

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER OF WATER)
RIGHT NO. 77667 IN THE NAME OF U S)
ECOLOGY IDAHO INC)
_____)

**GRANTING OF PETITION FOR
RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 3, 2012, the Department issued the approval of Transfer of Water Right No. 77667 to US Ecology Idaho Inc. The approval authorized changes in the point of diversion location and place of use for water right no. 02-07065C.
2. The transfer approval was issued as a Department preliminary order (order) pursuant to Idaho Code §67-5243 and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
3. On May 17, 2012, the Department received a Petition for Reconsideration from the Transfer holder regarding the transfer approval order. The petition requested the Department revise Conditions of Approval Nos. 6 and 10 based on the Snake River Basin Adjudication (SRBA) partial decree of water right no. 02-07065C. The conditions state:

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/1/2010

10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

CONCLUSIONS OF LAW

- 1 Idaho Code 67-5243(3) and Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides that any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

2. The petition was filed timely pursuant to Department Rules
3. The Department has reviewed the petition. The requested changes will match conditions placed by the SRBA partial decree for water right no. 02-07065C. The request should be granted.

ORDER

IT IS HEREBY ORDERED the petition for reconsideration of the preliminary order approving Transfer of Water Right No. 77667 is **GRANTED**. Conditions of Approval Nos. 6 and 10 shall be amended to read:

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/1/2010

10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 5.0 afa per acre at the field headgate for irrigation of the place of use.

Dated this 1st day of June, 2012.



John Westra, Manager