

Conference Agenda

Application For Permit #63-33616-- Hansen

Date: 09/21/12

Location: IDWR Western Regional Office

-Introductions

-Conference Purpose—IDWR

-Concerns

Protestant: Nampa-Meridian Irrigation Dist.--- Uninterrupted

Applicant--- Hansen Uninterrupted

Department—Uninterrupted

-Comments/questions for the Department

-Discussion

-Options

-Specific Dates and deadlines:

Adjourn

PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
8. If the proposed application is for a minimum streamflow, will it meet the requirements for local public interest, according to chapter 15, title 42, Idaho Code.
9. Is the source where the water is to be appropriated largely within the state's boundaries, irrespective of the location of any proposed power generating plant?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, 7, 8 and 9 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issues 5 and 8 if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for these issues.