



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN

Director

October 7, 2013

C.L. "BUTCH" OTTER

Governor

JEFFREY C FEREDAY
GIVINS PURSLEY LLP
601 W BANNOCK ST
BOISE ID 83701

RE: Water Supply Bank Status Mitigation Right 31-2327B for Permits 22-13917 & 22-13918

Dear Jeff:

I am replying to the September 27, 2013 letter you sent regarding Right 31-2327B status in the Water Supply Bank (Bank). This right has been designated as mitigation for Permits 22-13917 and 22-13918 (permits), and has been placed in the Bank per conditions of the permits. The right was accepted into the bank with a condition identifying it as solely providing mitigation and not rentable from the Bank.

In our earlier telephone conversation you raised concerns about the right being inadvertently rented from the bank. Since the mitigation is provided through non-use of Right 31-2327B, you asked in your letter if the right could be designated for mitigation use in the manner we currently handle this type of mitigation and release it from the Bank.

Proof of Beneficial Use was submitted for the originally mitigated permit 22-13220 prior to the ownership change splitting it into the two currently authorized permits listed above. I discussed your concerns with James Cefalo of our Eastern Region office. We agree that the best way to address the matter is to conduct field examinations on the permits and complete the licensing process. This will allow confirmation of the extent of use developed under the permits and the status of mitigation right. The permit condition will be addressed through this administrative action. James has added these two permits to the exam list potentially for next irrigation season. The right holders will be contacted prior to any exam.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

C: James Cefalo – Eastern Region
JRG Partners – John Young
Curlew Partners LLLP – Gregory Young