

WD 65 File

**WATER DISTRICT NO. 65**

102 N. Main St.

Payette, Idaho 83661

Phone (208) 642-4465

Fax (208) 642-1042

April

**\*\*PRESS RELEASE\*\***

Area canals and ditches are going to be filling starting this week. Please educate your children the dangers of these waters. As the larger canals are filling, water velocities are greater than normal, making swimming in or playing around these canals very dangerous. Also, most canals are clean from winter maintenance, making outer banks slippery to walk around.

Please avoid disaster this spring and summer, keep children out of canals and ditches.

Mark Limbaugh, Watermaster  
Water District No. 65  
Payette River System

WD 65

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

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WDBS File

**WATER DISTRICT NO. 65**

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

March 20, 1995

Mr. Bob Henggeler  
Payette River Water Users Association  
102 N. Main  
Payette, Ida. 83661

Dear Bob:

In visiting with Mr. Dave Tuthill of the Idaho Department of Water Resources, there are several concerns raised about the Bureau's impending application for transfer of use on the uncontracted space in our reservoirs. The Bureau has indicated that they would like to work out a long-term lease on the uncontracted and contracted (if available) space for use as flow augmentation for the salmon. Mr. Tuthill suggested to me that the long-term lease of contracted space, as is available after irrigators' needs are met, is a possibility. However, a long-term lease on uncontracted space instead of an application for transfer of use would likely be looked upon unfavorably by the State at this time. His concerns are that the use of Idaho water outside the state is not a beneficial use and is illegal, unless allowed by statute (as in 1995) or by an approved transfer. He suggested one solution might be a caveat on the transferred water right that protects irrigators' interests in case of drought conditions. For example, if all contracted storage space filled, then uncontracted storage water could be used for flow augmentation or other uses as might be prescribed by the new water right. However, if contracted storage space did not fill, as in a drought year, all or a portion of the uncontracted storage water should be made available through the Water Bank for rental prior to any other uses outside the State (such as flow augmentation).

My concerns as Watermaster of Water District No. 65 are that a condition be added to the new water right requiring the Bureau to continue to pay the administrative fee for the delivery of the uncontracted water, and any other leased water, through the Water Bank. This would mean that they also are subject to any Water Bank rules of procedure, including the last-to-fill clause. By doing so, we assure accurate accounting of waters delivered through our system, and protect other users' deliveries at the time of release of these flows. The last-to-fill clause protects all users who regularly use the majority of their storage water every year.

Mr. Tuthill's comments are his opinion at this time and actual opinions of the State of Idaho could differ as these discussions continue. I will continue to communicate any issues and facts pertaining to this topic with you in the future.

Sincerely,

Mark Limbaugh, Watermaster

cc: Mr. Dave Tuthill