



State of Idaho

DEPARTMENT OF WATER RESOURCES

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August 5, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

HARVEY WALKER
2338 N 2930 W
ARCO ID 83213

RE: Huntsman Springs Inc - Submittal of Proof of Beneficial Use; Permit Nos. 22-13416, 22-13417, 22-13418, 22-13419, 22-13420, 22-13421, 22-13422, 22-13423, 22-13424, 22-13425, 22-13426, 22-13427, and 22-13428.

Dear Mr. Walker

The Department acknowledges receipt of the above mentioned proof(s) of beneficial use; however at this time they cannot be accepted. As you are probably aware, the 13 permits are for a group of ponds for wildlife enhancement just outside of Driggs. The mitigation plan for the applications for permit states the evaporative losses associated with the ponds will be mitigated thru the idling of about 28 acres under right 22-153. The mitigation plan further states the location of the acreage to be idled is located in the **NENE** of Section 27, T05N R45E. The permits were subsequently approved the same designating the mitigating right as 22-153 and the location of acres to be dried in the **NENE** of Section 27, T05N R45E.

On March 12, 2009, 22-153 was partially decreed in the SRBA for the irrigation of 40 acres in the **NESE** of Section 27, T05N R45E, leaving the mitigation plan in error. Does the permit holder intend to mitigate with 22-153, or with a different right(s) that lists the **NENE** of Section 27, T05N R45E as an authorized place of use? Before the Department can accept proof for the permits, written verification of where mitigation will occur or is occurring is needed. Changes to the permits/water right records can likely be addressed at the time of licensing. I have included a copy of the mitigation plan and a copy of the decree for 22-153. It is worthwhile to note that from 2009 aerial imagery it appears more than 28 acres have been dried in both the **NENE** and **NESE** of Section 27 (a map is also enclosed).

Please feel free to give me a call if you would like to discuss at your convenience at (208) 287-4949 or email at nick.vandyke@idwr.idaho.gov

Sincerely,

Nicholas Van Dyke
Sr. Water Resource Agent

Enclosure(s)