

File

WATER DISTRICT NO. 65

**102 N. Main St.
Payette, Idaho 83661
Phone (208) 642-4465
Fax (208) 642-1042**

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APR 03 1995

**WATER RESOURCES
WESTERN REGION**

March 31, 1995

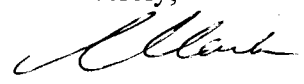
****NOTICE OF MEETING****

Water District No. 65 Advisory Committee

Dear Advisory Committee Member:

An Advisory Committee meeting will be held on Monday, April 10, 1995, at 1:30 p.m. at the office in Payette, to act upon a request by Emmett Irrigation District to lease 1994 carryover storage water to the Water Bank for rental to interested parties on or before June 1, 1995. Enclosed please find correspondence and other information pertinent to this transaction. If you cannot make this meeting, please let me know, otherwise, I will see you on the 10th.

Sincerely,



Mark Limbaugh, Watermaster

WATER DISTRICT NO. 65

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Payette, Idaho 83661
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**WATER RESOURCES
WESTERN REGION**

March 24, 1995

Mr. Phillip Rassier
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Rassier:

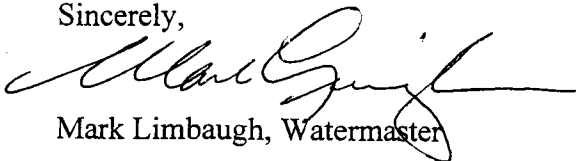
I have been requested to research the possibility of a company within the District leasing storage water carried over from the preceding year to the Water Bank. This water would be rented to the Bureau of Reclamation for fish flow augmentation during the 1995 season, but it will be stipulated that the water be used prior to June 1, 1995, in order that this space could refill during 1995. This lease will result in the space becoming last to fill for the 1995 storage fill season.

My first impression of this transaction is that it would have to be approved by the local committee in order to follow the rules of procedure set forth in the July 1992, Procedures for Operation of the Water District 65 Rental Pool.

I respectfully request you respond with the Department's opinion as to the propriety of the transaction set forth above and the correct procedures to follow in the event this lease comes before the committee.

Thank you for your prompt attention to this matter, as time is of the essence. If you have any questions, please give me a call at (208) 642-4465.

Sincerely,



Mark Limbaugh, Watermaster

cc: Mr. Dave Tuthill, IDWR
Mr. Brick Andrew, Chair., WD65 Committee



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1995

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APR 03 1995

WATER RESOURCES
WESTERN REGION

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

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
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¶ 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.

EMMETT IRRIGATION DISTRICT

222 East Park Street
Emmett, Idaho 83617
(208) 365-4582

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APR 03 1995

WATER RESOURCES
WESTERN REGION

March 30, 1995

Mark Limbaugh
102 N. Main Street
Payette, Idaho 83661

Re: Selling water to the Water Bank-Water District 65

Dear Mark:

Emmett Irrigation District wishes to put its 1994 carry over water amounting to 13,160. acre feet, 9157.6 of which is located in Cascade and the remaining 4002.4 in Deadwood, into the Water Bank to sell to any willing buyer, including out of District 65 entities. With first priority, however; going to any buyer within District 65.

Emmett Irrigation District is only willing to sell this water providing that it be moved prior to June 1, 1995, if not by June 1, 1995, the water or any portion there of has not been moved, it shall become no longer available to purchase and remain as carry over water for Emmett Irrigation District.

Time is of the essence. If you could expedite any details from you're office to accommodate this transaction, it would be appreciated. If Emmett Irrigation District can be of any assistance, please call (208) 365-4582.

Sincerely,



Karl Siller
Chairman of the Board

KS/wj