



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 28, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NORMAN C YOUNG
ERO RESOURCES CORP.
1106 N COLE RD SUITE C
BOISE ID 83704-8661

Disposition of Petition for Reconsideration

RE: Petition for Reconsideration of the Preliminary Order Approving Transfer 70974
Hayden Lake Irrigation District

Dear Mr. Young:

The Department of Water Resources (IDWR) has received your petition for reconsideration of the preliminary order approving Transfer No. 70974. The petition requested that the transfer approval be amended to show additional volume under licensed right 95-8581.

The request to amend the approval for additional volume appears to be justified; however, review of the approval resulted in a question regarding the municipal use as proposed in the transfer application. Section 42-202B(6), *Idaho Code* defines municipal purposes as "... water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, ..." The statutory definition of municipal purposes does not appear to provide for irrigation of cropland for agricultural production. Consequently, Transfer No. 70974, as approved in the preliminary order, would not allow for irrigation of cropland within the service area of Hayden Lake Irrigation District. Your petition also requested additional time to accomplish the transfer. Additional time can be approved and may provide some flexibility to transition irrigated cropland to municipal irrigation use, but it is doubtful that the applicant intended such a transition within 5 years. The applicant may want to consider maintaining irrigation use to some extent as part of the water rights.

In response to your petition, IDWR grants 30 days to allow the applicant time to review the issue identified and provide a response to IDWR with submittal of any additional information necessary to support the application as proposed. Additional time may be granted upon a written request and justification for the extension. IDWR will evaluate your information when determining whether to grant or deny your petition for reconsideration or amend the transfer approval.

If you have any questions, please feel free to contact us.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:kit