



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 8, 2010

Gold Fork River Ranch, LLC &
Gold Fork Irrigating Company
c/o SPF Water Engineering, LLC
Attn: Roxanne Brown
300 E Mallard Dr., Suite 350
Boise, ID 83706

COPY

Re: Application for Permit No. 65-23377 Gold Fork River Ranch LLC and Application for Transfer No. 76177 Gold Fork Irrigating Co.

Dear Roxanne:

This office received the above referenced Application for Permit for appropriation and Application for Transfer seeking to change a water right. There are two items I wish to bring to your attention regarding the above referenced applications. As discussed below, I am requesting submittal of additional information to address the first item, which is the mitigation plan proposed for the permit application. The second item does not require an amendment of the transfer application, but is a change from the transfer application as drafted.

The Gold Fork River Ranch, LLC permit application 65-23377 includes a mitigation plan involving Gold Fork Irrigating Company right 65-2256. Information submitted with the permit application indicates Gold Fork Irrigating Company proposes non-use of 0.12 cfs as mitigation for the consumptive use associated with the ponds proposed in the permit application. The mitigation plan submitted does not fully describe Gold Fork Irrigating Company's intended diversion or non-diversion of the water. Will the water remain in Gold Fork River undiverted? Does Gold Fork Irrigating Company intend to divert the water from Gold Fork River through its delivery system and back to the river? If so, how does Gold Fork Irrigating Company intend to account for the mitigation shares returning back to the river, i.e. not being diverted from the system by the users? Please provide additional information to demonstrate how Gold Fork Irrigation Company intends to assure the 0.12 cfs proposed for mitigation will not be used.

The above referenced transfer application proposes a nature of use change to mitigate for permit application 65-23369. The application proposes water previously diverted for irrigation of 6 acres be diverted to mitigate 11 acre-ft of evaporative losses associated with the proposed ponds. The nature of use terminology used by the Department for mitigation of ponds has evolved from a single rate of flow

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term (Aesthetic) to Diversion to Storage rate and Storage (Aesthetic Storage) volume use terms for these types of applications. The transfer application, if approved, will describe the mitigation water as Diversion to Storage (0.12 cfs) and Aesthetic Storage (11 acre-ft) uses. Diversion to Storage under right 65-2256 and 65-22369 (if the applications are approved) will be limited to a combined diversion of 0.12 cfs. An amendment of the transfer application to address this issue is not required, because the applicant's intention to use the water for mitigation is clear despite the difference in terminology used.

Please submit the additional information regarding the proposed mitigation plan for permit application no. 65-23377 requested above to allow for further processing of the application. Your response, or a request for more time to make your response, must be received within sixty (60) days from the date of this mailing. Without a timely reply, IDWR will issue a preliminary order to void the permit application. The application fee will not be refunded.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Angela M. Grimm
Water Resource Agent, Sr.