

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO.) **PRELIMINARY ORDER**
63-12459 IN THE NAME OF KATHY A.) **CORRECTING PERMIT**
ELLEN SOHN AND/OR TIMOTHY F. FEASE)
_____)

This matter having come before the Department of Water Resources (Department) as a result of approval of Permit No. 63-12459, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On November 30, 2009, the Department approved Permit No. 63-12459 (permit) pursuant to the provisions of Section 42-204, Idaho Code.

2. The approved permit incorrectly identified water right 63-~~234~~ in condition of approval no. 6 as follows:

To offset the depletion of water resulting from the use of water under this right, the right holder shall, in cooperation with the owner of Right 63-~~234~~, divert 0.02 cfs and an annual diversion volume of 3.5 af for recreation storage and aesthetic storage as authorized by Transfer 66706. If the right holder cannot continue to implement this mitigation plan every year for any reason, the right holder shall immediately implement an alternative mitigation plan approved by the Department.

3. Transfer 66706, approved December 9, 2009, authorized a change in nature of use for Right No. 63-~~264~~. One acre of irrigation for Right No. 63-~~264~~ was changed from irrigation to aesthetic storage and recreation storage purposes to mitigate for the consumptive losses associated with the permit.

CONCLUSIONS OF LAW

1. The permit approval should correctly list the conditions of approval.

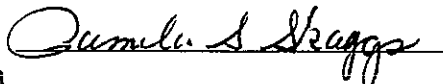
2. The permit approval incorrectly identifies the water right number in condition of approval no. 6.

3. The Department should modify condition of approval no. 6 to list the correct water right number associated with the mitigation plan of the permit.

ORDER

IT IS HEREBY ORDERED that condition of approval no. 6 of Permit No. 63-12459 is **CORRECTED** to list Right No.63-264.

Dated this 30th day of December, 2009.


for JEFF PEPPERSACK
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

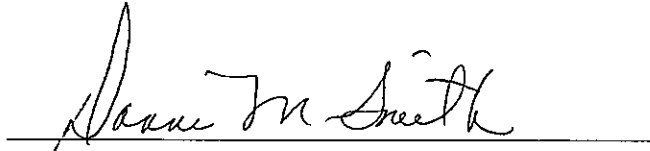
I hereby certify that on December 31, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER CORRECTING PERMIT to the person(s) listed below:

RE: WATER RIGHT NO.

63-12459

**KATHY A ELLEN SOHN
TIMOTHY F FEASE
4557 OLD VALLEY RD
EAGLE ID 83616**

**RINGERT CLARK CHARTERED
C/O S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE ID 83701**

A handwritten signature in cursive script, reading "Danni M. Smith", is written over a horizontal line.

**Danni M. Smith
Office Services Supervisor**