

BEFORE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
15-7307 IN THE NAME OF)
LEX SMITH)
_____)

**PRELIMINARY ORDER
CORRECTING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On October 15, 2010, the Department issued permit 15-7307 (permit) pursuant to the provisions of Section 42-204, Idaho Code.
2. Section 42-204, Idaho Code, directs the Department to require that application of the water to full beneficial use shall be complete within five (5) years of the date of permit issuance.
3. Under item 7 of the application for permit, the permit holder requested one year to complete the proposed project and apply the water to a beneficial use.
4. Condition no. 1 of the permit requires proof of beneficial use to be submitted on October 15, 2010, the same day that the permit was approved.

CONCLUSIONS OF LAW

1. The date for submitting proof of beneficial use in connection with a permit to appropriate water should be after issuance of the permit to provide time for the permit holder to develop the proposed water use.
2. The permit identifies a proof of beneficial use due date that does not authorize time to develop the water right.
3. The Department should correct condition no. 1 on the permit to show the proof of beneficial use due date of November 1, 2011.

ORDER

IT IS THEREFORE HEREBY ORDERED that permit 15-7307 is **CORRECTED** by changing the condition of approval to show a proof of beneficial use due date of November 1, 2011.

Dated this 20th day of December, 2010.

Shelley W. Keen

Shelley W. Keen, Manager
Water Right Permits Section