



State of Idaho

DEPARTMENT OF WATER RESOURCES

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MAR 31 1995

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1995

Mark Limbaugh, Watermaster
Water District No. 65
102 N. Main St.
Payette, Idaho 83661

COPY

Dear Mr. Limbaugh:

I have reviewed your letter of March 24, 1995, requesting guidance on the contemplated acceptance of 1994 carryover storage water into the Payette River Rental Pool for rental prior to June 1, 1995, by the U.S. Bureau of Reclamation for fish flow augmentation purposes. In the event the proposed transaction is considered to be permissible, you have requested direction on the proper procedures to be followed under the Local Rental Pool Procedures for Water District No. 65.

In reviewing your request, I have discussed the matter with Department administrators and have reviewed the Water Supply Bank Rules of the Idaho Water Resource Board and the Rental Pool Procedures for Water District No. 65. Neither the Board's Rules nor the Rental Pool Procedures restrict the Local Rental Pool Committee from accepting 1994 carryover storage water into the rental pool for release prior to June 1, 1995. Under ¶ 5.4 of the Procedures, the Committee may decide to accept the 1994 carryover storage water into the rental pool if the transaction is determined to be consistent with the best interests of the rental pool and the water users of Water District No. 65.

The proposed transaction would not appear to require any extraordinary steps to be taken by the Committee, except that under ¶ 7.7 of the Procedures it will be necessary for the Committee to extend from March 1, 1995, to May 31, 1995, the time within which the 1994 carryover storage water must be used under the rental transaction.

Other provisions of the Rental Pool Procedures which will apply as in other normal transactions include ¶ 3.2 (caution that stored water is maintained and first made available primarily for irrigation use); ¶ 3.6 (last to fill provision applicable to space for water leased for rental use below the mouth of the Payette River); ¶ 3.7 (need for express written consent of the lessor for the Committee to rent water for use below the mouth of the Payette River);

Mr. Mark Limbaugh
March 30, 1995
Page 2

¶ 4.1 (need to notify the Department of the rental approval); and ¶ 8.1 (rental price, Rental Pool administrative fee and Board surcharge provisions).

Please let me know any further guidance is required.

Sincerely,



PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

cc: R. Keith Higginson, Director
Clarence Parr, Chairman, IWRB
David Tuthill, Reg. Mgr.