

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-9591)
IN THE NAMES OF ROY G. MILLS AND)
JUDITH H. VAN VLEET)
_____)

**PRELIMINARY ORDER
CORRECTING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On December 11, 2015, the Department approved water right permit 96-9591 (permit) pursuant to the provisions of Idaho Code § 42-204.
2. Idaho Code § 42-204 directs the Department to require that the application of water to full beneficial use shall be complete within five years of the date of approval. The application for permit requested one year to complete work and apply water to beneficial use.
3. Condition no. 1 of the permit identified the proof of beneficial use due date as December 1, 2013, instead of December 1, 2016, as the Department intended.

CONCLUSIONS OF LAW

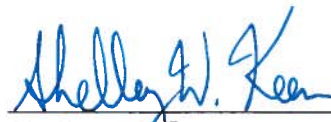
1. The Department typically authorizes at least one year after issuance of the permit to provide time for the permit holder to develop the proposed water use.
2. The date on the permit is a typographical error preceding the approval date, and it does not provide time for the permit holder to establish the proposed beneficial use.
3. The Department should correct condition no. 1 on the permit to show the proof of beneficial use due date of December 1, 2016.

ORDER

IT IS THEREFORE HEREBY ORDERED that approval condition no. 1 on permit 96-9591 is **CORRECTED** to:

**Proof of application of water to beneficial use shall be submitted on or before
December 1, 2016.**

DATED this 9th day of March, 2016.



Shelley W. Keen, Manager
Water Right Permits Section