



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

August 15, 2012

PIONEER DITCH COMPANY
PO BOX 70
STAR ID 83669

Re: Ditch Company Shares for Mitigation

Dear Director/Board Members:

Your ditch company authorized shares to remain unused in the Boise River to mitigate several new water uses in recent years. The amount of water dedicated to mitigation is identified under water right no. 63-183. One new use being mitigated is water right no. 63-32602. You identified 31 shares totaling 31 inches or 0.62 cfs that would not be diverted under 63-183 to mitigate for use under 63-32602.

That mitigation assumed 24 acres of irrigation plus 7 acres covered by a shallow ground water pond described in Permit 63-32602. A recent field exam resulted in the permit being licensed for 19 acres of irrigation plus 7 acres for the pond, totaling 26 acres of use that requires mitigation.

This means the leftover 5 shares for mitigation are not mitigating anything. The extra 5 inches or 0.10 cfs could be used to mitigate some other project in your service area if necessary. Alternately, these shares could be used to mitigate something downstream from your service area if necessary. They cannot mitigate anything upstream from your point of diversion at the river. Those shares might not be protected against forfeiture if left unused in the river but not mitigating anything.

The enclosed documents outline this unusual situation. I do not think this has been encountered before. It is not clear how those shares might be restored to irrigation use, allowing right 63-183 to be updated in that regard.

The purpose of this letter is to let you know about this. You might want to take appropriate action in this regard. This could involve additional mitigation for other projects. It might involve a request to the department to restore 0.10 cfs from mitigation to irrigation in right 63-183. Either option would require the department to be involved.

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Please let me know if you need more information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with a long horizontal stroke extending from the middle of the name.

Steve Lester

Water Rights Supervisor

Enclosure

Cc: Rex Barrie, Boise River Watermaster