



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 2, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Brian Higgs
Water Well Consultants
6330 W 33rd South
Idaho Falls, ID 83402

Re: Your Correspondence Dated March 21, 2008 Regarding Dietrich Main Canal Ground Water Users Mitigation Plan

Dear Mr. Higgs,

I received correspondence from you dated March 21, 2008 regarding my letter from March 12, 2008 that notified you and Mr. Parsons of the Department's decision not to approve the mitigation plan submitted on behalf of the "Ground Water Users of the Dietrich Main Canal". Although your most recent letter on this subject is dated March 21, 2008, the Department did not receive this correspondence until April 25, 2008. You have asked that I respond to this latest letter.

You have explained in this last letter that you and the users understand that a version of your previously submitted plan may be accepted by the Department upon "clarification and answers" to the Department's concerns outlined in my correspondence of March 12, 2008. The only potential clarification I see in your letter is the explanation "that the plan mitigates with water that, **if developed**, could create drastic drops in the static water table within the project area." I do not doubt that potential development of the seepage water would negatively affect the water table. However, the Department will not accept a mitigation plan that is based on possible future development of canal seepage water. Similarly, the Department will not accept a mitigation plan that seeks credit for canal leakage that has occurred annually over the past 100 years or more and well before the users' ground water wells and rights were developed. Seeking credit for on-going recharge that existed prior to development of the users' ground water rights does not address the depletions resulting from the users' ground water diversions. Neither of these actions adds water to the aquifer or reduces current levels of ground water depletions. The proposed actions therefore do not provide any real or meaningful mitigation.

Since no additional clarification or information is provided in your latest letter, I must reiterate that the Department will not approve the type of plan that you are proposing. I do not see any benefit in submitting the additional information or evidence outlined in the other bullet items of your letter unless the conceptual mitigation plan is significantly altered.

Regards,

Tim Luke
Water Distribution

Cc: Cindy Yenter, Watermaster, Water District 130