



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 29, 2004

Richard A Dinges
Tunupa Ranch
2490 E 1700 S
Gooding ID 83330

Re: Potential curtailment of diversion of ground water under water right no. 37-7591; proposed mitigation plan

Dear Mr. Dinges:

In March 2004, IDWR sent a notice to you that diversion of water under water right no. 37-7591 would be curtailed unless you mitigated for your ground water use or IDWR excluded your diversion of water from regulation because it would not cause an effect on the flows to the Snake River in the Milner to King Hill reach. You responded to the notice with a letter dated March 8, 2004 proposing a mitigation plan. You proposed to cease irrigating up to 30 acres of land with surface water and divert the water to recharge the aquifer. You stated that you only used ground water to supplement the surface water supply when it was not available. Finally, you stated that you would divert from ground water no more than the volume of water delivered for mitigation recharge.

I spoke to you regarding your proposed mitigation plan. I told you that the plan was conceptually acceptable, but that you needed to provide additional information regarding measurement and approvals necessary from both IDWR and the Department of Environmental Quality. I told you that you could work on these approvals prior to needing the supplemental water, and that if the approvals were in place, and surface water had been diverted for recharge and measured in sufficient quantities, you may be able to use your ground water. You have not submitted any additional information since our conversation.

On March 20, 2004, the State of Idaho, Magic Valley Ground Water District, North Snake Ground Water District, and several surface water users executed an agreement for interim mitigation during a period of one year. On the same date, the Idaho Legislature enacted House Bill No. 848. The bill provides that a water user not a member of a ground water district is deemed a nonmember participant solely for mitigation provided by the ground water district nearest the water user's point of diversion if: (1) Diversion of water under the junior priority ground water right is causing

material injury to senior priority water rights; (2) The water rights are administered by a watermaster in a water district, and (3) The director has approved mitigation for the ground water district.

Pursuant to the agreement and House Bill 848, **on April 1, 2004, you were deemed a nonmember participant for mitigation in the North Snake Ground Water District.** Because you have not submitted additional details of your proposed mitigation plan to IDWR, you are required to participate in the mitigation plan of the North Snake Ground Water District.

You must pay assessments to the North Snake Ground Water District for your proportionate share of the cost of mitigating for depletions to senior water rights. A copy of this letter is being sent to the North Snake Ground Water District. You must contact Angela Leavitt of the ground water district at 152 East Main, Jerome, ID, 83338, telephone no. (208) 324-8995, to discuss the details of your assessment.

Sincerely,



Gary Spackman

Cc: North Snake Ground Water District
Cindy Yenter, Southern Region