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SEP 21 2010

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHOIN THE MATTER OF PERMIT
NO. 22-7114 IN THE NAME OF
NORTHWEST CREDIT
SERVICES ACA AND
STEVECO CANYON FARMS

PETITION FOR RECONSIDERATION

Steveco Canyon Farms ("Steveco") and Skyline Farms ("Skyline"), the present owner of permit no. 22-7114,¹ (collectively, the "Applicants") by and through their counsel of record, Holden, Kidwell, Hahn & Crapo, PLLC, hereby petitions the Idaho Department of Water Resources ("IDWR" or "Department") to reconsider its *Order Withdrawing Preliminary Order Voiding Permit* (the "Order") with regards to Permit No. 22-7114. This petition is timely pursuant to Idaho Code § 67-5246(5).

Overall, the Applicants agree with contents of the Order and the need to execute the associated *Application for Amendment for Licensing Purposes*. However, the Applicants believe that there should be additional reference in the Order to the contents of the *Resolution of Protest Against Voiding Permit 22-7114* (the "Resolution") executed between their counsel and Ernest Carlsen, Water Resource Program Manager, in the Order. The major concern of the Applicants is the ability to utilize the full diversion capacity of their pump station, which is currently 21.65 cfs. The Resolution makes it clear that the Applicants can divert more than 12.94 cfs (the combined

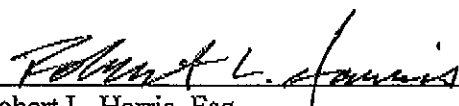
¹ An assignment of permit form has not yet been filed, but the property has now been conveyed to Skyline.

diversion totals of Water Right Nos. 22-7069, 22-7103, and 22-7114) if there is available storage water to the Applicants from Fremont-Madison Irrigation District or the Canyon Creek Canal Co. under Water Right Nos. 22-195 and 22-196. The Applicants therefore request that the following language—in bold and underline—be added to Paragraph 28 of the Findings of Fact of the Order:

On January 22, 2010, attorney Robert L. Harris and Ernest Carlsen, IDWR Water Resource Program Manager, signed a Resolution of Protest Against Voiding Permit 22-7114. Both agree that 2.94 cfs of water from Canyon Creek was developed under permit 22-7114 within the authorized development period above and beyond prior water rights. **Both also agreed that diversion of water above 12.94 cfs is permitted at the pump station which diverts 22-7114 and other natural flow water rights (Water Right Nos. 22-7069 and 22-7103), provided that storage water from Fremont-Madison Irrigation District or natural flow water from Canyon Creek Canal Company (under Water Right Nos. 22-195 and 22-196) are available, and that it is not necessary for the permit holder to possess natural flow water rights with diversion amounts up 21.65 cfs in order to divert this amount at the pump station.**

While it is clear the entirety of the Resolution is incorporated into the background of Permit No. 22-7114, the Applicants request that the express language identified above be included in Paragraph 28 of the Findings of Fact of the Order to make further express the contents of the Resolution. To the extent this Petition for Reconsideration is accepted, and Paragraph 28 of the Findings of Fact is amended accordingly, the Applicants will sign the *Application for Amendment for Licensing Purposes* provided to them.

DATED this 21st day of September, 2010.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF MAILING

I hereby certify that on this 21st day of September, 200¹⁰~~8~~, I emailed, faxed, and/or placed in regular mail the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

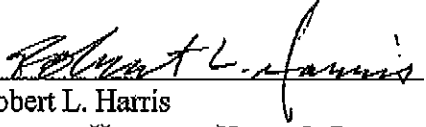
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Holden Kidwell
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LAW OFFICES

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FACSIMILE TRANSMITTAL SHEET

DATE: September 21, 2010

TO: Shelley Keen
Idaho Department of Water Resources

FAX #: 208-287-6700

FROM: Robert L. Harris

FAX #: (208) 523-9518

RE: In the Matter of Permit No. 22-7114

ITEMS SENT: Petition for Reconsideration

NO. OF PAGES INCLUDING TRANSMITTAL SHEET: 4

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Cheri Vandermeulen