

DRAFT MEMORANDUM

DATE: October 13, 2004

TO: Water Right File 37-21177

FROM: Shelley W. Keen

RE: Mitigation

Blaine County School District No. 61 has submitted Application 37-21177 proposing the diversion of 0.14 cfs from ground water to irrigate seven acres at the new Woodside School between Hailey and Bellevue in the Wood River Valley. The applicant proposes to mitigate for the depletion of water in the valley by leaving a portion of Big Wood River right 37-21114 undiverted in the Big Wood River. Assuming that the portion of Right 37-21114 proposed for mitigation provides sufficient volume to offset the depletion proposed in Application 37-21177, the application could be approved with the following condition to identify the mitigation right.

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

<u>Right No.</u>	<u>Use Changed to Mitigation</u>	<u>Mitigation Rate</u>	<u>Mitigation Volume</u>	<u>Mitigation Acres</u>
37-21114	Use	00.00	00.0	00

The land that will no longer be irrigated under this right is located within the <XX¼XX¼, Section 00, Township 00 North, Range 00 East, B.M.>

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

Non-use of water under Right 37-21114 is not the only mitigation requirement, however. Historically the mitigation right has been diverted from the Big Wood River many miles upstream from the proposed ground water use. To prevent injury to senior surface water users downstream from the new ground water use, the watermaster will have to prevent surface water

users upstream from the impacts of the new use from intercepting the mitigation water, and he will have to make the mitigation water available to the senior surface water users downstream from the impacts of the new use. To make this objective clear, the permit should carry the following additional condition.

The portion of Right 37-21114 committed to mitigation for the diversion of water under this right shall remain in the Big Wood River from the point of diversion for the Hiawatha Canal in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T3N, R18E, B. M., to the point where the Big Wood River enters Sec. 22, T2N, R18E, B. M., where it shall be added to the natural flow available to satisfy water rights diverted from the Big Wood River.

To implement this mitigation requirement, IDWR should direct the watermaster in Water District 37 as follows:

The portion of Right 37-21114 used for mitigation purposes shall be made unavailable for use upstream from the point where the Big Wood River enters Sec. 22, T2N, R18E, B. M., (or upstream from Diversion No. ???) by subtracting it from the natural flow measured at the Hailey gage prior to delivery of water rights on the Big Wood River. However, delivery of senior surface water rights downstream from the point described above shall be based on the flow of water at the Hailey gage without subtracting the mitigation portion of Right 37-21114.