

MEMORANDUM

Date: November 30, 2007
To: Water Right File 25-14194
From: Shelley Keen *SK*
Re: Mitigation Requirement

Permit 25-14194 replaces lapsed Permit 25-14071. Twin Falls Canal Co. protested Application 25-14071. Timberview Properties resolved the protest by agreeing to a mitigation plan even though the proposed use qualifies for an exception to the moratorium. The mitigation is described in the lapsed permit. Timberview Properties proposed implementing the same mitigation plan in Application 25-14194. The mitigation plan violates current practice because it uses an irrigation district's irrigation water rights for recharge without a transfer.

While the moratorium does not require mitigation for subdivisions, IDWR is concerned that approving new water right permits for subdivisions does not make sense with curtailments in the ESPA likely. Therefore, IDWR currently issues new permits for subdivisions in Water Districts 120 and 130 with the option to mitigate individually or to join a regional mitigation plan administered by a ground water district. Rather than approve the proposed mitigation plan, which violates current practice, IDWR will issue Permit 25-14194 with the option to mitigate individually or join the Bonneville Jefferson Ground Water District for mitigation purposes. If Timberview Properties still wants to implement the individual mitigation plan, the irrigation district will have to obtain a transfer changing its irrigation rights to recharge.