

1 **2005 Consolidated Basin-Wide Mitigation Plan¹ for Basin 34 Water Users**

2 Revised – February 10, 2005

3 DRAFT

Submitted - _____, 2005

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4 Basin 34 water users Feb 20 edits

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7 This mitigation plan is proposed pursuant to Rule 50 of the Water District 34
8 Water Distribution Rules (IDAPA 37.03.12) for those junior ground water users
9 whose ground water rights are administered conjunctively as part of the Big
10 Lost River and tributaries. These rules provide that junior ground water users
11 can continue to divert ground water when mitigation is provided pursuant to
12 Rule 50.04. This plan is intended to meet those requirements by providing
13 6,110 ac-ft² of water to augment the natural flow of the Big Lost River.

14
15 Basin 34 Water Users understand the purpose of mitigation is to augment the
16 natural flow of the Big Lost River downstream from Mackay Dam. Mitigation
17 does not guarantee any particular water right will receive a full water supply in
18 any year. Basin 34 Water Users also understand the administration of this plan
19 will be implemented by the Watermaster of Water District 34 under the
20 supervision of the Director of IDWR.

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24 The Watermaster of Water District 34 will administer and provide the
25 accounting necessary to ensure the total mitigation burden (6110 ac-ft) will be
26 satisfied pursuant to this plan. All ground water users within Water District 34
27 may participate in this plan. Each ground water user who chooses to be covered
28 under this plan will pay an administrative fee to the Water District to cover the
29 administration of the mitigation plan. The “total mitigation burden” is defined
30 as the total amount of water (6110 ac-ft) ground water users are required to
31 provide as river augmentation for mitigation purposes. The portion of this total
32 mitigation burden each ground water user is required to provide is defined as

¹ This mitigation plan is a consolidation of the Basin 34 Water Users Plan dated January 7, 2005 and the Participants Universal Mitigation Plan dated December 14, 2005, and recent updated versions of these two plans. This consolidated plan is prepared under the direction of this group for the benefit of their respective members but with the objective of making the consolidated plan acceptable and accessible to all ground water users whose rights are conjunctively managed in the Basin.

² Water users within Basin 34 understand the Director of IDWR is willing to accept a mitigation supply of 6,110 ac-ft. Water users also understand individual mitigation plan(s) may be proposed offering supplies of water based upon their actual previous year's pumpage quantities. These individual mitigation supplies will be subtracted from the 6,110 ac-ft proposed in this consolidated plan.

33 the "individual's mitigation burden" which is based on the individual ground
34 water user's proportionate share of the previous year's actual pumpage³.

35

36 Collecting mitigation water supplies that will be used for reducing the total
37 mitigation burden within Water District 34 will be done in the following
38 manner (with the exception relating to CREP individual credits):

39 1. Recharge - Managed Aquifer Recharge supplies will be the first preferred
40 option for providing mitigation to whatever extent such supplies are
41 available. Recharge conducted by the Water District's recharge committee,
42 in compliance with the plan of operation incorporated into and made part of
43 water rights nos. 34-7571 and 34-7573, will be considered as replacement
44 credit supplies for quantities of pumped ground water. Managed recharge
45 supplies will be credited towards mitigation at a rate equal to the depletion
46 factor described in Rule 50.04.c or higher as may be determined by future
47 studies. Additionally, future studies may indicate managed aquifer recharge
48 supplies should be credited towards the total mitigation burden of
49 subsequent years. When recharge supplies⁴ are of great enough quantities,
50 the entire mitigation burden could be satisfied with such supplies.

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52 2. CREP - Irrigated lands within Basin 34 may have an opportunity to be
53 enrolled in CREP. Although the emphasis of this program appears to be on
54 reducing ground water withdrawals, some of these same lands may also be
55 associated with surface water rights. At the time of submitting this plan, the
56 details of this CREP program regarding water rights have not been fully
57 determined and disseminated to the public. If allowed by CREP, these un-
58 diverted surface water rights may be used to satisfy individual mitigation
59 burdens of program participants and, to the extent additional credit is
60 available, this credit will be used to satisfy or reduce the total mitigation. No
61 monetary compensation from the Water District for these credits will be
62 allowed.

63

64 3. Donated Water – Irrigators in the Big Lost River drainage may elect to
65 donate their water (storage, rotation credit, or decreed) to mitigation. When
66 water is donated, it will be used to reduce the general mitigation burden (*i.e.*
67 subtracted from the general mitigation burden to lower the percentage of the

³ IDWR administrators have prepared a preliminary summary of 2004 pumpage, dated 1/21/2005, from individual well records. This document, or a final version of this summary, will be used for determining individual's proportionate mitigation requirements. Ground water users may substitute actual in-line water flow meter readings that are certified by licensed engineers or verified by local deputy water masters.

⁴ During the years of 1995 to 1999 managed recharge in Basin 34 ranged from 33,766 ac-ft to 89,319 ac-ft as reported to IDWR during the developing stage of the two recharge water rights permits

68 general mitigation burden required by individual groundwater users, as
69 opposed to being donated to an individual to satisfy his individual mitigation
70 burden).

71

72 Any water contributed through these avenues described above will be
73 subtracted from the total mitigation burden, and will reduce each individual's
74 mitigation burden proportionately. The remaining mitigation burden will be
75 provided from individual ground water users proportionately (the amount
76 groundwater that the user pumped during the previous year divided by the total
77 groundwater pumped in Water District 34 during the previous year) as
78 described hereafter. Prior to April 1, individual ground water users will be
79 required to contact the Watermaster to declare how they intend to satisfy their
80 individual mitigation burden. To satisfy their individual mitigation burden,
81 individual ground water users may pledge water supplies owned by themselves,
82 purchase water supplies from other water users to be used to satisfy their
83 individual mitigation burden, or participate in the "willing buyer-willing seller"
84 mitigation acquisition pool. Each proposed water supply will be described by
85 water right number and quantity (to the extent possible) when pledged and/or
86 offered for mitigation. Additionally, the Watermaster will be authorized
87 pursuant to Rule 50.04.d. to acquire mitigation supplies from water right
88 holders who wish to provide their natural flow surface water, rotation credit
89 water, or storage allocations to create an acquisition pool. Any ground water
90 user who wishes to purchase mitigation water from the acquisition pool to
91 satisfy their individual mitigation burden as outlined above, may buy such
92 water supplies acquired by the Watermaster to the extent those water supplies
93 are available.

94

95 Ground water users who are participating in this mitigation plan may satisfy
96 their individual mitigation burden in the following manner:

- 97 1. Natural Flow (Decreed) Water – Water supplies from natural flow rights
98 and/or rotation credits from those water rights held by any water user
99 within the Water District may be pledged to the extent such water rights
100 provide actual water supplies in their respective priorities. Ground water
101 users will indicate to the Watermaster which natural flow water rights
102 will be used as mitigation and during approximately what time period so
103 the volume of water not diverted for irrigation purposes can be credited
104 as mitigation. Unless the natural flow water right is dedicated to
105 mitigation for the entire irrigation season, ground water users who choose
106 to contribute a portion of a natural flow water right to satisfy their
107 individual mitigation burden must demonstrate to the satisfaction of

108 IDWR that they will forgo a beneficial use of that contributed water
109 supply. If any natural flow water right (in part or in its entirety) is
110 pledged by a ground water user, an approved IDWR temporary transfer
111 must accompany that pledge prior to that supply actually being accepted
112 and used for river augmentation. The use and exercise of any such water
113 right will not be deemed to be a forfeiture or loss of priority when used
114 for mitigation purposes. Natural flow water rights used for mitigation
115 will be credited based upon the actual quantity/volume of water made
116 available under such rights.

117 • Natural flow water supplies from tributaries to the Big Lost River may
118 also be used for mitigation. Some tributaries may not come into direct
119 contact with the river but can be introduced directly into canals or
120 laterals. When mitigation water is provided in this manner the
121 Watermaster will reduce diversions from the Big Lost River into that
122 canal or lateral by the same measured amount of mitigation water the
123 tributary water right provides. Thus, tributary water can augment the
124 Big Lost River without being physically delivered to the river.
125 Permission must be obtained from the owner of the canal or lateral to
126 place water into the canal or lateral.

127 • Natural flow water supplies upstream from the Mackay Reservoir may
128 also be used for mitigation. These designated supplies are natural
129 flow rights and will be deducted from mitigation supplies released
130 from the Mackay Dam.

131 2. Rotation credit water - Groundwater users will indicate which decreed rights will be
132 rotated as stored water, and approximately when this rotation might occur.

133
134 3. Storage Water - Groundwater users will indicate which storage rights
135 (owned or rented) and amounts that will be used to satisfy their
136 individual mitigation burden. The Watermaster will communicate this
137 information to the Big Lost River Irrigation District so they can properly
138 note the change in use and charge/credit the appropriate water user's
139 account.

140
141 4. Ground Water – Ground water may be used for mitigation. However, the
142 Watermaster will only accept ground water for mitigation purposes under
143 the following conditions:

144 • No other remaining source of mitigation supply is available to the
145 individual ground water user.

146 • The mitigation water supply is directly injected into the river or a
147 physical exchange of water can be made to the Big Lost River as

148 provided for in Rule 50.04.c.iii. This can only occur when the river is
149 running past the canal in which water is being injected and the
150 physical exchange must occur at the canal heading where the water is
151 injected. These introduced supplies will be deducted from the
152 constant flow mitigation water described below pertinent to Rule
153 50.04.

- 154 • The river reach, canal, or lateral receiving these supplies is not dry.
- 155 • The mitigation water supplies can be put to beneficial use.
- 156 • The mitigation water supply from the well must be measured.
- 157 • No new groundwater rights will be allowed. However, existing
158 ground water rights may be used and/or transferred pursuant to an
159 approved IDWR transfer.
- 160 • Water supplies diverted from any such mitigation well(s) will require
161 approved transfers from IDWR, the same as other potential mitigation
162 supplies.
- 163 • Anyone who uses ground water to satisfy their individual mitigation
164 burden is responsible for the entire cost (i.e. power costs) associated
165 with this source of mitigation.
- 166 • Ground water users may combine, collaborate, and consolidate their
167 individual mitigation burdens and mitigation remedies in a
168 cooperative effort.
- 169 • Proponents of this consolidated plan reiterate the position of using
170 ground water supplies as a supply of last resort, both for economic
171 and social preference reasons.

172
173 5. Purchase Pool - the Watermaster will be authorized pursuant to Rule
174 50.04.d. to acquire mitigation supplies from water right holders who wish
175 to provide their natural flow surface water, rotation credit water, or
176 storage. Any ground water user who wishes to purchase mitigation water
177 from the purchase pool, to satisfy their individual mitigation burden as
178 outlined above, may buy such water supplies purchased by the
179 Watermaster to the extent those water supplies are available.

180
181 Full participation by the ground water user in this plan will be required before
182 the ground water right(s) held by that ground water user is covered under this
183 plan and therefore protected from curtailment.

184
185 Release and timing patterns of mitigation supplies will be as follows:

186 The release and timing patterns of these mitigation supplies will comply with
187 Rule 50.04 as nearly as is practicable. Some flexibility in release patterns will
188 be needed to accommodate the actual conditions of river flow, responses to
189 extemporaneous administrative actions, and for the utilization of all the various
190 mitigation supplies. The intent of this consolidated plan is to provide the entire
191 6,110 ac-ft of mitigation supplies as river augmentation during the irrigation
192 season when water rights having a 1905 or earlier priority are not satisfied that
193 have requested mitigation. The following is a description of how that flexibility
194 will be used for that stated purpose.

195
196 As described by Rule 50.04 one third of the required mitigation supply⁵ will be
197 made available to the Watermaster for purposes of augmenting the natural flows
198 of the Big Lost River during the first half of the irrigation season (May 1
199 through July 23, or 84 days). Water supplies⁶ used to “flush” the river system
200 at the commencement of the irrigation season as described in Rule
201 40.02.d.iii,g,h will be considered as mitigation and deducted from the first 1/3
202 of the mitigation supply. The residual balance of the mitigation supply will
203 then be released at a constant release flow rate during the remaining days of the
204 first half season period. If water rights with 1905 and earlier priorities are
205 satisfied during any period of days within this first half of the irrigation season
206 from natural river flows without the use of augmenting supplies, no mitigation
207 supplies will be released for those days. The sum acre-feet of water not
208 released during those days will not be required to be released.

209 Two thirds of the required mitigation supply will be made available to the
210 Watermaster for the second half of the irrigation season (July 24 through
211 October 15, or 84 days) for purposes of augmenting the natural flow of the Big
212 Lost River at a constant flow release rate. If water rights with 1905 and earlier
213 priorities are satisfied during any period of days within this second half of the
214 irrigation season from natural flows without the use of augmenting supplies, no
215 mitigation supplies will be released for those days. Once water rights with
216 1905 or earlier priorities are unable to be satisfied by natural river flows, a
217 calculation of remaining days in the irrigation season will be determined. Using
218 the number of days from the calculations, an augmenting constant release flow
219 rate will then be established by dividing the number of days into the remaining

⁵ This example assumes no managed aquifer charge has occurred during the current and previous years. Managed recharge replacement credits, CREP contributions, donated water, or any other total mitigation burden reduction supply would be subtracted from the 6,110 ac-ft and any remaining balance would then be divided as described.

⁶ Whenever storage water or storage allocations, and whenever natural flows or rotation credits, or any combinations of these water supplies are used to “flush” the river system as described in Rule 40, the entire volume of water will be credited as a mitigation supply.

220 mitigation supply. In every instance of releasing mitigation supplies for the
221 purpose of augmenting river flows, care and flexibility must be exercised to
222 provide for the responsible utilization of the 6,110 ac-ft.

223

224 Water users understand acceptance of this mitigation plan includes distribution
225 of the mitigation water by the Watermaster as illustrated in the above example.
226 This plan does not preclude individual ground water users or other groups of
227 ground water users from offering their own mitigation plans. The mitigation
228 requirement of 6110 ac-ft for this plan will be reduced by the amount of
229 mitigation water required from any/all other mitigation plans combined which
230 are approved by the Director prior to the beginning of the irrigation season.
231 This mitigation plan will commence and be implemented once the call for
232 mitigation has been requested by a valid senior surface right holder, approved
233 by IDWR, and the criteria for conjunctive management have been satisfied.
234 The call for mitigation must be made prior to, or at the time of, the initial
235 delivery call for irrigation water (rotation into credit is considered a delivery
236 call for water) and prior to "river flush" releases.

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238 Any ground water user who wishes to be covered under this mitigation plan
239 after April 1, will be required to mitigate with money (by purchasing water
240 from the Watermaster's pool) and will be charged a late fee of \$200 or 15% of
241 their individual mitigation burden acquisition costs, whichever is greater.
242 These late fees will be used to buy mitigation water in the following year which
243 will be applied towards that year's total mitigation burden.

244

245 Water users within Water District 34 expect IDWR and the Watermaster to
246 administer ground water rights so that those individuals holding ground water
247 rights which are described by partial decree to be conjunctively administered,
248 and which are not participating in this consolidated plan or participating in
249 another approved mitigation plan, shall not be allowed to divert groundwater
250 after mitigation has been required.

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252 If mitigation is called for prior to the irrigation season, then the water users intend to also
253 request an early start of the irrigation season

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256 We reserve the right to modify this plan. However, no modification can take
257 place during the irrigation season

38 mitigation plan will be allowed to continue the diverting of their ground water rights. Water users
39 who do not wish to participate in this consolidated plan may "opt-out" by giving written notice to
40 IDWR of their intent as allowed for in Rule 50.04.e. Each ground water user who chooses to be
41 covered under this plan will pay a nominal administrative assessment fee (\$20 00) to the water district
42 to cover the administration of the mitigation plan. Ground water users will have the option of
43 pledging their own mitigation water supplies directly to the Water District and/or participating in the
44 "willing buyer-willing seller" mitigation acquisition pool to the extent needed to satisfy their
45 respective individual mitigation burden. These acquisition assessment revenues will then be used and
46 integrated into the annual water district budget for the purpose of acquiring water supplies on a
47 "willing buyer-willing seller" basis, and at fair market prices negotiated by the parties
48

49 The "Total Mitigation Burden" is defined as the total amount of water (6,110 ac-ft) all basin ground
50 water users are cumulatively required to provide as river augmentation for mitigation purposes.
51 The "Individual Mitigation Burden" is defined as that portion of this total mitigation burden each
52 ground water user is responsible for, which is based on the individual ground water user's
53 proportionate share of the 2004 year actual pumpage⁴
54

55 Mitigation water supplies used for reducing the total mitigation burden can be done in the following
56 manner:

- 57 1.) Recharge - Managed Aquifer Recharge supplies will be the first preferred option for
58 providing mitigation to whatever extent such supplies are available. Recharge conducted by the water
59 district's recharge committee, in compliance with the plan of operation incorporated into and made
60 part of water rights nos. 34-7571 and 34-7573, will be considered as replacement credit supplies for
61 quantities of pumped ground water. Managed recharge supplies will be credited towards mitigation at
62 a rate equal to the depletion factor described in Rule 50.04.c or higher as may be determined by future
63 studies. Additionally, future studies may indicate managed aquifer recharge supplies should be
64 credited towards the total mitigation burden of subsequent years. When recharge supplies⁵ are of
65 great enough quantities, the entire mitigation burden could be satisfied with such supplies.
- 66 2.) CREP - Irrigated lands within Basin 34 may have an opportunity to be enrolled in CREP.
67 Although the emphasis of this program appears to be on reducing ground water withdrawals, some of
68 these same lands may also be associated with surface water rights. At the time of submitting this
69 plan, the details of this CREP program regarding water rights has not been fully determined and
70 disseminated to the public. Water users reserve any and all rights to benefit from this program.
- 71 3.) Donated Water - Water users in the Big Lost River drainage may elect to donate their water
72 supplies (i.e. storage allocations, natural flow and/or rotation credits) towards mitigation burdens.
73 When such water supplies are donated, they will be used to reduce the total mitigation burden rather
74 than any particular individual mitigation burden. All donated water supplies will be subjected to an
75 approved IDWR transfer before mitigation credits can be acquired.
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77 Any mitigation supplies collected from the sources described above will be subtracted from the total
78 mitigation burden, resulting in a reduction of the individual(s) mitigation burden. The remaining
79 mitigation burden will be provided from individual ground water users proportionately as described
80 hereafter. Individual ground water users will be required to contact the water district and declare how
81 they intend to satisfy their portion of the remaining mitigation burden prior to May 1, 2005.

⁴ IDWR administrators have prepared a preliminary summary of 2004 pumpage, dated 1/21/2005, from individual well records. This document, or a final version of this summary, will be used for determining individual's proportionate mitigation requirements. Ground water users may substitute actual in-line water flow meter readings that are certified by licensed engineers or verified by local deputy water masters.

⁵ During the years of 1995 to 1999 managed recharge in Basin 34 ranged from 33,766 ac-ft to 89,319 ac-ft as reported to IDWR during the developing stage of the two recharge water rights permits.

82 Individual ground water users may pledge water supplies owned by themselves or may purchase other
83 water supplies to be used to satisfy their individual mitigation burden. Additionally, the Watermaster
84 will be authorized pursuant to Rule 50.04.d. to acquire mitigation supplies from water right holders
85 who wish to rent/lease their natural flow surface water, rotation credit water, or storage allocations to
86 create an acquisition pool. Any ground water user who wishes to purchase mitigation water from the
87 acquisition pool, to satisfy their individual mitigation burden as outlined above, may buy such water
88 supplies acquired by the Watermaster to the extent those water supplies are available.
89

90 Ground water users may satisfy their individual mitigation burden in the following manner:

91 1.) Natural Flow Water – Natural flow rights diverted from the Big Lost River and/or rotation
92 credits from natural flow water rights pledged by any water user or acquired by the water district may
93 be used for mitigation to the extent such water rights provide actual water supplies in their respective
94 priorities. If the natural flow water right is used for mitigation purposes (in part or in its entirety
95 during the irrigation season) the ground water user must complete a transfer application and
96 demonstrate to the satisfaction of IDWR they will forgo a beneficial use of that contributed water
97 supply. The use and exercise of any such water right will not be deemed to be a forfeiture or loss of
98 priority when used for mitigation purposes.

99 Natural flow water supplies from tributaries to the Big Lost River may also be used for mitigation.
100 Some tributaries may not come into direct contact with the river but can be introduced directly into
101 canals or laterals. When mitigation water is provided in this manner the Watermaster will reduce
102 diversions from the Big Lost River into that canal or lateral by the same measured amount of
103 mitigation water the tributary water right provides. Thus, tributary water can augment the Big Lost
104 River without physically being delivered to the river.

105 Natural flow water supplies upstream from the Mackay Reservoir may also be used for mitigation if
106 such supplies actually reach the reservoir. These natural flow rights will be commingled with other
107 natural flow rights, rotation credits, and storage water supplies used to augment the flows of the Big
108 Lost River below the Mackay Reservoir.

109 2.) Stored Water - Storage Allocations from water rights nos. 34-00818, 34-00811, 34-00810,
110 34-10935, 34-00817B, and 34-10873, 34-00012, 34-02507 are normally issued to the patrons of the
111 Big Lost River Irrigation District and may be pledged by individual(s) and/or acquired by the water
112 district after a temporary transfer has been approved by IDWR. The Watermaster will communicate
113 this information to the Big Lost River Irrigation District so they can properly note the change in use
114 and charge/credit the appropriate water user's account. Presently, the BLRID board of directors have
115 unanimously voted not to allow any storage water to be used for mitigation. Water users reserve the
116 right to pursue any legal action they deem necessary to remedy this board action.

117 3.) Ground Water – Ground water supplies may be used for mitigation. No new water rights will
118 be allowed for the use of operating wells that supply mitigation water. Ground water rights (in part or
119 in total) may be accumulated and transferred for the operation of mitigation wells. Ground water
120 supplies may be introduced directly into the Big Lost River or by exchange from canal and laterals as
121 provided for in Rule 50.04.c.iii. These ground water supplies will be measured and treated similarly
122 as other tributary and river augmenting supplies when establishing constant release flow rates as
123 described hereinafter.
124

125 Any water supplies described above, when used for the augmentation of the natural flow of the Big
126 Lost River, will be treated as if it were natural flow and will be distributed and subject to the elements
127 of those benefiting natural flow water rights. All transfers, pledges, acquisitions, and uses of
128 mitigation supplies must be summarized in a supplemental⁶ report to IDWR by November 15, 2005.
129 This report will be compiled and submitted to IDWR by the Watermaster of Water District 34.

⁶ This report(s) will include any necessary information required by the Director of IDWR (i.e. source of mitigation supplies, transfer(s), actual uses of mitigation supplies, 2005 ground water pumpage records, etc.)

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Release and timing patterns of mitigation supplies will be as follows:
The release and timing patterns of these mitigation supplies will comply with Rule 50.04 as nearly as practicable. Some flexibility in release patterns will be needed to accommodate the actual conditions of river flow, responses to extemporaneous administrative actions, and for the utilization of all the various accepted and acquired mitigation supplies. The intent of this consolidated plan is to provide the entire 6,110 ac-ft of mitigation supplies as river augmentation during the irrigation season when water rights having a 1905 or earlier priority are not satisfied. The following is a description of how that flexibility will be used for that stated purpose.

As described by Rule 50.04 one third of the required mitigation supply⁷ (2,034 ac-ft) will be made available to the Watermaster for purposes of augmenting the natural flows of the Big Lost River during the first half of the irrigation season (May 1 through July 23, or 84 days) at a constant flow release rate. Water supplies⁸ used to "flush" the river system at the commencement of the irrigation season as described in Rule 40.02 d.iii.g,h will be considered as mitigation and deducted from the 2,034 ac-ft. The residual balance of the mitigation supply would then be released at a constant release flow rate during the remaining days of the first half season period. If water rights with 1905 and earlier priorities are satisfied during any period of days within this first half of the irrigation season from natural river flows without the use of augmenting supplies, no mitigation supplies will be released for those days. The sum acre-feet of water not released during those days will then be "carried-over" and become part of the second half of the irrigation season's mitigation supply not to exceed a total of 4,067 ac-ft.

Two thirds of the required mitigation supply (4,067 ac-ft) will be made available to the Watermaster for the second half of the irrigation season (July 24 through October 15, or 84 days) for purposes of augmenting the natural flow of the Big Lost River at a constant flow release rate. If water rights with 1905 and earlier priorities are satisfied during any period of days within this second half of the irrigation season from natural flows without the use of augmenting supplies, no mitigation supplies will be released for those days. Once water rights with 1905 or earlier priorities are unable to be satisfied by natural river flows, a calculation of remaining days in the irrigation season will be determined and/or the number of days remaining before the Director were to declare a futile river as described in Rule 20.04 would be determined. Using the fewer number of days from those two calculations, an augmenting constant release flow rate will then be established by dividing the fewer number of days into the 4,067 ac-ft. If it becomes apparent a futile river declaration is likely to occur before the previously calculated date, all remaining mitigation supplies will be released (as nearly as practicable) prior to the actual futile declaration. In every instance of releasing mitigation supplies for the purpose of augmenting river flows, care and flexibility must be exercised to provide for the entire utilization of the 6,110 ac-ft in an efficient and effective manner.

Water users understand acceptance of this mitigation plan requires the distribution of the mitigation water supplies by the Watermaster as illustrated in the above example. The mitigation requirement of 6,110 ac-ft for this plan will be reduced by the amount of mitigation water required from all other mitigation plans combined which are approved by the director. This mitigation plan will commence and be implemented upon the call for mitigation by a valid senior surface right holder and approved

⁷ This example assumes no managed aquifer charge has occurred during the current year. Managed recharge replacement credits, CREP contributions, donated water, or any other total mitigation burden reduction supply would be subtracted from the 6,110 ac-ft and any remaining balance would then be divided as described

⁸ Whenever storage water or storage allocations, and whenever natural flows or rotation credits, or any combinations of these water supplies are used to "flush" the river system as described in Rule 40, the entire volume of water will be credited as a mitigation supply.

174 by the Director of IDWR. The call for mitigation must be made prior to, or at the time of, the initial
175 deliver call for irrigation water (rotation into credit is considered a delivery call for water) and prior to
176 beginning of the irrigation season "river flush" releases.
177

178 Water users within Water District 34 expect IDWR and the Watermaster to administer ground water
179 rights in such a manner that those individuals holding ground water rights that are described by partial
180 decree to be conjunctively administered which are not participating in this consolidated plan or
181 participating in another approved mitigation plan shall not be allowed to divert during the 2005
182 irrigation season. Water users within Water District 34 also expect IDWR and the Watermaster to
183 properly administer and regulate all surface water rights as described in partial decree and rule.
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185 Basin 34 Water Users reserve the right to modify this plan prior to its approval by the Director. This
186 plan can also be modified after approval is granted by submitting an amended mitigation plan to the
187 Director for approval. While the principles and concepts incorporated into and made part of the
188 mitigation plan may be utilized in future plans, no legal precedent can be asserted or claimed from the
189 implementation of this plan except those expressed in rule or partial decree.
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195 Respectfully submitted,
196 Proponents of a single "Consolidated Basin-Wide Mitigation Plan for Basin 34 Water Users"

1 **2005 Consolidated Basin-Wide Mitigation Plan¹ for Basin 34 Water Users**

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3 DRAFT

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4 Basin 34 water users Feb 20 edits

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9 whose ground water rights are administered conjunctively as part of the Big
10 Lost River and tributaries. These rules provide that junior ground water users
11 can continue to divert ground water when mitigation is provided pursuant to
12 Rule 50.04. This plan is intended to meet those requirements by providing
13 6,110 ac-ft² of water to augment the natural flow of the Big Lost River.

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15 Basin 34 Water Users understand the purpose of mitigation is to augment the
16 natural flow of the Big Lost River downstream from Mackay Dam. Mitigation
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18 any year. Basin 34 Water Users also understand the administration of this plan
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20 supervision of the Director of IDWR.

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31 provide as river augmentation for mitigation purposes. The portion of this total
32 mitigation burden each ground water user is required to provide is defined as

¹ This mitigation plan is a consolidation of the Basin 34 Water Users Plan dated January 7, 2005 and the Participants Universal Mitigation Plan dated December 14, 2005, and recent updated versions of these two plans. This consolidated plan is prepared under the direction of this group for the benefit of their respective members but with the objective of making the consolidated plan acceptable and accessible to all ground water users whose rights are conjunctively managed in the Basin.

² Water users within Basin 34 understand the Director of IDWR is willing to accept a mitigation supply of 6,110 ac-ft. Water users also understand individual mitigation plan(s) may be proposed offering supplies of water based upon their actual previous year's pumpage quantities. These individual mitigation supplies will be subtracted from the 6,110 ac-ft proposed in this consolidated plan.

33 the “individual’s mitigation burden” which is based on the individual ground
34 water user’s proportionate share of the previous year’s actual pumpage³.

35
36 Collecting mitigation water supplies that will be used for reducing the total
37 mitigation burden within Water District 34 will be done in the following
38 manner (with the exception relating to CREP individual credits):

39 1. Recharge - Managed Aquifer Recharge supplies will be the first preferred
40 option for providing mitigation to whatever extent such supplies are
41 available. Recharge conducted by the Water District’s recharge committee,
42 in compliance with the plan of operation incorporated into and made part of
43 water rights nos. 34-7571 and 34-7573, will be considered as replacement
44 credit supplies for quantities of pumped ground water. Managed recharge
45 supplies will be credited towards mitigation at a rate equal to the depletion
46 factor described in Rule 50.04.c or higher as may be determined by future
47 studies. Additionally, future studies may indicate managed aquifer recharge
48 supplies should be credited towards the total mitigation burden of
49 subsequent years. When recharge supplies⁴ are of great enough quantities,
50 the entire mitigation burden could be satisfied with such supplies.

51
52 2. CREP - Irrigated lands within Basin 34 may have an opportunity to be
53 enrolled in CREP. Although the emphasis of this program appears to be on
54 reducing ground water withdrawals, some of these same lands may also be
55 associated with surface water rights. At the time of submitting this plan, the
56 details of this CREP program regarding water rights have not been fully
57 determined and disseminated to the public. If allowed by CREP, these un-
58 diverted surface water rights may be used to satisfy individual mitigation
59 burdens of program participants and, to the extent additional credit is
60 available, this credit will be used to satisfy or reduce the total mitigation. No
61 monetary compensation from the Water District for these credits will be
62 allowed.

63
64 3. Donated Water – Irrigators in the Big Lost River drainage may elect to
65 donate their water (storage, rotation credit, or decreed) to mitigation. When
66 water is donated, it will be used to reduce the general mitigation burden (*i.e.*
67 subtracted from the general mitigation burden to lower the percentage of the

³ IDWR administrators have prepared a preliminary summary of 2004 pumpage, dated 1/21/2005, from individual well records. This document, or a final version of this summary, will be used for determining individual’s proportionate mitigation requirements. Ground water users may substitute actual in-line water flow meter readings that are certified by licensed engineers or verified by local deputy water masters.

⁴ During the years of 1995 to 1999 managed recharge in Basin 34 ranged from 33,766 ac-ft to 89,319 ac-ft as reported to IDWR during the developing stage of the two recharge water rights permits.

68 general mitigation burden required by individual groundwater users, as
69 opposed to being donated to an individual to satisfy his individual mitigation
70 burden).

71
72 Any water contributed through these avenues described above will be
73 subtracted from the total mitigation burden, and will reduce each individual's
74 mitigation burden proportionately. The remaining mitigation burden will be
75 provided from individual ground water users proportionately (the amount
76 groundwater that the user pumped during the previous year divided by the total
77 groundwater pumped in Water District 34 during the previous year) as
78 described hereafter. Prior to April 1, individual ground water users will be
79 required to contact the Watermaster to declare how they intend to satisfy their
80 individual mitigation burden. To satisfy their individual mitigation burden,
81 individual ground water users may pledge water supplies owned by themselves,
82 purchase water supplies from other water users to be used to satisfy their
83 individual mitigation burden, or participate in the "willing buyer-willing seller"
84 mitigation acquisition pool. Each proposed water supply will be described by
85 water right number and quantity (to the extent possible) when pledged and/or
86 offered for mitigation. Additionally, the Watermaster will be authorized
87 pursuant to Rule 50.04.d. to acquire mitigation supplies from water right
88 holders who wish to provide their natural flow surface water, rotation credit
89 water, or storage allocations to create an acquisition pool. Any ground water
90 user who wishes to purchase mitigation water from the acquisition pool to
91 satisfy their individual mitigation burden as outlined above, may buy such
92 water supplies acquired by the Watermaster to the extent those water supplies
93 are available.

94
95 Ground water users who are participating in this mitigation plan may satisfy
96 their individual mitigation burden in the following manner:

- 97 1. Natural Flow (Decreed) Water – Water supplies from natural flow rights
98 and/or rotation credits from those water rights held by any water user
99 within the Water District may be pledged to the extent such water rights
100 provide actual water supplies in their respective priorities. Ground water
101 users will indicate to the Watermaster which natural flow water rights
102 will be used as mitigation and during approximately what time period so
103 the volume of water not diverted for irrigation purposes can be credited
104 as mitigation. Unless the natural flow water right is dedicated to
105 mitigation for the entire irrigation season, ground water users who choose
106 to contribute a portion of a natural flow water right to satisfy their
107 individual mitigation burden must demonstrate to the satisfaction of

108 IDWR that they will forgo a beneficial use of that contributed water
109 supply. If any natural flow water right (in part or in its entirety) is
110 pledged by a ground water user, an approved IDWR temporary transfer
111 must accompany that pledge prior to that supply actually being accepted
112 and used for river augmentation. The use and exercise of any such water
113 right will not be deemed to be a forfeiture or loss of priority when used
114 for mitigation purposes. Natural flow water rights used for mitigation
115 will be credited based upon the actual quantity/volume of water made
116 available under such rights.

- 117 • Natural flow water supplies from tributaries to the Big Lost River may
118 also be used for mitigation. Some tributaries may not come into direct
119 contact with the river but can be introduced directly into canals or
120 laterals. When mitigation water is provided in this manner the
121 Watermaster will reduce diversions from the Big Lost River into that
122 canal or lateral by the same measured amount of mitigation water the
123 tributary water right provides. Thus, tributary water can augment the
124 Big Lost River without being physically delivered to the river.
125 Permission must be obtained from the owner of the canal or lateral to
126 place water into the canal or lateral.
- 127 • Natural flow water supplies upstream from the Mackay Reservoir may
128 also be used for mitigation. These designated supplies are natural
129 flow rights and will be deducted from mitigation supplies released
130 from the Mackay Dam.

131 2. Rotation credit water - Groundwater users will indicate which decreed rights will be
132 rotated as stored water, and approximately when this rotation might occur.

133
134 3. Storage Water - Groundwater users will indicate which storage rights
135 (owned or rented) and amounts that will be used to satisfy their
136 individual mitigation burden. The Watermaster will communicate this
137 information to the Big Lost River Irrigation District so they can properly
138 note the change in use and charge/credit the appropriate water user's
139 account.

140
141 4. Ground Water – Ground water may be used for mitigation. However, the
142 Watermaster will only accept ground water for mitigation purposes under
143 the following conditions:

- 144 • No other remaining source of mitigation supply is available to the
145 individual ground water user.
- 146 • The mitigation water supply is directly injected into the river or a
147 physical exchange of water can be made to the Big Lost River as

148 provided for in Rule 50.04.c.iii. This can only occur when the river is
149 running past the canal in which water is being injected and the
150 physical exchange must occur at the canal heading where the water is
151 injected. These introduced supplies will be deducted from the
152 constant flow mitigation water described below pertinent to Rule
153 50.04.

- 154 • The river reach, canal, or lateral receiving these supplies is not dry.
- 155 • The mitigation water supplies can be put to beneficial use.
- 156 • The mitigation water supply from the well must be measured.
- 157 • No new groundwater rights will be allowed. However, existing
158 ground water rights may be used and/or transferred pursuant to an
159 approved IDWR transfer.
- 160 • Water supplies diverted from any such mitigation well(s) will require
161 approved transfers from IDWR, the same as other potential mitigation
162 supplies.
- 163 • Anyone who uses ground water to satisfy their individual mitigation
164 burden is responsible for the entire cost (i.e. power costs) associated
165 with this source of mitigation.
- 166 • Ground water users may combine, collaborate, and consolidate their
167 individual mitigation burdens and mitigation remedies in a
168 cooperative effort.
- 169 • Proponents of this consolidated plan reiterate the position of using
170 ground water supplies as a supply of last resort, both for economic
171 and social preference reasons.

- 172
- 173 5. Purchase Pool - the Watermaster will be authorized pursuant to Rule
174 50.04.d. to acquire mitigation supplies from water right holders who wish
175 to provide their natural flow surface water, rotation credit water, or
176 storage. Any ground water user who wishes to purchase mitigation water
177 from the purchase pool, to satisfy their individual mitigation burden as
178 outlined above, may buy such water supplies purchased by the
179 Watermaster to the extent those water supplies are available.

180

181 Full participation by the ground water user in this plan will be required before
182 the ground water right(s) held by that ground water user is covered under this
183 plan and therefore protected from curtailment.

184

185 Release and timing patterns of mitigation supplies will be as follows:

186 The release and timing patterns of these mitigation supplies will comply with
187 Rule 50.04 as nearly as is practicable. Some flexibility in release patterns will
188 be needed to accommodate the actual conditions of river flow, responses to
189 extemporaneous administrative actions, and for the utilization of all the various
190 mitigation supplies. The intent of this consolidated plan is to provide the entire
191 6,110 ac-ft of mitigation supplies as river augmentation during the irrigation
192 season when water rights having a 1905 or earlier priority are not satisfied that
193 have requested mitigation. The following is a description of how that flexibility
194 will be used for that stated purpose.

195
196 As described by Rule 50.04 one third of the required mitigation supply⁵ will be
197 made available to the Watermaster for purposes of augmenting the natural flows
198 of the Big Lost River during the first half of the irrigation season (May 1
199 through July 23, or 84 days). Water supplies⁶ used to “flush” the river system
200 at the commencement of the irrigation season as described in Rule
201 40.02.d.iii,g,h will be considered as mitigation and deducted from the first 1/3
202 of the mitigation supply. The residual balance of the mitigation supply will
203 then be released at a constant release flow rate during the remaining days of the
204 first half season period. If water rights with 1905 and earlier priorities are
205 satisfied during any period of days within this first half of the irrigation season
206 from natural river flows without the use of augmenting supplies, no mitigation
207 supplies will be released for those days. The sum acre-feet of water not
208 released during those days will not be required to be released.

209 Two thirds of the required mitigation supply will be made available to the
210 Watermaster for the second half of the irrigation season (July 24 through
211 October 15, or 84 days) for purposes of augmenting the natural flow of the Big
212 Lost River at a constant flow release rate. If water rights with 1905 and earlier
213 priorities are satisfied during any period of days within this second half of the
214 irrigation season from natural flows without the use of augmenting supplies, no
215 mitigation supplies will be released for those days. Once water rights with
216 1905 or earlier priorities are unable to be satisfied by natural river flows, a
217 calculation of remaining days in the irrigation season will be determined. Using
218 the number of days from the calculations, an augmenting constant release flow
219 rate will then be established by dividing the number of days into the remaining

⁵ This example assumes no managed aquifer charge has occurred during the current and previous years. Managed recharge replacement credits, CREP contributions, donated water, or any other total mitigation burden reduction supply would be subtracted from the 6,110 ac-ft and any remaining balance would then be divided as described.

⁶ Whenever storage water or storage allocations, and whenever natural flows or rotation credits, or any combinations of these water supplies are used to “flush” the river system as described in Rule 40, the entire volume of water will be credited as a mitigation supply.

220 mitigation supply. In every instance of releasing mitigation supplies for the
221 purpose of augmenting river flows, care and flexibility must be exercised to
222 provide for the responsible utilization of the 6,110 ac-ft.

223
224 Water users understand acceptance of this mitigation plan includes distribution
225 of the mitigation water by the Watermaster as illustrated in the above example.
226 This plan does not preclude individual ground water users or other groups of
227 ground water users from offering their own mitigation plans. The mitigation
228 requirement of 6110 ac-ft for this plan will be reduced by the amount of
229 mitigation water required from any/all other mitigation plans combined which
230 are approved by the Director prior to the beginning of the irrigation season.
231 This mitigation plan will commence and be implemented once the call for
232 mitigation has been requested by a valid senior surface right holder, approved
233 by IDWR, and the criteria for conjunctive management have been satisfied.
234 The call for mitigation must be made prior to, or at the time of, the initial
235 delivery call for irrigation water (rotation into credit is considered a delivery
236 call for water) and prior to “river flush” releases.

237
238 Any ground water user who wishes to be covered under this mitigation plan
239 after April 1, will be required to mitigate with money (by purchasing water
240 from the Watermaster’s pool) and will be charged a late fee of \$200 or 15% of
241 their individual mitigation burden acquisition costs, whichever is greater.
242 These late fees will be used to buy mitigation water in the following year which
243 will be applied towards that year’s total mitigation burden.

244
245 Water users within Water District 34 expect IDWR and the Watermaster to
246 administer ground water rights so that those individuals holding ground water
247 rights which are described by partial decree to be conjunctively administered,
248 and which are not participating in this consolidated plan or participating in
249 another approved mitigation plan, shall not be allowed to divert groundwater
250 after mitigation has been required.

251
252 If mitigation is called for prior to the irrigation season, then the water users intend to also
253 request an early start of the irrigation season

254
255

256 We reserve the right to modify this plan. However, no modification can take
257 place during the irrigation season

38 mitigation plan will be allowed to continue the diverting of their ground water rights. Water users
39 who do not wish to participate in this consolidated plan may “opt-out” by giving written notice to
40 IDWR of their intent as allowed for in Rule 50.04.e. Each ground water user who chooses to be
41 covered under this plan will pay a nominal administrative assessment fee (\$20.00) to the water district
42 to cover the administration of the mitigation plan. Ground water users will have the option of
43 pledging their own mitigation water supplies directly to the Water District and/or participating in the
44 “willing buyer-willing seller” mitigation acquisition pool to the extent needed to satisfy their
45 respective individual mitigation burden. These acquisition assessment revenues will then be used and
46 integrated into the annual water district budget for the purpose of acquiring water supplies on a
47 “willing buyer-willing seller” basis, and at fair market prices negotiated by the parties
48

49 The “Total Mitigation Burden” is defined as the total amount of water (6,110 ac-ft) all basin ground
50 water users are cumulatively required to provide as river augmentation for mitigation purposes.
51 The “Individual Mitigation Burden” is defined as that portion of this total mitigation burden each
52 ground water user is responsible for, which is based on the individual ground water user’s
53 proportionate share of the 2004 year actual pumpage⁴.
54

55 Mitigation water supplies used for reducing the total mitigation burden can be done in the following
56 manner:

57 1.) Recharge - Managed Aquifer Recharge supplies will be the first preferred option for
58 providing mitigation to whatever extent such supplies are available. Recharge conducted by the water
59 district’s recharge committee, in compliance with the plan of operation incorporated into and made
60 part of water rights nos. 34-7571 and 34-7573, will be considered as replacement credit supplies for
61 quantities of pumped ground water. Managed recharge supplies will be credited towards mitigation at
62 a rate equal to the depletion factor described in Rule 50.04.c or higher as may be determined by future
63 studies. Additionally, future studies may indicate managed aquifer recharge supplies should be
64 credited towards the total mitigation burden of subsequent years. When recharge supplies⁵ are of
65 great enough quantities, the entire mitigation burden could be satisfied with such supplies.

66 2.) CREP - Irrigated lands within Basin 34 may have an opportunity to be enrolled in CREP.
67 Although the emphasis of this program appears to be on reducing ground water withdrawals, some of
68 these same lands may also be associated with surface water rights. At the time of submitting this
69 plan, the details of this CREP program regarding water rights has not been fully determined and
70 disseminated to the public. Water users reserve any and all rights to benefit from this program.

71 3.) Donated Water – Water users in the Big Lost River drainage may elect to donate their water
72 supplies (i.e. storage allocations, natural flow and/or rotation credits) towards mitigation burdens.
73 When such water supplies are donated, they will be used to reduce the total mitigation burden rather
74 than any particular individual mitigation burden. All donated water supplies will be subjected to an
75 approved IDWR transfer before mitigation credits can be acquired.
76

77 Any mitigation supplies collected from the sources described above will be subtracted from the total
78 mitigation burden, resulting in a reduction of the individual(s) mitigation burden. The remaining
79 mitigation burden will be provided from individual ground water users proportionately as described
80 hereafter. Individual ground water users will be required to contact the water district and declare how
81 they intend to satisfy their portion of the remaining mitigation burden prior to May 1, 2005.

⁴ IDWR administrators have prepared a preliminary summary of 2004 pumpage, dated 1/21/2005, from individual well records. This document, or a final version of this summary, will be used for determining individual’s proportionate mitigation requirements. Ground water users may substitute actual in-line water flow meter readings that are certified by licensed engineers or verified by local deputy water masters.

⁵ During the years of 1995 to 1999 managed recharge in Basin 34 ranged from 33,766 ac-ft to 89,319 ac-ft as reported to IDWR during the developing stage of the two recharge water rights permits.

82 Individual ground water users may pledge water supplies owned by themselves or may purchase other
83 water supplies to be used to satisfy their individual mitigation burden. Additionally, the Watermaster
84 will be authorized pursuant to Rule 50.04.d. to acquire mitigation supplies from water right holders
85 who wish to rent/lease their natural flow surface water, rotation credit water, or storage allocations to
86 create an acquisition pool. Any ground water user who wishes to purchase mitigation water from the
87 acquisition pool, to satisfy their individual mitigation burden as outlined above, may buy such water
88 supplies acquired by the Watermaster to the extent those water supplies are available.
89

90 Ground water users may satisfy their individual mitigation burden in the following manner:

91 1.) Natural Flow Water – Natural flow rights diverted from the Big Lost River and/or rotation
92 credits from natural flow water rights pledged by any water user or acquired by the water district may
93 be used for mitigation to the extent such water rights provide actual water supplies in their respective
94 priorities. If the natural flow water right is used for mitigation purposes (in part or in it's entirety
95 during the irrigation season) the ground water user must complete a transfer application and
96 demonstrate to the satisfaction of IDWR they will forgo a beneficial use of that contributed water
97 supply. The use and exercise of any such water right will not be deemed to be a forfeiture or loss of
98 priority when used for mitigation purposes.

99 Natural flow water supplies from tributaries to the Big Lost River may also be used for mitigation.
100 Some tributaries may not come into direct contact with the river but can be introduced directly into
101 canals or laterals. When mitigation water is provided in this manner the Watermaster will reduce
102 diversions from the Big Lost River into that canal or lateral by the same measured amount of
103 mitigation water the tributary water right provides. Thus, tributary water can augment the Big Lost
104 River without physically being delivered to the river.

105 Natural flow water supplies upstream from the Mackay Reservoir may also be used for mitigation if
106 such supplies actually reach the reservoir. These natural flow rights will be commingled with other
107 natural flow rights, rotation credits, and storage water supplies used to augment the flows of the Big
108 Lost River below the Mackay Reservoir.

109 2.) Stored Water - Storage Allocations from water rights nos. 34-00818, 34-00811, 34-00810,
110 34-10935, 34-00817B, and 34-10873, 34-00012, 34-02507 are normally issued to the patrons of the
111 Big Lost River Irrigation District and may be pledged by individual(s) and/or acquired by the water
112 district after a temporary transfer has been approved by IDWR. The Watermaster will communicate
113 this information to the Big Lost River Irrigation District so they can properly note the change in use
114 and charge/credit the appropriate water user's account. Presently, the BLRID board of directors have
115 unanimously voted not to allow any storage water to be used for mitigation. Water users reserve the
116 right to pursue any legal action they deem necessary to remedy this board action.

117 3.) Ground Water – Ground water supplies may be used for mitigation. No new water rights will
118 be allowed for the use of operating wells that supply mitigation water. Ground water rights (in part or
119 in total) may be accumulated and transferred for the operation of mitigation wells. Ground water
120 supplies may be introduced directly into the Big Lost River or by exchange from canal and laterals as
121 provided for in Rule 50.04.c.iii. These ground water supplies will be measured and treated similarly
122 as other tributary and river augmenting supplies when establishing constant release flow rates as
123 described hereinafter.
124

125 Any water supplies described above, when used for the augmentation of the natural flow of the Big
126 Lost River, will be treated as if it were natural flow and will be distributed and subject to the elements
127 of those benefiting natural flow water rights. All transfers, pledges, acquisitions, and uses of
128 mitigation supplies must be summarized in a supplemental⁶ report to IDWR by November 15, 2005.
129 This report will be compiled and submitted to IDWR by the Watermaster of Water District 34.

⁶ This report(s) will include any necessary information required by the Director of IDWR (i.e. source of mitigation supplies, transfer(s), actual uses of mitigation supplies, 2005 ground water pumpage records, etc.).

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Release and timing patterns of mitigation supplies will be as follows:
The release and timing patterns of these mitigation supplies will comply with Rule 50.04 as nearly as practicable. Some flexibility in release patterns will be needed to accommodate the actual conditions of river flow, responses to extemporaneous administrative actions, and for the utilization of all the various accepted and acquired mitigation supplies. The intent of this consolidated plan is to provide the entire 6,110 ac-ft of mitigation supplies as river augmentation during the irrigation season when water rights having a 1905 or earlier priority are not satisfied. The following is a description of how that flexibility will be used for that stated purpose.

As described by Rule 50.04 one third of the required mitigation supply⁷ (2,034 ac-ft) will be made available to the Watermaster for purposes of augmenting the natural flows of the Big Lost River during the first half of the irrigation season (May 1 through July 23, or 84 days) at a constant flow release rate. Water supplies⁸ used to “flush” the river system at the commencement of the irrigation season as described in Rule 40.02.d.iii.g,h will be considered as mitigation and deducted from the 2,034 ac-ft. The residual balance of the mitigation supply would then be released at a constant release flow rate during the remaining days of the first half season period. If water rights with 1905 and earlier priorities are satisfied during any period of days within this first half of the irrigation season from natural river flows without the use of augmenting supplies, no mitigation supplies will be released for those days. The sum acre-feet of water not released during those days will then be “carried-over” and become part of the second half of the irrigation season’s mitigation supply not to exceed a total of 4,067 ac-ft.

Two thirds of the required mitigation supply (4,067 ac-ft) will be made available to the Watermaster for the second half of the irrigation season (July 24 through October 15, or 84 days) for purposes of augmenting the natural flow of the Big Lost River at a constant flow release rate. If water rights with 1905 and earlier priorities are satisfied during any period of days within this second half of the irrigation season from natural flows without the use of augmenting supplies, no mitigation supplies will be released for those days. Once water rights with 1905 or earlier priorities are unable to be satisfied by natural river flows, a calculation of remaining days in the irrigation season will be determined and/or the number of days remaining before the Director were to declare a futile river as described in Rule 20.04 would be determined. Using the fewer number of days from those two calculations, an augmenting constant release flow rate will then be established by dividing the fewer number of days into the 4,067 ac-ft. If it becomes apparent a futile river declaration is likely to occur before the previously calculated date, all remaining mitigation supplies will be released (as nearly as practicable) prior to the actual futile declaration. In every instance of releasing mitigation supplies for the purpose of augmenting river flows, care and flexibility must be exercised to provide for the entire utilization of the 6,110 ac-ft in an efficient and effective manner.

Water users understand acceptance of this mitigation plan requires the distribution of the mitigation water supplies by the Watermaster as illustrated in the above example. The mitigation requirement of 6,110 ac-ft for this plan will be reduced by the amount of mitigation water required from all other mitigation plans combined which are approved by the director. This mitigation plan will commence and be implemented upon the call for mitigation by a valid senior surface right holder and approved

⁷ This example assumes no managed aquifer charge has occurred during the current year. Managed recharge replacement credits, CREP contributions, donated water, or any other total mitigation burden reduction supply would be subtracted from the 6,110 ac-ft and any remaining balance would then be divided as described.

⁸ Whenever storage water or storage allocations, and whenever natural flows or rotation credits, or any combinations of these water supplies are used to “flush” the river system as described in Rule 40, the entire volume of water will be credited as a mitigation supply.

174 by the Director of IDWR. The call for mitigation must be made prior to, or at the time of, the initial
175 deliver call for irrigation water (rotation into credit is considered a delivery call for water) and prior to
176 beginning of the irrigation season “river flush” releases.

177
178 Water users within Water District 34 expect IDWR and the Watermaster to administer ground water
179 rights in such a manner that those individuals holding ground water rights that are described by partial
180 decree to be conjunctively administered which are not participating in this consolidated plan or
181 participating in another approved mitigation plan shall not be allowed to divert during the 2005
182 irrigation season. Water users within Water District 34 also expect IDWR and the Watermaster to
183 properly administer and regulate all surface water rights as described in partial decree and rule.

184
185 Basin 34 Water Users reserve the right to modify this plan prior to its approval by the Director. This
186 plan can also be modified after approval is granted by submitting an amended mitigation plan to the
187 Director for approval. While the principles and concepts incorporated into and made part of the
188 mitigation plan may be utilized in future plans, no legal precedent can be asserted or claimed from the
189 implementation of this plan except those expressed in rule or partial decree.

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195 Respectfully submitted,
196 Proponents of a single “Consolidated Basin-Wide Mitigation Plan for Basin 34 Water Users”