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DEPARTMENT OF WATER RESOURCES

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

IN THE MATTER OF PERMIT
NO. 23-11387 IN THE NAME OF
JEFFREY AND MICHELLE
ALEIXO

PETITION FOR RECONSIDERATION

Jeffrey and Michelle Aleixo, 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 Preliminary Order Approving Permit No. 23-11387. This petition is timely pursuant to Idaho Code § 67-5246(5).

The primary purpose for the petition is to allow the applicant additional time to review the conditions contained in the permit approval notice, which is dated December 18, 2008. The order was not received at the law offices of Holden, Kidwell, Hahn & Crapo, PLLC until December 22, 2008, and counsel for the applicant has been unavailable and out of the office for a number of days since that time. Because a petition for reconsideration must be filed within fourteen (14) days after service of a document, January 2nd is the last day a petition can be filed. Out of an abundance of caution, it is necessary to file the petition.

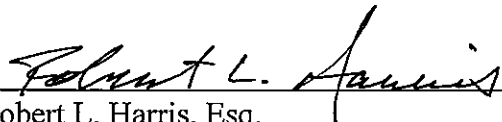
The condition that may be of concern to the applicant is condition number 6 of the approval, which provides that "[t]he right holder shall use a pump installed outside the high water mark of Palisades Creek to divert water in connection with this right. Only a flexible pipe may extend from

the pump to the water below the high water mark. The intake for the pipe shall be screened with 1/4 inch or smaller mesh to protect fish and wildlife." This condition was not requested by the applicant. Presumably, it is based upon the Comprehensive State Water Plan for the South Fork of the Snake River.

It is unclear at this point whether or not IDWR has authority to require condition number 6 in the permit approval notice. The applicant needs additional time to review and research this matter in the event the applicant elects to challenge the imposition of this condition.

For the reasons set forth above, we request that the Preliminary Order Approving Permit No. 23-11387 be held until further notice from the applicant.

DATED this 2nd day of January, 2009.


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

CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of January, 2009, I emailed and/or placed in regular mail the original and copies of this objection, including all attachments, to the following persons:

1. Original to (via email and regular mail):

Shelley Keen
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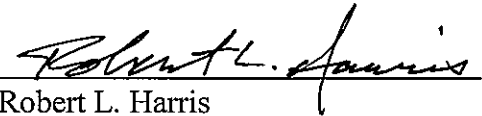
2. Copies to (via email):

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