

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LICENSE NO.)
NO. 36-8761 IN THE NAME IDAHO)
POWER CO.)
_____)

**PRELIMINARY ORDER
CORRECTING A LICENSE**

This matter having come before the Department of Water Resources (Department) as a petition to correct a water right license, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On January 3, 1997, the Department received an application for permit from Idaho Power Co., to appropriate 0.11 cubic feet per second (cfs) of ground water for domestic purposes with the place of use described as government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, Range 15 East, B.M.
2. On April 1, 1997, the Department issued permit no. 36-8761 to Idaho Power Co., with the permitted place of use described as government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, Range 15 East, B.M.
3. On March 24, 1998, the Department received proof of beneficial use for permit 36-8761.
4. On November 29, 1999, the Department conducted a licensing field examination and confirmed that the place of use had been developed as permitted.
5. On January 11, 2002, the Department issued license 36-8761 as a preliminary order in the name of Idaho Power Co., with the licensed place of use described as government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, **Range 11 East**, B.M.
6. The preliminary order issuing the license became a final order on January 30, 2002.
7. On December 8, 2011, the permit holder submitted a petition asking the Department to correct the place of use description on license 36-8761 to government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, Range 15 East, B.M., as was permitted and later verified by field examination.

CONCLUSIONS OF LAW

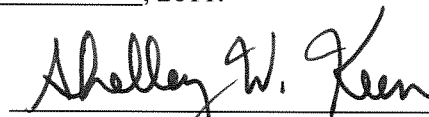
1. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the extent of beneficial use of water developed in accordance with the permit.

2. The place of use described by Water Right License 36-8761 does not accurately portray the water use developed in accordance with the permit.
3. The Department should correct license 36-8761 to describe the place of use in government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, Range 15 East, B.M.

ORDER

IT IS HEREBY ORDERED that license 36-8761, in the name of Idaho Power Co., is **CORRECTED** to list the place of use as government lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 9 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, and government lot 11 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 11, Township 09 South, Range 15 East, B.M.

Dated this 14th day of December, 2011.



Shelley W. Keen, Manager
Water Right Permits Section