

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, November 22, 2006 3:19 PM
To: 'Jason'
Subject: Transfers G&G Dairy (72393) and Idaho Water Co. (72389)...

Hi Jason,
Heard back from Pam and Jeff on these. One thing I thought I'd forward to you is their comments regarding the combined mitigation plan. I've **bolded** and underlined what I think may be the important comments.

The combined mitigation plan attempts to address the combined effect & help offset each other. Original p/d in 09S, 20E. 72393 moves p/ds to 09S, 17E to the west & 72389 moves p/ds to 08S, 21E to the northeast. The following mitigation condition should be applied to both transfers since a combined mitigation plan was proposed. **The rights will basically be tied together from now on.** We have two drafts of conditions for "bundled" transfers. Jeff recommends this one. The combination of changes authorized under Transfer approval <00000> as described under rights <00-00000>, <00-00000> and <00-00000> and Transfer approval <00000> as described under rights <00-00000>, <00-00000> and <00-00000> provide the necessary mitigation for any increased depletion to connected reaches of the Snake River resulting from each individual transfer. Any future action resulting in a change to the point(s) of diversion under any of these rights will require a review of the mitigation plan and may require a revised mitigation plan approved by the Department to compensate for injury to other right holders that may result from such changes.

Also, condition 114 should be added to both transfers (generally only on the one with stepped condition). Since the plan was for both transfers, "credits" could be associated with both also.

Jeff doesn't think either applicant will be happy with the bundled condition.

Before we proceed, I just wanted to be up-front with everyone and make sure you and your clients were aware of this and okay with it. I talked to Del this afternoon and mentioned it to him also, in case you want to re-think anything. Let me know if you do or I will proceed with the conditioning the S.O. has suggested. Have a great Thanksgiving! I will be working Friday or there's always next week too! Jeanie