



State of Idaho

DEPARTMENT OF WATER RESOURCES

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August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

YOUNG HARVEY WALKER
RT 1 BOX 200
ARCO ID 83213

RE: Blackfoot Farms LLC, Mitigation Plan Evaluation, Permits 22-13416, 22-13417, 22-13418, 22-13419, 22-13420, 22-13421, 22-13422, 22-13423, 22-13424, 22-13425, 22-13426, 22-13427, 22-13428

Dear Mr. Walker:

The Department has recently reviewed the mitigation plan submitted by Blackfoot Farms, LLC for their habitat enhancement project near Driggs, ID. Below are a few concerns that have been raised with the plan.

As described on page two and also on Attachment 4 of the mitigation plan, 28.1 acres of NENE Sec27 T05N R45E is to be dried-up to mitigate for the permit(s) mentioned above. According to our records as recently reviewed by the Snake River Basin Adjudication (SRBA), this quarter-quarter is not included in the currently authorized place of use of mitigating Right 22-153. Instead, our records show several rights (22-144, 22-277A & 22-4140) in the name of Grand Teton Canal Company LTD at the designated mitigation location.

In order for the permits to meet the conditions of approval, irrigated acres within the place of use for mitigating right 22-153 should be identified as those to be dried-up. The place of use for SRBA Recommendation 22-153 is NESE Sec 27 T05N R45E. This place of use for mitigating right 22-153 also overlaps with Grand Teton Canal Company LTD rights place of use. Any canal shares associated with the acres to be dried-up should also be included in the mitigation proposal. Below are a couple of potential options addressing these canal shares that should render the mitigation plan approvable.

- Show the mitigating acres have not been historically irrigated by the Grand Teton Canal Company
- Obtain written commitment from the Grand Teton Canal Company to change parts of their rights to mitigation.

YOUNG HARVEY WALKER

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Please feel free to call me or email Nick.VanDyke@idwr.idaho.gov for further assistance or information regarding this matter.

Sincerely,

Nicholas R. Van Dyke
Water Resource Agent, IDWR
State Office, Boise
(208) 287-4949