

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

**IN THE MATTER OF AMENDMENT)
OF PERMIT #75088 IN THE NAME OF)
STATE OF IDAHO DEPARTMENT OF)
CORRECTIONS)
_____)**

PRELIMINARY ORDER

AMENDING PERMIT CONDITION

FINDINGS OF FACT

1. On September 23, 2008 a preliminary order was issued from the Idaho Department of Water Resources (IDWR) approving Amendment of Permit #75088 in the name of State of Idaho, Department of Corrections.

2. On October 6, 2008, State of Idaho Department of Corrections filed a petition for reconsideration to IDWR. The petition argued that Condition of Approval No. 17 placed an unreasonable restriction on the exercise of Permit No. 63-12296. Condition of Approval No. 17 should read:

*17. Diversion of water from the points of diversion located in the SWSW,
Section 27, T02N, R02E shall not exceed 5 cfs at any given time.*

CONCLUSIONS OF LAW

1. Pursuant to Idaho Code § 67-5243 (3) Any party may file a petition for reconsideration of the order to IDWR within 14 days of the service date of the order. IDWR will act on a petition for reconsideration within 21 days of its receipt.

2. State of Idaho, Department of Corrections has submitted the petition for reconsideration to IDWR within the parameters of IC 67-5243 (3). The petition argument is valid, and Condition of Approval No.17 on Amendment of Permit #75088 (Permit #63-12296) should be changed.

ORDER

IT IS HEREBY ORDERED that Condition of Approval No. 17 on Amendment of Permit #75088 (Permit #63-12296) shall read:

*17. Diversion of water from the points of diversion located in the SWSW
Section 27, T02N, R02E shall not exceed 5 cfs at any given time.*

Dated this 27th day of October, 2008



John Westra, Manager Western Regional Office