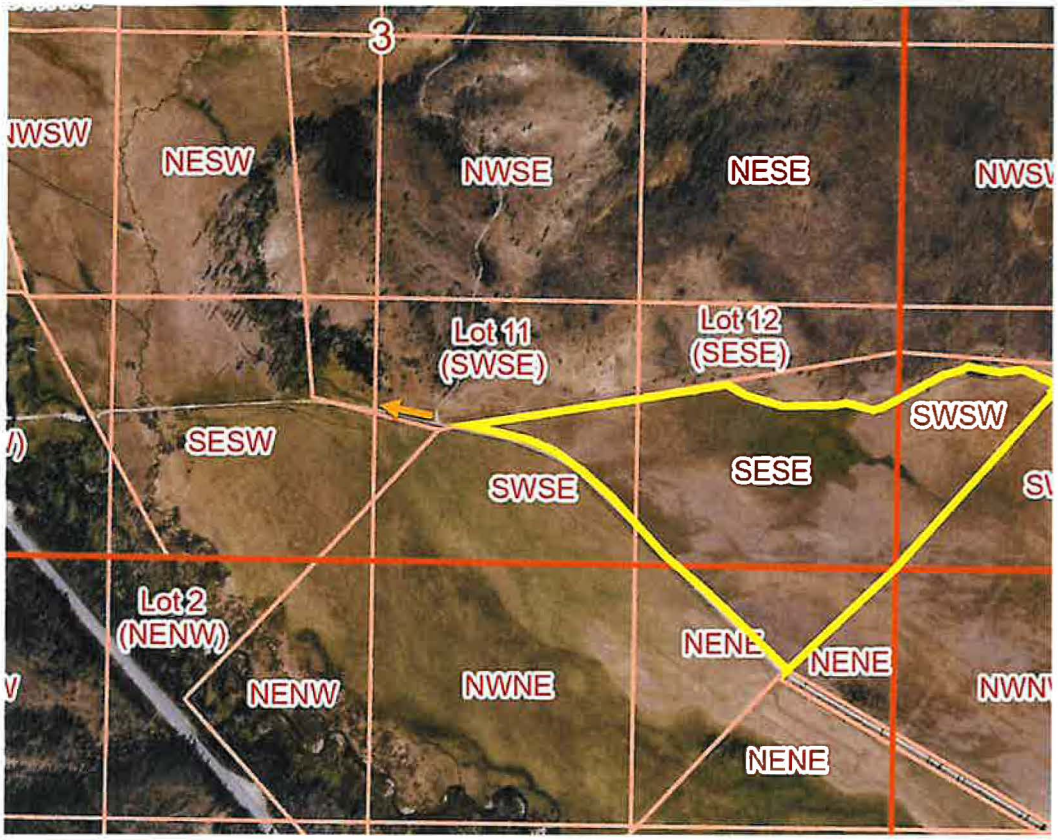


Figure 1. The orange arrow indicates the SV5/6 ditch leak location.

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.

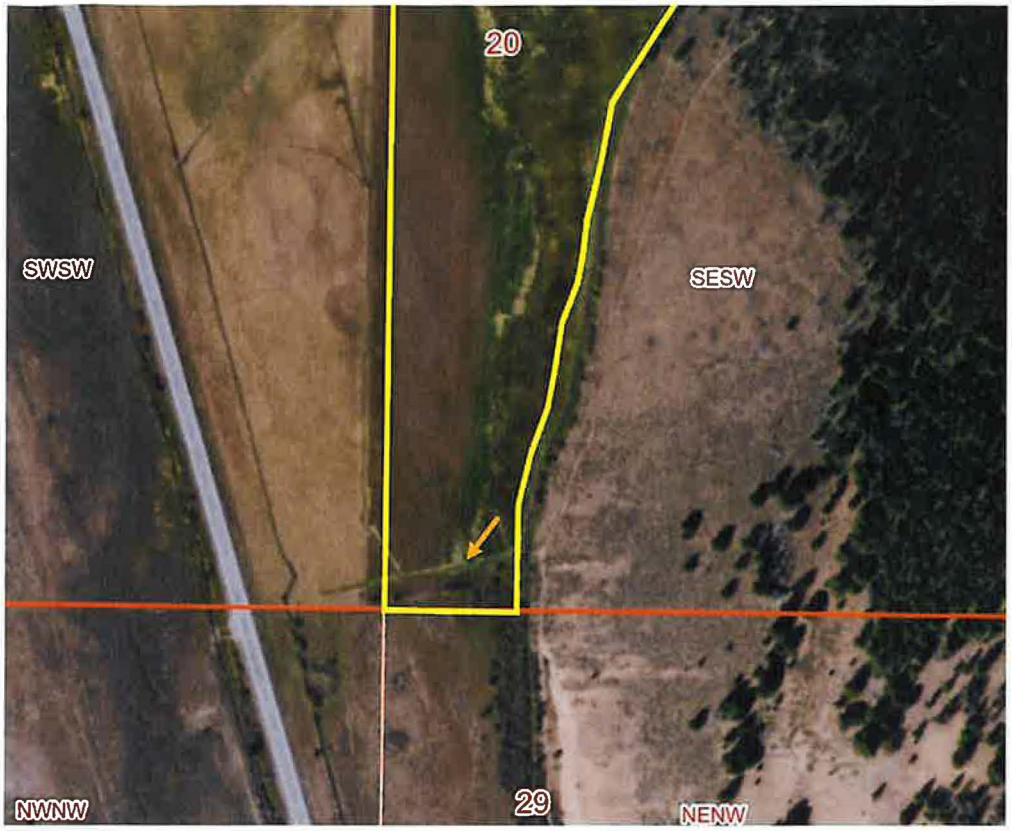


Figure 2. The orange arrow indicates the location to be plugged at the head of the lateral ditch running north from the S40 spur ditch.

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.

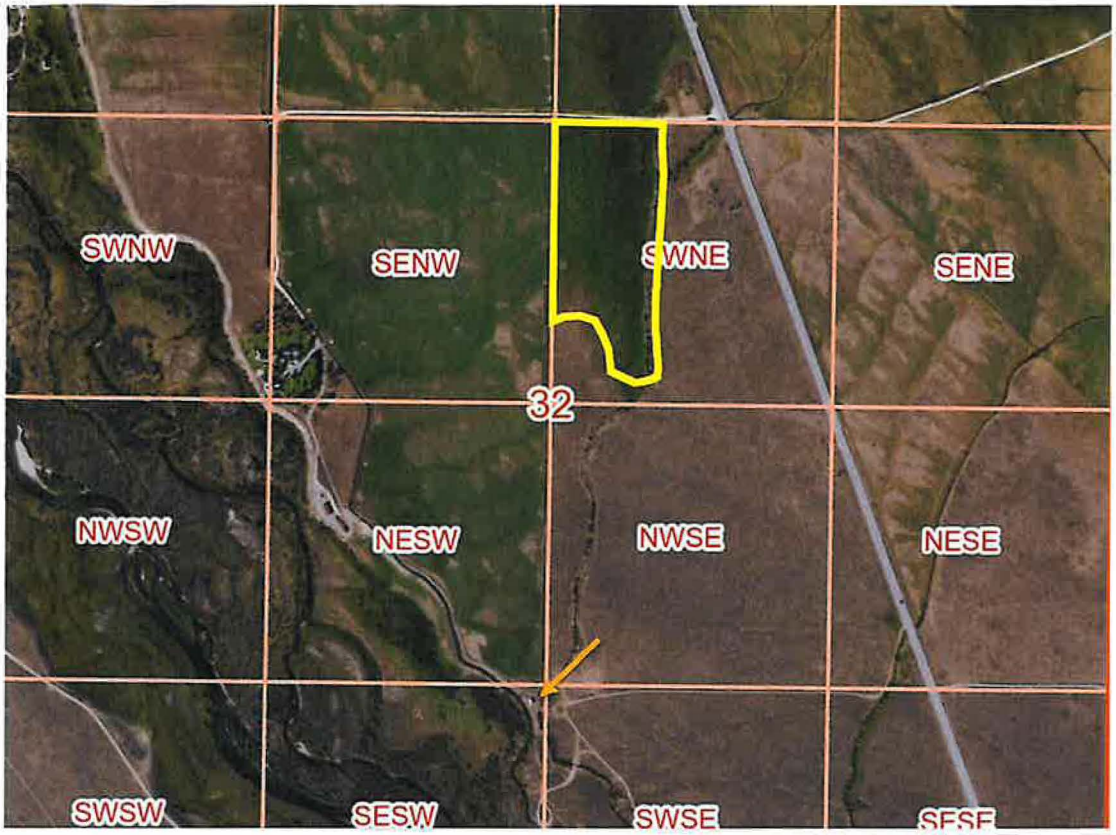


Figure 4. The orange arrow indicates the location of the concrete structure at the origin of the ditch branch leading to the POU.

IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Jeff Raybould
Chairman
St. Anthony
At Large

Roger W. Chase
Vice-Chairman
Pocatello
District 4

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

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,

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 COMMITTMENT

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

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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

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

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

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

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

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

DATED this 21st day of May 2021.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Jo Ann Cole-Hansen, Secretary

IDAHO WATER RESOURCE BOARD

Brad Little
Governor

Roger W. Chase
Chairman
Pocatello
District 4

Jeff Raybould
Vice-Chairman
St. Anthony
At Large

Vince Alberdi
Secretary
Kimberly
At Large

Peter Van Der Meulen
Hailey
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Dale Van Stone
Hope
District 1

Jo Ann Cole-Hansen
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 the 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.

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Website: idwr.idaho.gov/IWRB/

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,

Roger Chase

Chairman, Idaho Water Resource Board

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

United States Department of Agriculture
Forest Service
Intermountain Region
324 25th Street
Ogden, UT 84401

RECEIVED
DEC 02 2020
IDAHO WATER RESOURCE BOARD

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