



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 15, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RICHARD B DALLEY
131 E 100 N
RUPERT ID 83350

RE: LEASE OF WATER RIGHT NO. 36-16127 AND 36-16129 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease portions of 36-16127 and 36-16129 to the Water Supply Bank (Bank). Based on that review, the Department cannot accept those portions into the Bank. The reasons are described below.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of those criteria is a water right may not be rented from the Bank if the rental will result in enlargement of the water right. Water rights 36-16127 and 36-16129 are considered stacked with water rights belonging to A&B Irrigation District. Rental of a stacked right without renting an associated right can cause enlargement. For example, you were seeking 57 acres of rental water but it would be circulated into your common system which delivers to many more acres. This in effect would spread the 57 acres of water to a much larger place of use (POU). If A&B's well was operational the whole time, it might be possible to irrigate this way without enlargement. However, if A&B's well ceases being operational, you would still likely irrigate your entire POU, thus irrigating more than the water for 57 acres you would be authorized. This is where the enlargement occurs. It is because of this enlargement that we must deny your lease and rental applications.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – Watermaster, Water District 130
Travis Thompson – Barker Rosholt & Simpson LLP