

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 47-17664 IN THE NAME OF)
ROBERT K. AND JANA L. LINDERMAN)
_____)

**ORDER GRANTING
A DELAY IN PROCESSING**

This matter having come before the Department of Water Resources (Department) as a petition to delay the processing of an application for permit, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On May 24, 2017, Robert K. and Jana L. Linderman applied to the Department for a permit to appropriate 0.02 cfs of water from an unnamed stream, a tributary of Mud Creek, for domestic purposes.
2. The Department commenced processing of the application for permit, assigned the application a number (47-17664), and caused the application to be advertised in the *Times News*, a newspaper published in Twin Falls County, on July 20, 2017, and July 27, 2017, in accordance with Idaho Code § 42-203A.
3. On August 3, 2017, the Department received notices of protest filed against the issuance of Permit 47-17664 from James Michael Hamilton and Sally K. Hamilton.
4. On August 1, 2018, the Department received a petition from J. Dee May on behalf of his clients, Robert K. and Jana L. Linderman, for a delay in processing of the application.
5. Rule 40.01.d. of the Department's Water Appropriation Rules (IDAPA 37.03.08.040.01.d) provides as follows:

An applicant may request in writing that commencement of processing of his or her application be delayed for a period not to exceed one (1) year or that processing be interrupted for a period not to exceed six (6) months. The director at his discretion may approve the request unless he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay. The director may approve a request for delay for a shorter period of time or upon conditions, and may renew the approval upon written request.
6. On August 24, 2018, the Department issued an Order Granting a Delay in Processing of Application for Permit 47-17664. The order indicated that by February 25, 2019 Robert K. and Jana L. Linderman shall provide the Department with an update on the status of Application for Permit 47-17664.

7. On February 25, 2019, the Department received a petition from J. Dee May on behalf of his clients, Robert K. and Jana L. Linderman, for an additional delay in processing of the application. The petition indicated that "Settlement negotiations with protestants are ongoing at present".

CONCLUSIONS OF LAW

1. It is in the public interest to grant an additional delay in processing of Application for Permit No. 47-17664 so that options can be continually explored in order to resolve the protests filed.

2. Delaying the processing of Application for Permit No. 47-17664 will not injure other water users.

3. The request for an additional delay in processing of Application for Permit No. 47-17664 was not made for speculative purposes.

4. The Department should grant the petition and delay processing Application for Permit No. 47-17664 for an additional six months.

ORDER

IT IS HEREBY ORDERED that the petition to continue to delay the processing of Application for Permit No. 47-17664 is **GRANTED**.

IT IS FURTHER HEREBY ORDERED that by September 1, 2019, Robert K. and Jana L. Linderman shall provide the Department with an update on the status of Application for Permit 47-17664.

Dated this 1ST day of March, 2019.



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2019, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER GRANTING A DELAY IN PROCESSING** to the person(s) listed below:

Documents Enclosed: Order Granting A Delay in Processing for Application for Permit No. 47-17664, in the name of Robert K & Jana L Linderman

ROBERT K LINDERMAN
JANA L LINDERMAN
4377 N 1400 E
BUHL ID 83316

J DEE MAY
MAY BROWNING & MAY
516 HANSEN ST E
TWIN FALLS ID 83301

JAMES MICHAEL HAMILTON
526 SAWTOOTH AVE
BUHL ID 83316

SALLY K HAMILTON
C/O JAMES MICHAEL HAMILTON
526 SAWTOOTH AVE
BUHL ID 83316

PATRICK D BROWN
PATRICK D BROWN, PC
PO BOX 125
TWIN FALLS ID 83303-0125


Allison Inouye
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 1, 2019

ROBERT K LINDERMAN
JANA L LINDERMAN
4377 N 1400 E
BUHL ID 83316

RE: Order Granting a Delay in Processing, Application for Permit No(s). 47-17664

Dear Applicant(s):

Enclosed please find an Order Granting a Delay in Processing. If you have any questions regarding the enclosed information, please feel free to contact our office at (208) 736-3033. Additional information is also available on our website, www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Skinner', is written over a horizontal line.

Corey Skinner
Southern Region Manager

Enclosures

cc: J Dee May, attorney for applicants
James Michael Hamilton, protestant
Sally K Hamilton, protestant
Patrick D Brown, attorney for protestants