

BEFORE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-16483)
IN THE NAMES OF RAYMOND J. AND)
FRANCES A. MILLER)
_____)

**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 September 12, 2012, the Department approved water right permit 95-16483 (permit) pursuant to the provisions of Section 42-204, Idaho Code.
2. Section 42-204, Idaho Code directs the Department to require that the application of water to full beneficial use shall be complete within (5) years of the date of approval. The application for permit requested (1) year to complete work and apply water to beneficial use.
3. Condition no. 1 of the approved permit identified the proof of beneficial use due date as November 1, 2012, thirty-five (35) days after the permit was approved.

CONCLUSIONS OF LAW

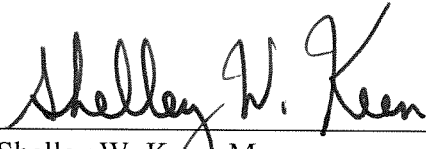
1. The Department typically authorizes at least 1 year after issuance of the permit to provide time for the permit holder to develop the proposed water use.
2. Thirty five days is not sufficient time for the permit holder to establish the proposed beneficial use.
3. The Department should correct condition no. 1 on the permit to show the proof of beneficial use due date of November 1, 2013.

ORDER

IT IS THEREFORE HEREBY ORDERED that approval condition no. 1 on permit 95-16483 is **CORRECTED** to:

Proof of application of water to beneficial use shall be submitted on or before November 1, 2013.

DATED this 8th day of November, 2012.



Shelley W. Keen, Manager
Water Right Permits Section