

WATER SUPPLY BANK LEASE CONTRACT No. 1665

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

RECEIVED

SEP 06 2023

**DEPARTMENT OF
WATER RESOURCES**

LESSOR: ERIK F STORLIE
3217 HUMBOLDT AVE S
MINNEAPOLIS, MN 55408-3329

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on November 08, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
75-4199	5/1/1930	BIG HAT CREEK, tributary to HAT CREEK	0.47	Not Stated	12.3
75-4200	5/1/1930	HAT CREEK, tributary to SALMON RIVER	1.28	Not Stated	24.7
75-2137	1/11/1960	BIG HAT CREEK, tributary to HAT CREEK HAT CREEK, tributary to SALMON RIVER	0.76	Not Stated	26.7
Combined Lease Totals			2.51	Not Stated	63.7

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
75-4199	0.47	43.05	12.3	0.038	3.5
75-4200	1.28	86.45	24.7	0.052	3.5
75-2137	0.76	93.45	26.7	0.028	3.5
Combined Limit Totals	2.51	222.95	63.7	0.039	3.5

SUPPORT DATA

IN FILE # 75-2137

WATER SUPPLY BANK LEASE CONTRACT No. 1665

** The water right elements rentable account for calculated volume based on area standard headgate*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1665

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ERIK F STORLIE
3217 HUMBOLDT AVE S
MINNEAPOLIS, MN 55408-3329

By Erik F. Storlie
Title _____
Date 2/29/2023

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton Date 9/6/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR Cody R Date 9-6-23

WATER SUPPLY BANK LEASE CONTRACT No. 1665

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 75-2137

BIG HAT CREEK NWNENE Sec. 8 Twp 17N Rge 20E LEMHI County

Source and Location of Point(s) of Diversion for Water Right No(s): 75-2137, 75-4200

HAT CREEK SESWSW Sec. 3 Twp 17N Rge 20E LEMHI County

Source and Location of Point(s) of Diversion for Water Right No(s): 75-4199

BIG HAT CREEK NWNENE Sec. 8 Twp 17N Rge 20E LEMHI County
BIG HAT CREEK SWSWNW Sec. 10 Twp 17N Rge 20E LEMHI County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
75-2137	IRRIGATION	04/01	to	10/31	0.76 cfs	93.45 AF
75-4199	IRRIGATION	04/01	to	10/31	0.47 cfs	43.05 AF
75-4200	IRRIGATION	04/01	to	10/31	1.28 cfs	86.45 AF
75-4199	STOCKWATER	01/01	to	12/31	0.47 cfs	43.05 AF
75-4200	STOCKWATER	01/01	to	12/31	1.28 cfs	86.45 AF
Totals:					2.51 cfs	222.95 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	20E	10							X			X	X		X			X	
17N	20E	15		X															

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
17N	20E	10							5.4			3.6	10.5		25.0			11.5		56.0
17N	20E	15		7.7																7.7

Total Acres: 63.7

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.

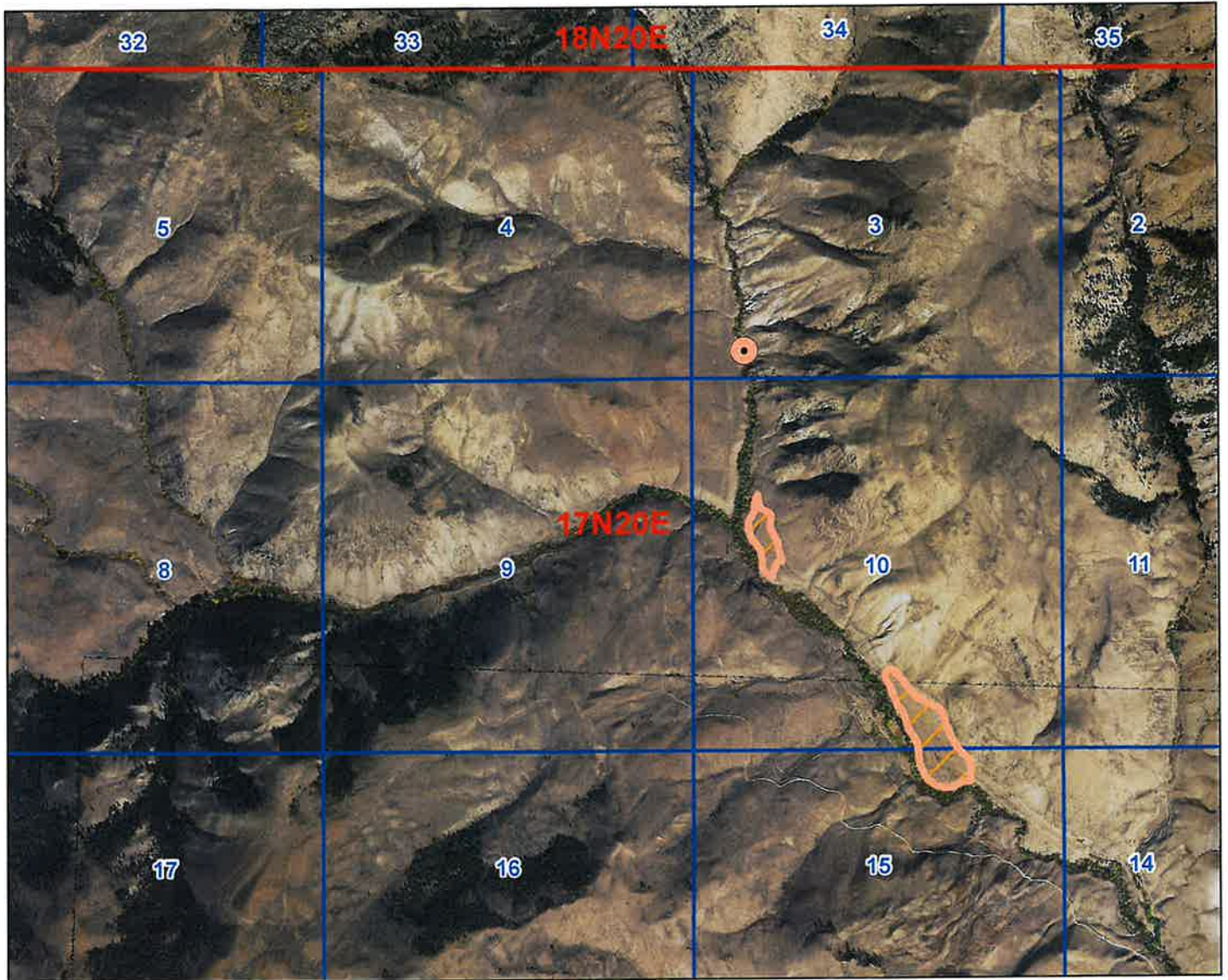
WATER SUPPLY BANK LEASE CONTRACT No. 1665

2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Upon execution of the lease, the remaining number of acres authorized for irrigation is 4.6 acres based on unleased Right No. 75-14494.

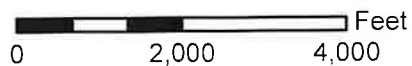
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1665

75-4200
Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



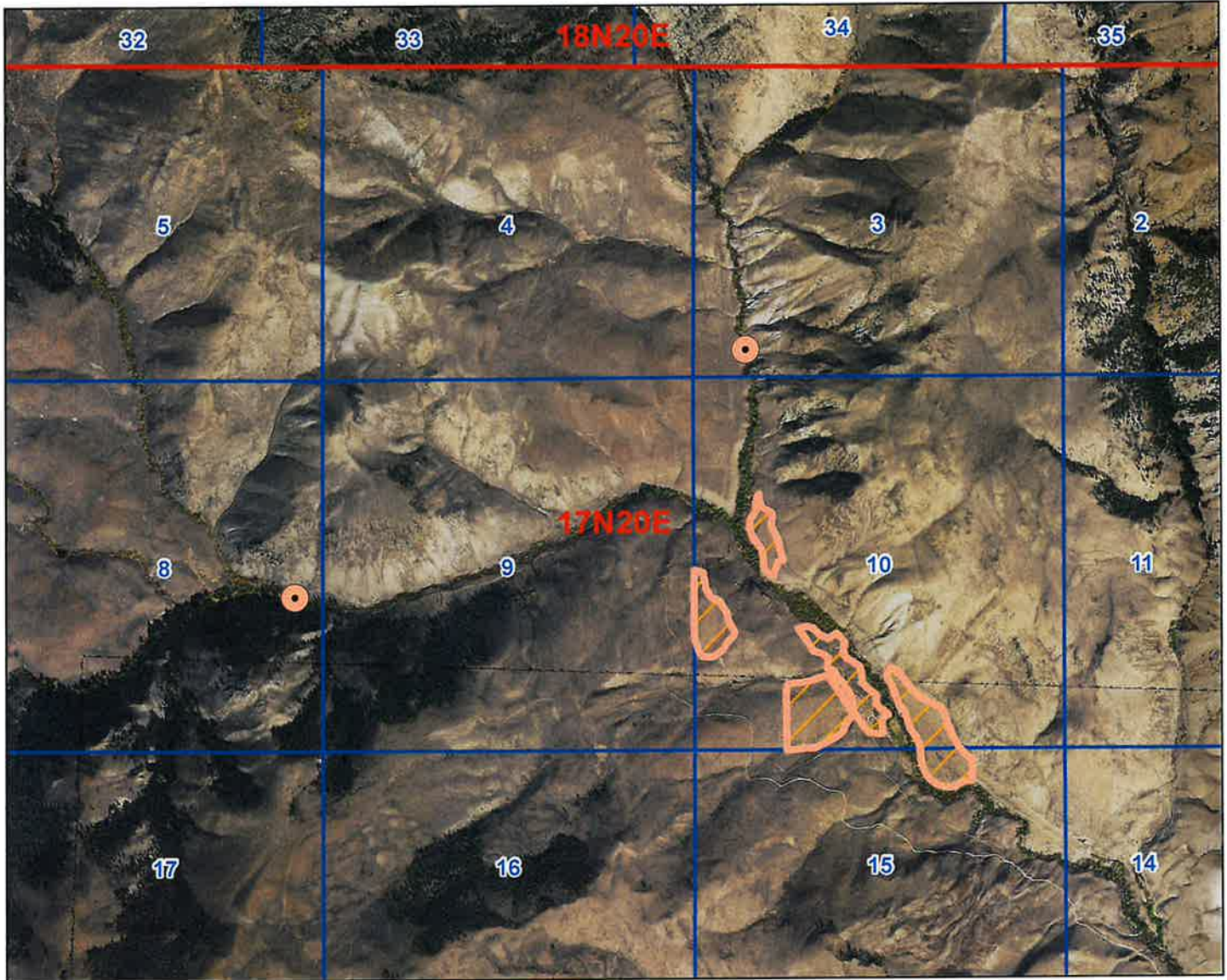
- Approved Lease Point of Diversion
- ▨ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1665

75-2137
Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- ▨ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections

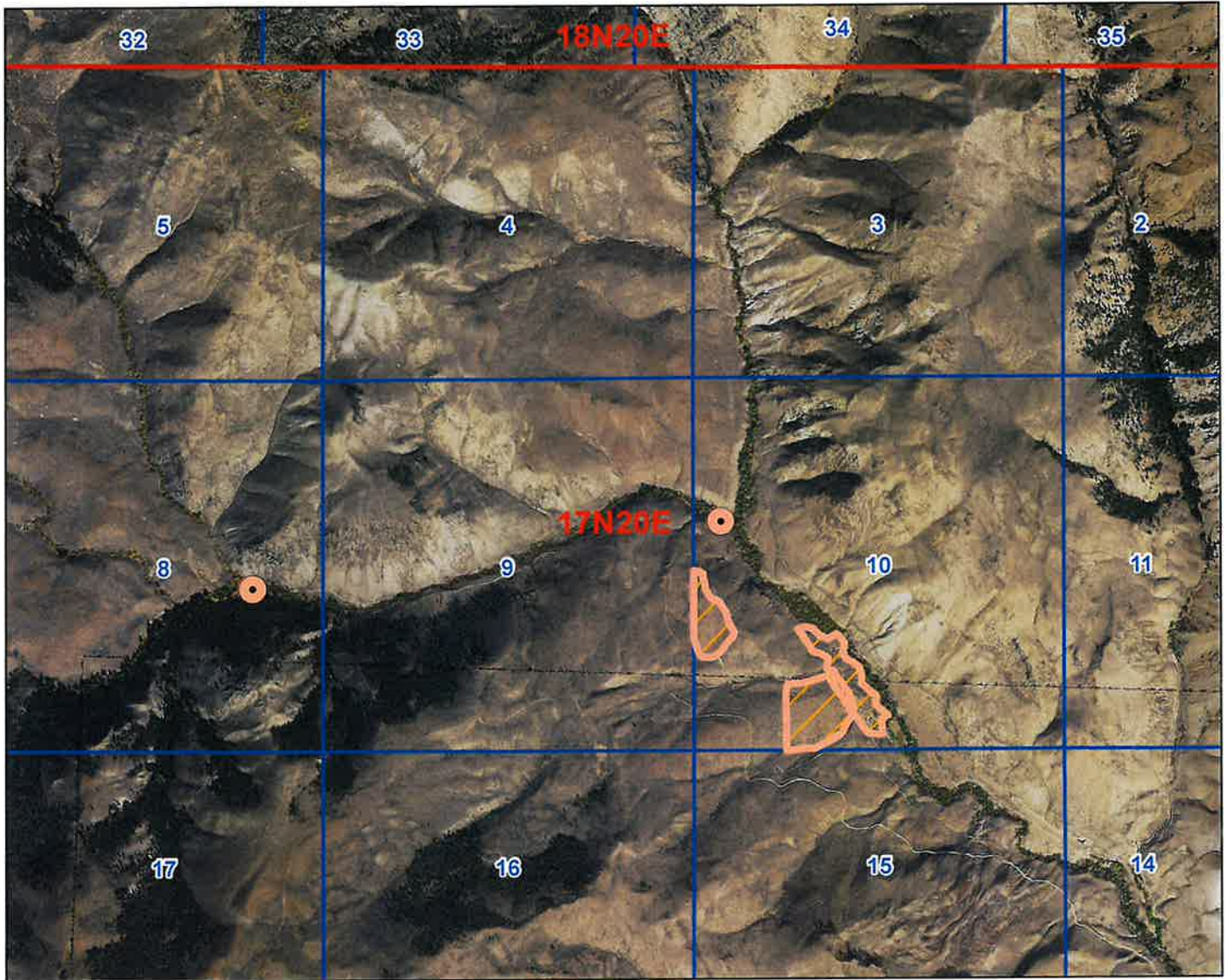




Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1665

75-4199

Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 08 2022

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant Erik Storlie Water Right No. 75-4199
(Select one owner – see item 1A on the application) (One water right per application)

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

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MIMUMUM REQUIREMENT CHECKLIST		
All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i>		
Yes		
	<input checked="" type="checkbox"/>	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
	<input checked="" type="checkbox"/>	Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	<input checked="" type="checkbox"/>	Confirmation this form has been printed single sided , per requirement of the Water Supply Bank.
Attachment	N/A	Yes
1A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	<input checked="" type="checkbox"/>	<input type="checkbox"/> An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.
1C	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
1D	<input checked="" type="checkbox"/>	<input type="checkbox"/> Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	<input checked="" type="checkbox"/>	<input type="checkbox"/> Description of a water right portion offered to the Water Supply Bank.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
4A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Written consent from irrigation district or water delivery company.
4G	<input checked="" type="checkbox"/>	<input type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .

Department Use Only			
Fee Amount \$	Received By:	Date Received:	Receipt #
W-9 received? Yes <input type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9:	

2501

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Erik Storlie
Mailing Address 3217 Humboldt Ave. South Minneapolis MN 55408
Street City State Zip Code
Email Address _____ Phone Number 612.822.8555

The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes No
If no, complete the form and attach to this application (Attachment 1B).
- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes No
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).
- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes No
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative N/A Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

The full water right is being offered to the Bank.

OR

A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes No
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
Flood irrigation through ditches and a few pipes

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. WR #s 75-2137, 75-4200

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes No
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes No
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The Idaho Water Resource Board has been renting water rights 75-2137 (93.5 AF), 75-4199 (43.1 AF), and 75-4200 (86.5 AF) since 2015 to the MSF on Hat Creek (Water Right # 75-14189).

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes No
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. The Idaho Water Resource Board has been renting water rights 75-2137 (93.5 AF), 75-4199 (43.1 AF), and 75-4200 (86.5 AF) since 2015 to the MSF on Hat Creek (Water Right # 75-14189).

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes No

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale or lease ?

If lease, specify the years when the use of water will be suspended: 2023 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
No payment to water right holder.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Erik F. Storlie
Signature of Designated Applicant

Erik F. Storlie
Printed Name

11/3/2022
Date

Brian Fattou
Signature of Authorized Representative

BRIAN FATTOU
Printed Name

8 NOV 22
Date

FOR THE IDAHO WATER
RESOURCE BOARD

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

Print Form

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 1 if more than one applicant/water right holder.

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

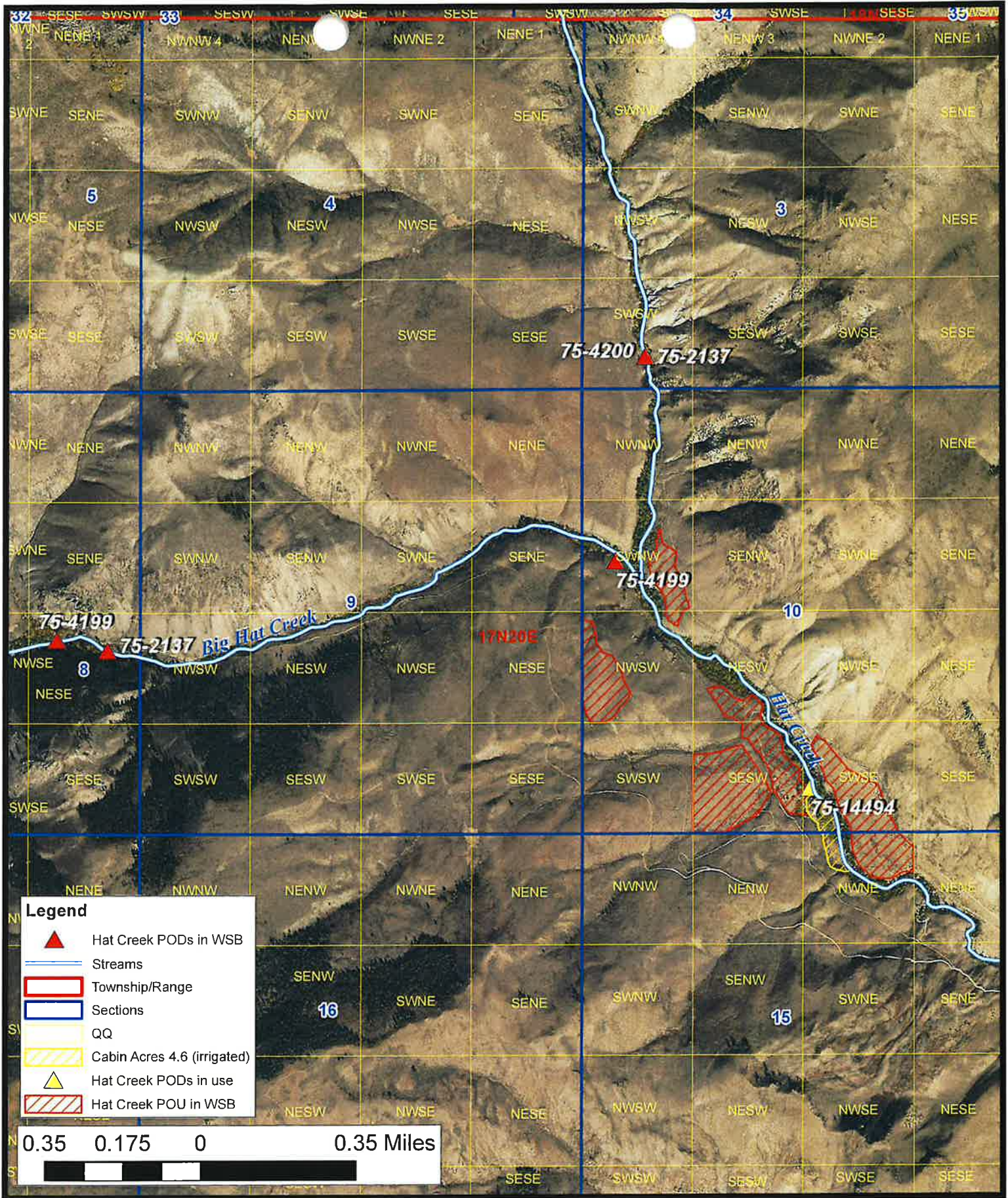
For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s) 75-2137; 75-4199; 75-4200

	Designated Applicant	Applicant #2	Applicant #3
Name	ERIK STORLIE	TAMARA KAISER	
Mailing Address	3217 Humboldt Ave S Mpls MN 55408	same	
Phone Number	6208-940-0723	612-825-8053	
Email Address	estorlie@gmail.com	+amara.lynn.kaiser@gmail.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	<i>Erik F. Storlie</i>	<i>Tamara Kaiser</i>	

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			



**Big Hat Creek Lease 2023-2027
Attachment 3**



Map Date: 07/20/2022
Imagery: NAIP 2021



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

September 6, 2023

ERIK F STORLIE
3217 HUMBOLDT AVE S
MINNEAPOLIS, MN 55408-3329

**RE: WATER SUPPLY BANK LEASE CONTRACT 1665
FOR WATER RIGHTS 75-2137, 75-4199, and 75-4200**

Dear Lessor:

Water right(s) **75-2137, 75-4199, and 75-4200** are leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027**, unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Enclosure: Executed Lease Contract

c: IDWR – Southern Region Office
Water District No. 170



Governor Brad Little

Director Gary Spackman

August 24, 2023

ERIK F STORLIE
3217 HUMBOLDT AVE S
MINNEAPOLIS, MN 55408-3329

RE: APPLICATION TO LEASE RIGHTS 75-4199, 75-4200, 75-2137 CONTRACT 1665

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

“While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.”

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,


for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR LEASE #1665 AND RENTAL # 714

To: Water Right(s) 75-2137, 75-4199 & 75-4200
From: Mary Condon
Date: December 29, 2022 – January 25, 2023
Re: Review & Analysis of Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Companion applications to lease and rent full water rights for minimum stream flow maintenance by the IWRB, received on November 8, 2022, for a 5 year term from 2023-2027. Both applications are continuations of past approvals, since 2004.

Included with the applications is a resolution by the IWRB for the renewal of the leases and rentals, as well as allocation of funds to cover the lease application fee of \$500 and a total rental fee of \$2,536.93. Rental admin fee amount in resolution is based on the unrounded calculated volume times \$2.3 admin fee per acre-foot times five years, but without rounding each year admin fees and with two numbers of the total fee inverted. Rental admin fee will be \$512.79 per year, equal to a total of \$2,563.95 for five years.

There are four rights for irrigation on 68.3 acres, of which three of the rights are fully offered for lease. Previous lease for years 2018-2022 discounted from the leased rentable amounts the full amount allocated to non-offered right 75-14494, in error. Each of the four rights for the entire 68.3 acre POU are additive to the whole and a reduction by the non-offered right is not necessary to avoid enlargement. See combined limits, Table 1.

AUTHORITY TO FILE: Review of county taxlot data shows water right owners own the lands under POU of rights offered for lease. PODs for each of the rights are either on lands owned by Salmon-Challis Nation Forest or lands owned by the lessor, and do not share the diversion works with any other rights not listed under this lease. Applications for lease signed by owner of rights. The application for rental signed by Brian Patton, authorized agent on behalf of the Board, along with a resolution signed by the IWRB on October 26, 2022, to authorize the transaction for another five (5) years. The water rights offered for lease and rental are donated by the owners of the water rights, and no owner payment from the rental is required. The lease filing fee of \$500 and the rental administrative fee will be paid by the IWRB and reimbursed with funds made available from the Bonneville Power Administration through the Columbia Basin Water Transaction Program upon approval of the WSB transaction. No concerns with authority to file.

WATER RIGHT VALIDITY: Offered water rights and amounts have been leased to the Bank since 2004 and were decreed while in the Bank. Rentals of the consumptive use amounts from irrigation for minimum streamflow maintenance by the IWRB have accompanied the lease applications since 2004. Partial decrees in 2009 corrected combined limits of the four rights for acres and rate, as they are additive and not limited. No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: Continued lease and rental of these water rights is not expected to cause injury to other water rights.

ENLARGEMENT OF USE: Area headgate standard is 3.5 acre-feet per acre, consumptive use standard is 2.5 acre-feet per acre, and area season of use is 4/1 to 10/31. Lease will be the full irrigation and stockwater under rights 75-2137, 75-4200, & 75-4199.

ApplicationType	BasinN	Sequenc	Max Rate	Max Volume	C/U	TotalAcres	AcreLimit	cfs/acre	af/acre	WaterUseList	
Decree	75	2137	0.76	Not Stated	66.75	68.3	26.7	0.0285	3.5	IRRIGATION	
Decree	75	4200	1.28	Not Stated	61.75	24.7	24.7	0.0518	3.5	IRRIGATION, STOCKWATER	
			0.03							IRRIGATION	
			0.47	Not Stated	30.75	43.6	12.3	0.0382	3.5	STOCKWATER	
Decree	75	4199	0.47	Not Stated	30.75	43.6	12.3	0.0382	3.5	IRRIGATION, STOCKWATER	
			0.03							IRRIGATION	
										STOCKWATER	
Decree	75	14494	0.1	Not Stated	11.5	4.6	4.6	0.0217	3.5	IRRIGATION	
			combined limit 75-4199 & 14491					51.2			
			combined limit all				68.3	68.3			
			sum	2.61	239.05	170.75	68.3	0.0382	3.5		
ApplicationType	BasinN	Sequenc	Max Rate	Max Volume	C/U	TotalAcres	AcreLimit	cfs/acre	af/acre	WaterUseList	
LEASE	75	2137	0.76	93.45	66.75	68.3	26.7	0.0285	3.5	IRRIGATION	
LEASE	75	4200	1.28	86.45	61.75	24.7	24.7	0.0518	3.5	IRRIGATION, STOCKWATER	
			0.03							IRRIGATION	
			0.47	43.05	30.75	43.6	12.3	0.0382	3.5	STOCKWATER	
LEASE	75	4199	0.47	43.05	30.75	43.6	12.3	0.0382	3.5	IRRIGATION, STOCKWATER	
			0.03							IRRIGATION	
										STOCKWATER	
NOT OFFERED	75	14494	0	0	0	0	0			IRRIGATION	
			Lease 75-4199 w/out 14494					12.3			
			Lease combined limit offered	2.51	222.95	63.7	63.7	0.0394	3.5		
			sum of lease	2.51	222.95	159.25	63.7	0.0394	3.5		
			difference	0.1	16.1	11.5	0	4.6		equal to unleased 75-14494	

Table 1, Combined limits of leased amounts

Rental request is a change in nature of use for the MSF maintenance of existing MSF right 75-14189. No change to the SOU is requested for the rental of these rights. The flow rate continuously available to the stream under this rental is based on a reverse calculation from the calculated standard consumptive use volume, as 159.25 af / (214 days x 1.983) and equals 0.38 cfs.

	CFS	HG	C\U	Acres
Rental	75	2137 1/11/1960	0.76	93.45
Rental	75	4200 5/1/1930	1.28	66.75
Rental	75	4199 5/1/1930	0.47	61.75
			2.51	43.05
			222.95	30.75
			159.25	N/A
		daily CFS	0.38	
		Vol rented	222.95	1-Apr
		Admin fee	\$ 512.79	31-Oct
		5 years	\$ 2,563.95	214

Table 2, Rental amounts and rental fee

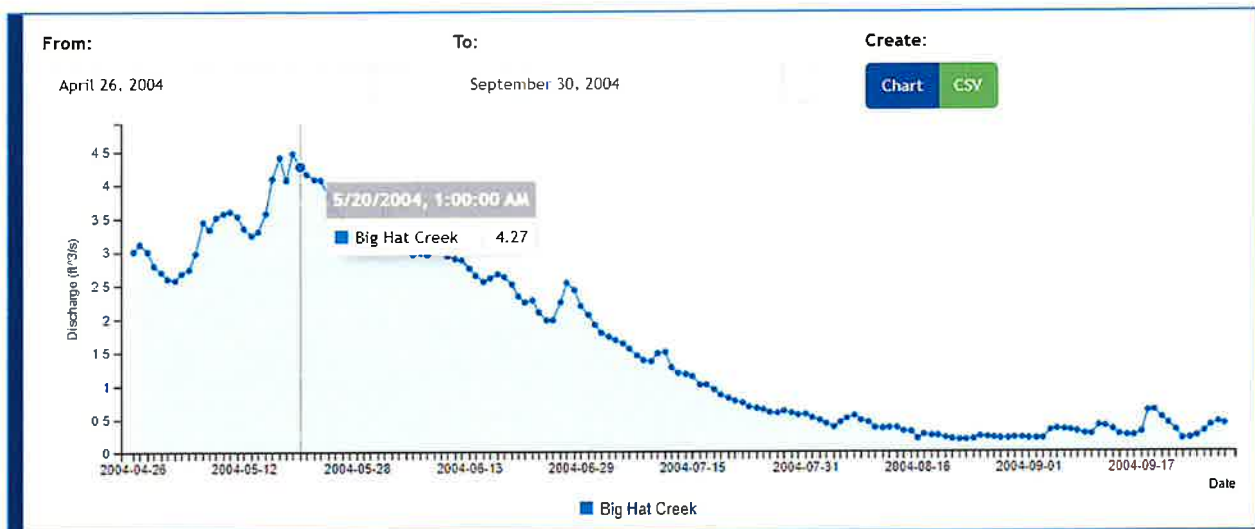
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho and a rental for Stream Flow Maintenance is a beneficial use. See stream gage data for years 2004 and 2005, below.

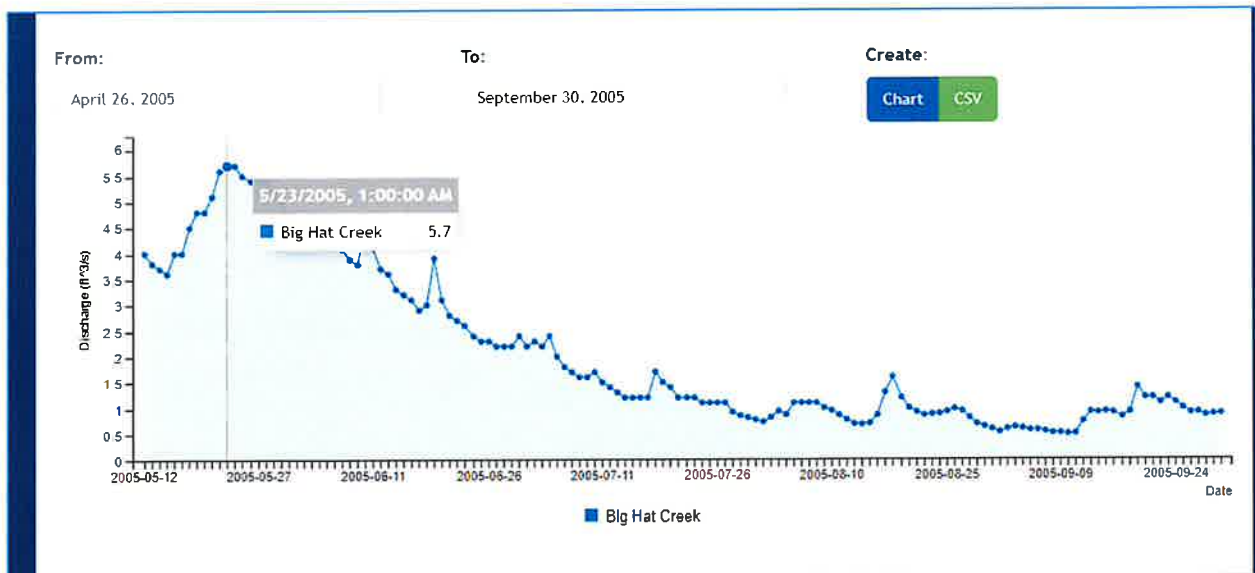
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is within Southern Region and is subject to Water District # 170. Request for comments or concerns from watermaster and region sent on January 25, 2023.

Stream Gage Data – Big Hat Creek Lat/Long: 44.818/-114.111

Closest historic stream flow measurement site is next to two of the lease PODs on Big Hat Creek, within the Minimum Stream Flow reach of right 75-14189. No gages or measurements exist on the main Hat Creek. POD for MSF right should actually be within the NWNE vs L2 SENENW of Section 20 described on the proof report.



Measurement period from April 26, 2004 through September 30, 2004.



Measurement period from April 26, 2005 through September 30, 2005.

<https://research.idwr.idaho.gov/apps/hydrologic/aquainfo/Home/Data#!/>

Condon, Mary

From: Condon, Mary
Sent: Wednesday, January 25, 2023 12:46 PM
To: Graybill, David; Skinner, Corey
Subject: Lease Rental MSF for IWRB
Attachments: Lease & Rental Review Memo.docx; Move Map.pdf

Good afternoon, Corey and David,

Please see the attached review memo and move map for a 5 year renewal lease rental package for MSF maintenance of existing MSF right 75-14189, and kindly reply with comments or concerns within 10 days.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator

 IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936



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 Gary Spackman

November 22, 2022

ERIK STORLIE
3217 HUMBOLDT AVE S
MINNEAPOLIS MN 55408

RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 75-2137, 75-4199 & 75-4200 TO THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz".

Mackenzie Kienholz
Water Supply Bank Specialist



IDAHO WATER RESOURCE BOARD

RECEIVED

NOV 08 2022

DEPARTMENT OF
WATER RESOURCES

Brad Little
Governor

November 3, 2022

Jeff Raybould
Chairman
St. Anthony
At Large

RE: Application to Rent WRs 75-2137, 75-4199, & 75-4200 for delivery to the Hat Creek Minimum Stream Flow Water Right 75-14189

Roger W. Chase
Vice-Chairman
Pocatello
District 4

Enclosed please find lease and rental applications for Water Right Nos. 75-2137, 75-74-4199, and 75-4200 for delivery to the Hat Creek Minimum Stream Flow Water Right No. 75-14189. These rights have been donated to the Water Supply Bank, therefore the rental of these water rights result in no payment to the water right owner. The purpose of this lease/rental is to improve flows in Hat Creek to facilitate the spawning and rearing of fish species listed under the Endangered Species Act. Lease and rental application fees, totaling \$3,063.93, will be paid by the IWRB who shall be reimbursed by the Bonneville Power Administration through the Columbia Basin Water Transaction Program.

Jo Ann Cole-Hansen
Secretary
Lewiston
At Large

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

Dale Van Stone
Hope
District 1

Sincerely,

Albert Barker
Boise
District 2

Dean Stevenson
Paul
District 3

John Loffredo
Project Coordinator, Idaho Water Transactions Program
Idaho Department of Water Resources
102 S. Warpath
Salmon, ID 83467

Peter Van Der Meulen
Hailey
At Large

Brian Olmstead
Twin Falls
At Large

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE 2023-2027 HAT
CREEK WATER TRANSACTION CONTRACTS

RESOLUTION TO MAKE A FUNDING
COMMITMENT

1 WHEREAS, resident bull trout, juvenile Chinook salmon, and adult steelhead in Hat
2 Creek are limited by low flow in the lower reaches of Hat Creek; and

3 WHEREAS, Hat Creek provides habitat for resident bull trout, juvenile Chinook
4 salmon, and adult steelhead habitat, and the 2004 Snake River Water Rights (“Nez Perce”)
5 Agreement commits the state to providing incentives for improving fish habitat which includes
6 improving or protecting flow conditions to augment stream flows; and

7 WHEREAS, it is in the interest of the State of Idaho to increase flow in Hat Creek to
8 encourage recovery of ESA-listed bull trout, Chinook Salmon, and steelhead; and

9 WHEREAS, the Idaho Water Resource Board (IWRB) owns minimum streamflow Water
10 Right No. 75-14189 on Hat Creek; and

11 WHEREAS, the IWRB, pursuant to Section 42-1734, Idaho Code, has the authority to
12 acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises, and other
13 property deemed necessary or proper for the construction, operation, and maintenance of water
14 projects; and

15
16 WHEREAS, the water right owners have agreed to donate a portion of Water Right Nos.
17 75-2137, 75-4199, and 75-4200 to the IWRB for delivery to the Hat Creek minimum stream flow
18 Water Right No. 75-14189; and

19 WHEREAS, staff is developing a 5-year Lease and Rental Agreement through the Idaho
20 Water Supply Bank to leave water in Big Hat Creek and Hat Creek to improve stream flow for
21 anadromous and resident fish; and

22 WHEREAS, a proposal for \$3063.93 will be submitted to the Columbia Basin Water
23 Transaction Program to fund the lease and rental fees of said water rights through the Idaho
24 Water Supply Bank; and

25 WHEREAS, the Hat Creek transaction is in the public interest and in compliance with the
26 State Water Plan; and

27 NOW THEREFORE BE IT RESOLVED that the IWRB authorizes the Chairman or designee to
28 rent Water Right Nos. 75-2137, 75-4199, and 75-4200 for the purpose of increasing flows in Big
29 Hat Creek and Hat Creek; and

30 NOW THEREFORE BE IT FURTHER RESOLVED that the IWRB will pay up to \$500 in lease

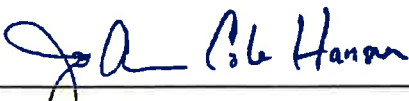
31 application fees and \$2536.93 in Water Supply Bank rental fees to facilitate this transaction; and

32 NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is subject to the condition
33 that the IWRB receives the requested funding from the Bonneville Power Administration through
34 the Columbia Basin Water Transaction Program in the amount of \$3063.93.

DATED this 26th day of October 2022.



JEFF RAYBOULD, Chairman
Idaho Water Resource Board

ATTEST: 

JO ANN COLE HANSEN, Secretary