



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

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

December 12, 2013

SCOTT BOETTGER
WOOD RIVER LAND TRUST
119 E BULLION ST
HAILEY ID 83333

RE: Mitigation Plan Available for Water Right No. 37-2505

Dear Mr. Boettger:

The Department of Water Resources (IDWR) has received your notice that you have prepared a mitigation plan in case Water Right No. 37-2505 must be curtailed to satisfy a delivery call.

As you acknowledged in your letter, IDWR is not yet prepared to evaluate mitigation plans for delivery calls in the Wood River basin. To date there has been no delivery call, so there has been neither determination of injury nor a determination of who might have to cease diverting water or mitigate.

If curtailment or mitigation is required, each mitigation plan will be evaluated according to its ability to address the subject delivery call. As you can imagine, it will be difficult for IDWR to efficiently evaluate a multitude of individual mitigation plans, and it may be even more difficult for Water District 37 to regulate diversions according to a multitude of mitigation plans. Collective mitigation provided by a Ground Water District or some similar entity is likely to be much easier to evaluate and implement. For those reasons, IDWR may not accept individual mitigation plans to satisfy future delivery calls. That determination will be made if a delivery call occurs and there is a finding of injury.

Meanwhile, I will place your letter in your water right file.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen, Manager
Water Rights Section