

MAJOR SECTION CROSS WALK
 PENDING RULE -- 37.02.04 SHOSHONE-BANNOCK WATER BANK RULES
 HANDOUT NO. 370204-01

Pending Rule Section Title	Review Book Page Number	Pending Rule Reference	Existing Rule Reference	Summary Comment on Substantive Changes
Legal Authority	183	Rule 000	Rule 000	No Substantive Changes
Scope	183	Rule 001	Rule 001	No Substantive Changes
Incorporation by Reference	183	Rule 002	N/A	Added Rule - Incorporation by Reference. The additional articles incorporated eliminated the need for over 30% of the Rule, as they were defined or explained in both existing rule and the 1990 Fort Hall Agreement.
Definitions	184	Rule 010	Rule 010	No Substantive Changes
General	185	Rule 025	Rule 025	No Substantive Changes
Management	185	Rule 030	Rule 030	No Substantive Changes
Assignments of Tribal Stored Water to the Rental Pool	186	Rule 035	Rule 035	Removal of unused/unncessary reporting requirement
Rental of Water from the Rental Pool	186	Rule 040	Rule 040	Requested language added is consistent with the normal operating practices of rental pools and water right accounting within the Upper Snake River basin
Geographic Scope	187	N/A	Rule 045	Rule removed, Incorporated by Reference
Rental Payments	187	Rule 050	Rule 050	Removed unused/unncessary reporting requirement.
Term of Rentals	187	Rule 055	Rule 055	Removed rental term length limitation for rentals above Milner Dam.
Liability	187	Rule 060	Rule 060	No Substantive Changes

SUBSTANTIVE CHANGES

PENDING RULE - 37.02.04 – IDAHO WATER RESOURCE BOARD
SHOSHONE-BANNOCK WATER BANK RULES

HANDOUT NO. 370204-02

PAGE 183

002. INCORPORATION BY REFERENCE.

This chapter incorporates by reference Articles 4.1, 4.8, 4.19, 4.22, 4.23, 4.37, 4.38, 4.43, 4.44, 4.47, 4.49, 4.55, 4.58, 7.3, and 18.1 of "The 1990 Fort Hall Indian Water Rights Agreement" (<https://idwr.idaho.gov/wp-content/uploads/sites/2/adjudication/1990-Fort-Hall-Indian-Water-Rights-Agreement.pdf>). ()

PAGE 186

035. ASSIGNMENTS OF TRIBAL STORED WATER TO THE ~~BANK~~ RENTAL POOL (RULE 35).

~~02. Assignment Forms. Assignments of Tribal stored water to the Bank shall be in writing on forms provided by the Committee and shall bear the date received by the Chairperson. Copies of all assignments shall be provided to all the Committee members and a copy shall be provided to the Council. (3-31-22) ()~~

PAGE 186

040. RENTAL OF WATER FROM THE RENTAL POOL (RULE 40).

02. Rental Application. A request to rent water ~~shall~~ will be in writing on a form provided by the Committee, ~~or as a drafted rental agreement provided by the Reservation Watermaster.~~ A copy of the request ~~shall~~ will be provided to each member of the Committee ~~for consideration of approval~~ and forwarded to the Council. (3-31-22) ()

03. Content of Approved Rental Agreements. All ~~approved~~ rental agreements ~~shall~~ will contain the following information: (3-31-22) ()

e. The legal description of the point of diversion and place of use, ~~will be identified by the end of the accounting year for water district 01.~~ (3-31-22) ()

f. The duration of the ~~approved~~ rental agreement, (3-31-22) ()

g. The understanding of responsibilities and exposures if reservoir space does not fill at some time during the term of the ~~approved~~ rental agreement. (3-31-22) ()

h. The understanding that transportation losses occurring between the reservoir and the place of use ~~shall~~ will be deducted from water delivered under the ~~approved~~ rental agreement. (3-31-22) ()

SUBSTANTIVE CHANGES

PENDING RULE - 37.02.04 – IDAHO WATER RESOURCE BOARD
SHOSHONE-BANNOCK WATER BANK RULES

HANDOUT NO. 370204-02

PAGE 187

~~045. GEOGRAPHIC SCOPE OF RENTING (RULE 45).~~

~~01. PALISADES STORAGE. TRIBAL STORED WATER FROM THE PALISADES RESERVOIR MAY BE RENTED FOR USE WITHIN THE SNAKE RIVER BASIN ABOVE MILNER DAM. (3-31-22)~~

~~02. AMERICAN FALLS STORAGE. TRIBAL STORED WATER FROM THE AMERICAN FALLS RESERVOIR MAY BE RENTED FOR USE WITHIN THE SNAKE RIVER BASIN WITHIN THE STATE OF IDAHO. (3-31-22)~~

PAGE 187

050. RENTAL PAYMENTS ~~(RULE 50).~~

02. **Management of Rental Income.** Rental payments ~~shall~~ will be made directly to the Council. The Council ~~shall~~ will be responsible for the management of the rental income. ~~The Council shall give written notice to the Committee that payment was properly received and that water may be released under the rental agreement. If payments are made over time, and~~ payment is not received by the Council, the Council ~~shall~~ will promptly notify the Committee to hold back ~~on the~~ release of the water until payment is properly received.

~~(3-31-22)()~~

PAGE 187

055. TERM OF RENTALS ~~(RULE 55).~~

~~The Committee may rent tribal stored water for a period of up to five (5) years. Any request to rent water below Milner Dam for a period in excess of five (5) years shall will be subject to negotiations between the Tribes and the IWRB Idaho Water Resource Board consistent with IDAPA 37.02.03.040.01.g.~~

~~(3-31-22)()~~