

Marshall, Aaron

From: Keen, Shelley
Sent: Thursday, October 23, 2008 3:49 PM
To: Marshall, Aaron
Subject: RE: Procedural Question

Aaron,

When I worked for Jim Johnson, he would have required the amendment. His argument would have been that the permit holder is as responsible for the permit as IDWR is, and the permit holder could have petitioned for reconsideration of the incorrect permit.

In this case, the application was advertised correctly, and it is clear which parcel was intended to be developed. The only party that has been harmed is the permit holder. I think IDWR should use this opportunity to correct the error. Let's not bother writing a separate order.

By the way, this is an excellent example of why IDWR should require applicants to change their own applications.

Shelley

From: Marshall, Aaron
Sent: Thursday, October 23, 2008 9:55 AM
To: Keen, Shelley
Subject: Procedural Question

Shelley,

Since you've been very busy this week, I thought it might be most convenient for you if I asked a question via email.

Scott and Pam Swearingen applied for a permit for outdoor domestic use in the SW1/4 SE1/4 of Section 32, T33N, R06E. Permit 81-11927 was issued with the place of use identified as the NW1/4 SE1/4 of Section 32, T33N, R06E. IDWR issued the permit with a different place of use location because the county taxlot layer lined up that way with the PLSS layer in ArcView. However, as with many counties, the Idaho County taxlot layer is shifted and does not project correctly when overlaid on other layers in ArcView.

I completed the field exam and found the place to be located in the SW1/4 SE1/4 of Section 32, T33N, R06E. Since this differed from the permit, I sent a licensing amendment application to Scott and Pam. Scott called and pointed out that his application was consistent with my findings and that IDWR issued the permit with the incorrect place of use location. Since IDWR made a mistake upon issuing the permit, can IDWR issue a license without requiring an amendment and fee? Would an order be required to correct the permit before the license could be issued?

Aaron