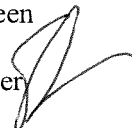


CONVERSATION MEMO

TO: Shelley Keen
FROM: Steve Lester 
DATE: August 30, 2012
RE: Mitigation Question – Right 63-183, Pioneer Ditch Co.

Sent @ Email

The ditch company mitigates several newer permits/rights by leaving some water in the Boise River. One recent license from this batch is 63-32602 (Otter). The license requires 26 inches for mitigation instead of 31 inches the ditch company identified in the application process for 63-32602.

This means 5 inches remain unused in the river without mitigating anything. I discussed this in a recent letter to the ditch company to see what they wanted to do (copy attached).

Yesterday Gail Glasgow called (286-7476). He is the president of the company. He said the company wants to restore those 5 inches to irrigation use and wondered how to do that. I told him I would look into it for him.

A few years ago we speculated about this scenario, wondering how a right holder could backtrack from mitigation to irrigation – letter? transfer application?

I think a letter from the ditch company would work. A transfer seems excessive. Even if a transfer was necessary, it would most likely not be advertised. It is hard to see what value a transfer adds to this situation.

I imagine this is the first time we have run into this. We might encounter it in future licensing situations for mitigated permits found to be not developed at all or partly developed. So this is a good chance to determine how to address this unusual situation.

I hope to let Gail know soon. Do you think the letter approach is best?