Mitigation Plan Evaluation Checklist

When the Department of Water Resources determines that the source of water is not sufficient to supply a proposed appropriation of water (Rule 45.01.b) or water right transfer, and approval would result in injury to other water rights, the applicant may mitigate to avoid denial of the proposed appropriation or transfer. A mitigation plan must offset the depletion of water associated with a new appropriation or transfer in quantity, time, location[1], and/or quality to protect senior water right holders. Use the following checklist to evaluate the mitigation plan. Attach additional pages if necessary.

1____Why is mitigation required? Moratorium area? GWMA? CGWA? Fully appropriated source? Administrative hold? Other? (See the controlling order, policy memo, or management plan for guidance.)

2____What water source is being protected by the mitigation requirement? _____

3____What water source is proposed to be depleted by the applicant? _____

4____How are the two water sources connected? _____

5____Did the applicant provide an analysis estimating timing, quantity, and location, of the proposed depletion of the protected source? _____

6____Is the source of mitigation water, including WR #s, identified? _____

7____Does the applicant have authority or proper permission to use the mitigation rights? _____

8____Are the mitigation rights valid, and are they sufficient for the required mitigation?

- ____ historic use and availability of water: _____
- ____ forfeiture has not occurred: _____
- ____ overlapping rights: _____
- ____ water quality: _____
- ____ watermaster input: _____

9____Does the mitigation plan call for replacement water or for non-use of water? Replacement water normally requires a separate filing, such as a transfer or Water Supply Bank rental, whereas non-use of water is normally addressed in the conditions of the new application or transfer approval. _____

10____How will the new water diversion and the mitigation water both be measured and monitored for compliance to ensure that the enough mitigation water is provided at the correct location? _____

11____Is the mitigation plan supported by a detailed hydrologic analysis, analytical model, or numerical model? (May need technical analysis or modeling from the Hydrology Section or reference to a prior similar plan.) _____

[1] The word "location" for ground water means both the ground-surface site and the aquifer from which the water is being withdrawn. The word "location" for surface water means within a reasonable distance of the point of diversion, taking into account other water right diversions and possible environmental concerns.