



A&B Irrigation District

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March 18, 2011

Cindy Yenter
Idaho Dept of Water Resources
1341 Fillmore St Suite 200
Twin Falls ID 83301

RE: Richard Dalley

Dear Cindy,

This email responds to your request for comments from A&B regarding Richard Dalley's proposed water bank lease. As we understand the proposed rental, Mr. Dalley would be pumping additional water from his private well located in Section 21, Township 7S R24 EBM, to deliver to his lands within the A&B project Section 22, Township 7, R24 EBM. A&B has two concerns. First, will IDWR analyze potential injury to A&B's water rights resulting from the increased water use at Mr. Dalley's private well? It is our understanding that Idaho law requires IDWR to perform an injury analysis. See Idaho Code 42-1763. Please provide us with a copy of that analysis. Second, issues about "supplemental" water use have been raised before in the context of A&B's ground water right delivery call as a reason to find "no injury" to A&B's senior water right (#36-2080). If IDWR continues to refuse to properly administer water rights junior to A&B's senior right, A&B wants to go on record as opposing any IDWR approvals that would allow the use of "supplemental" private water rights on A&B's land. While A&B believes these facts further demonstrate the injury to A&B's water right, A&B does not want to have this rental used against A&B in future administrative proceedings. To that end we would appreciate IDWR's analysis on this issue, and assurance that approvals of such leases would not be used as a reason or defense to deny A&B's water delivery call.

Thank you for your consideration of A&B's comments. We look forward to your response.

Sincerely,

Dan Temple
Manager