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WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF PERMIT)	STATE OF IDAHO DEPARTMENT
NO. 63-12296 IN THE NAME OF STATE OF)	OF CORRECTION'S PETITION
IDAHO, DEPT. OF CORRECTION)	FOR RECONSIDERATION
)	
)	

COMES NOW, the Idaho Department of Correction, hereinafter the "IDOC," and respectfully files its petition for reconsideration of the PRELIMINARY ORDER in the above-entitled matter served on September 23, 2008. The grounds for IDOC's petition for reconsideration are as follows:

1. Condition of Approval No. 17 places an unreasonable restriction on the exercise of Permit No. 63-12296. Condition of Approval No. 17 states as follows:

17. Diversion of water from the points of diversion located in the SWSW, Section 27, T2N, R2E, shall be limited to one of two wells at any given time.

Preliminary Order at 2. This condition of approval assumes that the second well that is to be drilled in the SWSW, Section 27, T2N, R2E will produce as much water as the

existing well in the SWSW quarter-quarter. Here, the existing well produces about 5 cubic feet per second. There is no factual basis to conclude that the new well to be drilled in the SWSW quarter-quarter will produce an equal amount of water to the existing well.

2. The evident concern of Condition of Approval No. 17 is to preclude an expansion of water use beyond the existing permit. This concern could be addressed by the following amendment to Condition of Approval No. 17:

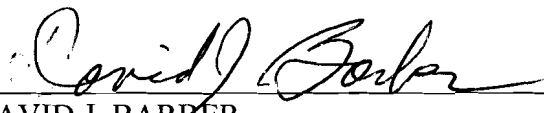
17. Diversion of water from the points of diversion located in the SWSW, Section 27, T2N, R2E, shall not exceed 5 cfs ~~be limited to one of two wells~~ at any given time.

This minor modification is requested in Condition of Approval No. 17.

RESPECTFULLY SUBMITTED this 6th day of October 2008.

LAWRENCE G. WASDEN
Attorney General

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Chief, Natural Resources Division


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Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 6th day of October 2008, I caused to be served the original or copy of the STATE OF IDAHO DEPARTMENT OF CORRECTION'S PETITION FOR RECONSIDERATION on each of the following persons by the indicated method.

1. Original to:

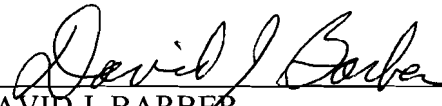
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

2. Copy to:

State of Idaho
Department of Correction
1299 N. Orchard St., Ste 110
Boise, ID 83706

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____



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