

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSE NO.)
95-9516 IN THE NAME OF)
PHILLIP CERNERA)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Idaho Department of Water Resources ("Department"), as a result of approval of water right license 95-9516, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On August 25, 2008 the department approved water right license 95-9516 pursuant to the provisions of Section 42-219, Idaho Code.
2. The approved license incorrectly identified an instantaneous diversion and annual volume for Wildlife and Aesthetic uses. Wildlife and Aesthetic uses are covered in Wildlife Storage and Aesthetic Storage, thus making the total annual volume 9.4 AF instead of 24.4 AF. The X02 stockwater and 004 trespass conditions should not appear on the license document.
3. The Department should correct the license to show the correct annual volume, exclude a diversion for Wildlife and Aesthetic use since the pond is instream, eliminate the stockwater and trespass condition and add a condition relating to the size of the pond.

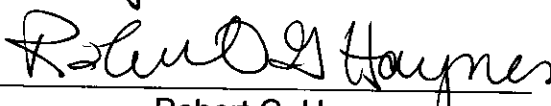
CONCLUSIONS OF LAW

1. The license approval should accurately describe the established water right as confirmed pursuant to Section 42-219, Idaho Code.
2. The license approval incorrectly listed a diversion and annual volume amount for Wildlife and Aesthetic uses, the total annual volume amount, a condition for stockwater and trespass. A condition relating to the size of the pond was omitted.
3. The Department should correct the license.

ORDER

IT IS THEREFORE, HEREBY ORDERED that License 95-9516 is **corrected** by changing the total annual volume and eliminating a diversion and annual volume for Wildlife and Aesthetic uses, eliminating the stockwater and trespass condition and adding a condition relating to the size of the pond.

Dated this 5th day of June, 2009.



Robert G. Haynes
Regional Manager