

**BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
63-33702 IN THE NAME OF)
VALLEY AGRONOMICS LLC)
_____)

**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:

FINDINGS OF FACT

1. On September 14, 2012, Valley Agronomics LLC filed an application for permit to appropriate 0.7 cubic feet per second of ground water for domestic, commercial, fire protection, fire protection storage, fire protection from storage, and diversion to storage uses. The applicant requested a development period of 5 years.
2. On December 27, 2012, the Department approved water right permit 63-33702 (permit) pursuant the provisions of Section 42-204, Idaho Code.
3. Section 42-204, Idaho Code, directs the Department to require that application of the water to full beneficial use shall be complete within five (5) years of the date of permit approval.
4. Condition 1 of the approved permit identified the proof of beneficial use due date as December 1, 2012, twenty-seven days before the permit was approved.

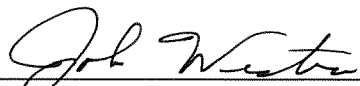
CONCLUSIONS OF LAW

1. The date for submitting proof of beneficial use in connection with a permit to appropriate water should be after issuance of the permit to provide time for the permit holder to develop the proposed water use.
2. The permit approval incorrectly identifies a proof of beneficial use due date that does not authorize time to develop the water right.
3. The Department should correct condition 1 on the permit to show the proof of beneficial use due date of January 1, 2017.

ORDER

IT IS THEREFORE HEREBY ORDERED that permit 63-33702 is **CORRECTED** by changing the condition of approval to show a proof of beneficial use due date of January 1, 2017.

Dated this 6th day of February, 2013.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 8TH day of FEBRUARY, 2013, I mailed a true and correct copy, postage prepaid, of this Preliminary Order to the parties listed:

A handwritten signature in cursive script that reads "Rachel Sommer". The signature is written in black ink and is positioned above a horizontal line.

Rachel Sommer
Administrative Assistant I

VALLEY AGRONOMICS LLC
PO BOX 365
RUPERT ID 83350