

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CORRECTING)
WATER RIGHT LICENSE NO. 96-8042)
IN THE NAME OF RAYMOND SORENSEN)
AND BETTY JEAN SORENSEN)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a request for correction of a water right license, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On April 28, 1982, the Department issued Permit 96-8042 (permit) to Raymond Sorensen and Betty Jean Sorensen (right holders) authorizing the development of a right to divert water from an unnamed stream for domestic use at one home in the SW¼SE¼ of Section 21, T57N, R1E, B.M.

2. On February 6, 1987, the Department received the right holder's proof of beneficial use statement for the permit.

3. On July 22, 1987, Department staff conducted a field examination to verify the beneficial use of water established in connection with the permit. The examiner reported the use of water for domestic purposes at one home in the SW¼SE¼ of Section 21, T57N, R1E, B.M., as described by the permit. The examiner noted that water rights 96-4071 and 96-8042 use a common water diversion and delivery system from the same source.

4. On May 12, 1988, the Department issued Water Right License 96-8042 (license) to Raymond Sorensen and Betty Jean Sorensen for the diversion of water from an unnamed stream for domestic use at one home as recommended by the field examiner. As described by the permit and the examiner, the license also describes the place of use in the SW¼SE¼ of Section 21, T57N, R1E, B.M.

5. On February 14, 2008, the Department received a notice of change in water right ownership for water right 96-8042 from Albert and Elizabeth Dennett. The warranty deed submitted with the notice describes the Dennetts' property located in Lot 3 (NW¼SE¼) of Section 21, T57N, R1E, B.M.

6. On March 10, 2009, the Department received a request from Albert and Elizabeth Dennett to correct the place of use description on the license to match the location of their property.

7. On March 23, 2009, the Department received a statement from the Dennetts' neighbor, Jack Leaverton, who uses water authorized by water right 96-4071. He described the historical development of the Dennetts' land and the common water system shared by water rights 96-4071 and 96-8042. Mr. Leaverton stated that water right 96-8042 was developed on land now owned by Albert and Elizabeth Dennett.

8. On May 7, 2009, the Department mailed a letter and map to Albert and Elizabeth Dennett describing the request and an application for amendment to correct the license. The Department mailed copies of the letter and map to the right holders and to property owners at the current place of use described on the license, Jack and Diane Leaverton and Teddi A. Garner. The Department received no opposition to the requested correction.

9. On May 19, 2009, the Department received an application for amendment to correct the place of use described by Water Right License 96-8042 along with the appropriate filing fee.

10. Idaho Code § 42-219 states, in pertinent part:

Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use.

CONCLUSIONS OF LAW

1. Idaho Code § 42-219 obligates the Department to issue a water right license that accurately portrays the water right developed in accordance with the permit.

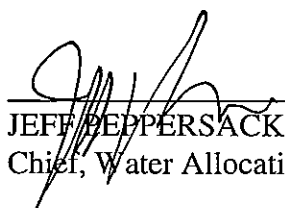
2. The place of use described by Water Right License 96-8042 does not accurately portray the water use developed in accordance with the permit.

3. The Department should correct Water Right License 96-8042 to describe the place of use in Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, T57N, R1E, B.M.

ORDER

IT IS HEREBY ORDERED that the place of use authorized by Water Right License 96-8042 is CORRECTED to Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, T57N, R1E, B.M., as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 10th day of June, 2009.



JEFF PEPPERSACK
Chief, Water Allocation Bureau