



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

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JAMES E. RISCII
Governor

KARL J. DREIER
Director

May 31, 2006

MYRON A HUETTIG
1369 S 2000 E
HAZELTON ID 83335

RE: Application for Permit 36-16390

Dear Mr. Huettig:

IDWR is processing your application for permit to appropriate waste water from the North Side Canal Company (NSCC) system, to be used as supplemental irrigation water for 1041 acres in T10S R20E, Sections 20, 28 and 29. The application was advertised without protest and appears to be approvable. However, the recorded location of the canal shares is not consistent with your application map, and the resulting water right overlaps will limit the total acres able to be included on the waste water permit.

On the above application, you noted that you held 211 shares of NSCC water, used in N1/2NW and NE1/4 Section 29. The NSCC confirmed 211.3 shares, although the location of those shares is not entirely within the above area described on your application for permit as being irrigated only with canal water. NSCC records indicate 76 shares in W1/2NW Section 28, 18 shares in SENW Section 29, and the remaining 117.3 shares within the above described application area.

Under the terms of the Snake River Basin Moratorium, new applications for permit may only be approved if the new use of water may be mitigated. In the case of application 36-16390, the mitigation occurs in the form of non-use either of the ground water rights, or of the NSCC shares. Ninety-four (94) shares of NSCC water are recorded to lands which also have appurtenant ground water rights. The overlap leaves a total of 938.31 acres with appurtenant water rights within the place of use for the application for permit. For irrigation, moratorium mitigation is considered on an acre-for-acre basis. Therefore, the limit of the waste water permit is 938.3 acres, unless you can provide additional mitigation for the extra acres.

Please call and advise me how you wish to proceed.....

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

36-16390