

MEMORANDUM

DATE: November 4, 2005

TO: Application for Permit 31-21338 and Transfer 71721

FROM: Shelley W. Keen *SWK*

RE: Mitigation

The Valley Club, Inc., filed Transfer Application 71721 to provide mitigation for some water features that will be authorized by the issuance of Permit 31-21338. The transfer authorizes the diversion of water into the water features to offset evaporation losses from the water features. IDWR initially approved the transfer with the mitigation use described as a live flow for aesthetic and recreation purposes. After additional review, IDWR staff members decided the mitigation activity is better described as aesthetic storage and recreation storage because the water is being impounded. Therefore, IDWR is re-issuing Transfer 71721 with the mitigation uses changed to aesthetic storage and recreation storage. Under Rule 760 of IDWR's Rules of Procedure, IDWR can modify a preliminary order within 14 days of the issuance of the original preliminary order by withdrawing the original order and substituting a new one.

Also, Permit 37-21338 authorizes the holding of water in the water features, but it does not authorize the diversion of water to fill the water features unless the permit holder mitigates the depletion to the Big Wood River system. Fill water must come from some other source, such as the Water Supply Bank, or it must be mitigated by retiring irrigated acres under some other water right or some similar reduction of a consumptive water use.