

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF LICENSE NO.	)	
37-8904 IN THE NAME US DEPARTMENT	)	PRELIMINARY ORDER
OF INTERIOR, BUREAU OF LAND	)	CORRECTING A LICENSE
MANAGEMENT	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a modification of an order on the Department's own motion, the Department concludes, and orders:

FINDINGS OF FACT

1. On May 12, 2000, the Department issued permit no. 37-8904 to the US Department of Interior, Bureau of Land Management, with a condition requiring that proof of the application of water to beneficial use (proof) shall be submitted on or before May 1, 2001.
2. On June 23, 2000, the Department received proof of beneficial use for permit 37-8904.
3. On October 22, 2010, the Department conducted a licensing field examination and found that the diversion works capacity developed under permit 37-8904 is 0.20 acre-feet.
4. On November 29, 2010, the Department issued license 37-8904 as a preliminary order in the name of the US Department of Interior, Bureau of Land Management.
5. The preliminary order issuing the license became a final order on December 14, 2010.
6. Section 42-219(3), Idaho Code provides (emphasis added):

(3) Such license shall bear the date of the application for, and the number of, the permit under which the works from which such water is taken were constructed; the capacity of such works; the date when proof of beneficial use of such water was made, and also the date of the priority of the right confirmed by such license.

7. The Department issued license 37-8904 without listing the diversion works capacity of 0.20 acre-feet on the face of the license

CONCLUSIONS OF LAW

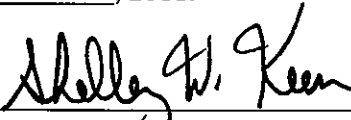
1. As issued, license 37-8904 is not in compliance with section 42-219(3), Idaho Code.
2. The Department should correct license 37-8904, listing the diversion works capacity of 0.20 acre-feet.

ORDER

IT IS HEREBY ORDERED that the license 37-8904, in the name of US Department of Interior, Bureau of Land Management, is **CORRECTED** to list the diversion works capacity of 0.20 acre-feet.

IT IS HEREBY FURTHER ORDERED that an amended license document shall be issued on this date in connection with this order.

Dated this 18th day of February, 2011.



Shelley W. Keen, Manager
Water Right Permits Section