

MEMORANDUM

DATE: May 14, 2013

TO: Water Right Files 97-7004 and 97-7061

FROM: Shelley W. Keen *SWK*

RE: Contact from the Kalispel Tribe

This morning I was contacted by Zack Welker, an employee of the Kalispel Tribe, to discuss the options for recording ownership of Water Rights 97-7004 and 97-7061. His phone number is 509-447-7448.

Although I had not yet read Craig Saxton's 4/27/2011 email, my suggestions to Mr. Welker were essentially the same:

- Split the water rights based on the extent to which the tribe can demonstrate ownership, or
- Work with the adjoining landowners to file a joint transfer application correcting the place of use and updating the ownership information.

Mr. Welker said he would discuss the options with the tribal leadership.

We also discussed Water Supply Bank lease options. The Kalispel Tribe would like to keep the water in-stream. I explained that Idaho law does not allow for private right holders to have in-stream water rights. Mr. Welker also asked about the possibility for limiting rentals to downstream water users so that water stays in the stream as it flow across the tribe's land. I explained that IDWR is extremely reluctant to encumber leases with those kinds of restrictions because they get very difficult to manage. Leasing the right into the Bank may have the tribe's desired effect anyhow, because the likelihood of a rental in that area is very low. There isn't much demand for irrigation, and when there is, the cost of applying for a new water right is usually less than a rental.