

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 71-10928 IN THE NAME OF)
ROBERT B &/OR DONNA-MARIE HAYES)
_____)

**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 9, 2009, Robert B &/or Donna-Marie Hayes applied to the Department for a permit to appropriate 0.02 cfs of water from Fisher Creek, a tributary of the Salmon River, for domestic purposes.
2. In October, 2009, the Department notified Robert B &/or Donna-Marie Hayes that the United States Forest Service and the water masters for Water Districts 170 and Sub-District 71 had each expressed concern that Fisher Creek may not supply an adequate amount of water for the proposed appropriation .
3. On November 1, 2009, the Department received a petition from Robert B &/or Donna-Marie Hayes for a six-month delay in processing of the application. Robert B &/or Donna-Marie Hayes requested the delay in order to assist in providing additional information in support of their application.
4. Rule 40.01.d. of the Department's Water Appropriation Rules (IDAPA 37.03.08.040.01.d) provides as follows:
5. 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.

6. On November 17, 2009, the Department issued an Order Granting a Delay in Processing of Application for Permit 71-10928. The order indicated that by May 17, 2010, Robert B &/or Donna-Marie Hayes shall provide the Department with information relating to their progress in attempting to obtain additional information in support of their application.

7. On May 25, 2010, the Department received a petition from Robert B &/or Donna-Marie Hayes for a four-month delay in processing of Application for Permit 71-10928. Robert B &/or Donna-Marie Hayes requested the delay in order to assist in providing additional information in support of their application.

CONCLUSIONS OF LAW

1. It is in the public interest to grant a delay in processing of Robert B &/or Donna-Marie Hayes's application to appropriate water from Fisher Creek so that they can attempt to obtain additional information in support of their application.

2. Delaying the processing of Application for Permit No. 71-10928 will not injure other water users.

3. The request for a delay in processing of Application for Permit No. 71-10928 was not made for speculative purposes.

4. The Department should grant the petition and delay processing Application for Permit No. 71-10928 for up to four months.

ORDER

IT IS HEREBY ORDERED that the petition to delay the processing of Application for Permit No. 71-10928 is **GRANTED**.

IT IS FURTHER HEREBY ORDERED that by October 1, 2010, Robert B &/or Donna-Marie Hayes shall provide the Department with an update on their progress in securing additional information relating to the adequacy of the source of water for their application.

Dated this 1st day of June, 2010.



ALLEN MERRITT
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of June, 2010 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:

ROBERT B. &/OR DONNA-MARIE HAYES
1418 WARM SPRINGS AVE
BOISE ID 83712

A handwritten signature in cursive script, reading "Mary A. Baldwin", is written over a horizontal line.

Mary A. Baldwin
Administrative Assistant I