BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 71-7170 IN THE NAME OF JON & WEI CHRISTIANSON	))))	**ORDER GRANTING A DELAY IN PROCESSING**

This matter having come before the Department of Water Resources (Department) as a petition to delay the processing of an application for permit, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On July 29, 1993, Louis F. Rancine, Jr. and Jack B. Furey applied to the Department for a permit to appropriate 0.30 cfs of water from the Salmon River, a tributary of the Snake River, for irrigation purposes.

2. On January 12, 2006, the Department received an Assignment of Application for Permit 71-7170 assigning the application to Jon & Wei Christianson.

3. Rule 40.01.d. of the Department's Water Appropriation Rules (IDAPA 37.03.08.040.01.d) provides as follows:

> An applicant may request in writing that commencement of processing of his or her application be delayed for a period not to exceed one (1) year or that processing be interrupted for a period not to exceed six (6) months. The director at his discretion may approve the request unless he determines that others will be injured by the delay or that the applicant seeks the delay for the purpose of speculation, or that the public interest of the people of Idaho will not be served by the delay. The director may approve a request for delay for a shorter period of time or upon conditions, and may renew the approval upon written request.

4. On November 26, 2007, the Department received a petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for a six month delay in processing of the application. The delay was requested in order to address concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

5. On June 11, 2008, the Department received a second petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The additional delay was requested in order to continue attempts to address concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

6. On June 17, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-7170. The order indicated that by December 17, 2008 Jon & Wei Chistianson shall provide the Department with information relating to the progress in addressing the concerns raised by the Sawtooth National Forest.

7. On December 19, 2008 the Department received copies of correspondence from Gary Slette and a United States Forest Service representative relating to the Sawtooth National Forest concerns regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

8. On January 6, 2009 the Department received a status report along with copies of correspondence from Gary Slette and United States Forest Service representatives relating to the Sawtooth National Forest concerns regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

8. On January 7, 2009, the Department received a third petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The additional delay was requested in order to continue attempts to address concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

9. On January 7, 2009, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-7170. The order indicated that by July 7, 2009 Jon & Wei Chistianson shall provide the Department with information relating to the progress in addressing the concerns raised by the Sawtooth National Forest.

10. On July 7, 2009, the Department received a fourth petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The additional delay was requested in order to continue ongoing attempts to address concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170.

11. On July 9, 2009, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-7170. The order indicated that by January 8, 2010 Jon & Wei Chistianson shall provide the Department with information relating to the progress in addressing the concerns raised by the Sawtooth National Forest.

12. On January 8, 2010, the Department received a fifth petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The petition included information relating to ongoing efforts made in an attempt to address the concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170. The additional delay was requested in order to continue ongoing efforts to address concerns raised by the Sawtooth National Forest.

13. On January 8, 2010, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-7170. The order indicated that by July 8, 2010 Jon & Wei Chistianson shall provide the Department with information relating to the progress in addressing the concerns raised by the Sawtooth National Forest.

14. On July 7, 2010, the Department received a sixth petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The petition included information relating to ongoing efforts made in an attempt to address the concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170. The additional delay was requested in order to continue ongoing efforts to address concerns raised by the Sawtooth National Forest.

15. On July 9, 2010, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-7170. The order indicated that by January 7, 2011 Jon & Wei Chistianson shall provide the Department with information relating to the progress in addressing the concerns raised by the Sawtooth National Forest.

16. On January 7, 2011, the Department received a seventh petition from Gary D. Slette on behalf of his clients, Jon & Wei Chistianson, for an additional six month delay in processing of the application. The petition included information relating to ongoing efforts made in an attempt to address the concerns raised by the Sawtooth National Forest regarding the lack of authorization, or application for authorization, to use the point of diversion and conveyance works (ditch) proposed by Application for Permit 71-7170. The additional delay was requested in order to continue ongoing efforts to address concerns raised by the Sawtooth National Forest.

CONCLUSIONS OF LAW

1. It is in the public interest to grant an additional delay in processing of Jon & Wei Chistianson's application to appropriate water from the Salmon River so that they can explore alternatives to address concerns raised by the Sawtooth National Forest.

2. Delaying the processing of Application for Permit No. 71-7170 will not injure other water users.

3. The request for an additional delay in processing of Application for Permit No. 71-7170 was not made for speculative purposes.

4. The Department should grant the petition and continue to delay processing Application for Permit No. 71-7170 for up to six months.

ORDER

IT IS HEREBY ORDERED that the petition to continue to delay the processing of Application for Permit No. 71-7170 is **GRANTED**.

IT IS FURTHER HEREBY ORDERED that by July 10, 2011, Jon & Wei Chistianson shall provide the Department with information relating to their progress in addressing the concerns raised by the Sawtooth National Forest.

Dated this 13th day of January, 2011.

Allen Merritt
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of January, 2011 a true and correct copy of the above and foregoing Order Granting A Delay in Processing was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:

Mary Baldwin

Mary A. Baldwin
Administrative Assistant I

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