

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF MODIFYING)	
MITIGATION REQUIREMENT FOR)	PRELIMINARY ORDER MODIFYING
WATER RIGHT NO. 63-183 IN THE)	MITIGATION REQUIREMENT AND
NAME OF PIONEER DITCH CO.)	AUTHORIZING RESUMPTION
_____)	OF IRRIGATION

This matter having come before the Department of Water Resources (Department) as a result of issuing License No. 63-32602, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On December 9, 2008, the Department approved Application for Permit No. 63-32602 in the name of C.L. "Butch" Otter. The permit authorized development of a shallow ground water pond covering 7 acres for wildlife, aesthetic and recreation storage in addition to natural flow irrigation of 24 acres from the same source. Shallow ground water at the site was determined to be tributary to the Boise River near Star.
2. Permit approval included the following condition:

To mitigate for the depletion of water and injury to senior right holders resulting from the use of this right, the right holder shall retain 31 shares representing 0.62 cfs under Pioneer Ditch Company Water Right 63-183. Moreover, the official record for Water Right 63-183 will reflect a 0.62 cfs portion to remain in the Boise River for mitigation of this right.
3. Right 63-183 was modified based on Fact No. 2.
4. The Department conducted a beneficial use field examination on August 29, 2011, to verify development completed under the permit. Irrigation of 19 acres and a pond covering 7 acres were verified.
5. The Department licensed the permit on July 2, 2012, for development verified by the examination. The license included the following condition:

To mitigate for the depletion of water and injury to senior right holders resulting from the use of this right, the right holder shall retain 26 shares representing 0.52 cfs under Pioneer Ditch Company Water Right 63-183. Moreover, the official record for Water Right 63-183 will reflect a 0.52 cfs portion to remain in the Boise River for mitigation of this right.
6. Pioneer Ditch Company is also known as Little Pioneer Ditch Company. On September 7, 2012, Little Pioneer Ditch Company petitioned the Department to restore 5 shares (for 0.10 cfs to irrigate 5 acres) from mitigation to irrigation, allowing that quantity to once again be diverted from the Boise River.

CONCLUSIONS OF LAW

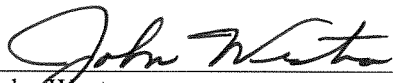
1. Pioneer Ditch Company showed sufficient cause that mitigation in the amount of 0.10 cfs is no longer necessary.
2. The Department should issue a Preliminary Order modifying the record of Right 63-183 as follows:
Restore 0.10 cfs from mitigation to irrigation use. Restore total acres irrigated from 1283.1 acres to 1288.1 acres.

ORDER

IT IS HEREBY ORDERED that 0.10 cfs mitigation use under **Right 63-183** is restored to irrigation use.

IT IS ALSO ORDERED that total acres under **Right 63-183** is restored from 1283.1 acres to 1288.1 acres.

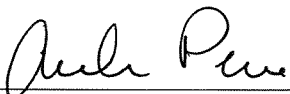
Dated this 11th day of September, 2012



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2012, I mailed a true and correct copy of the foregoing Preliminary Order to the person(s) listed below:



Mandi Pearson
Office Specialist II

GAIL R GLASCOW
PRESIDENT PIONEER DITCH CO
PO BOX 70
STAR ID 83669

REX BARRIE
BOISE RIVER WATERMASTER
PO BOX 767
STAR ID 83669