

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

IN THE MATTER OF APPLICATION)
NO. 95-8856 IN THE NAME OF)
COUGAR BAY RIDGE WATER LLC)

**NOTICE OF
PROPOSED ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 25, 1994, Mc Cormack Properties of Idaho Inc. was issued a Permit by the Department to appropriate water from a Groundwater source for irrigation, domestic and fire protection purposes.
2. On August 16, 2007, Cougar Bay Ridge Water LLC submitted proof of beneficial use.
3. On December 27, 2007, the Department started the process by which a license is issued. After reviewing the conditions of the permit, the department discovered the condition #5 of this permit is not needed.
4. Condition #5: "A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources", Should be removed from the existing permit # 95-8856.

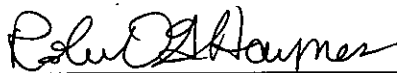
CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 720) authorizes the Department to issue a Notice of Proposed Order for response to information inquiry.
2. The Department should enter a Notice of Proposed Order to remove the condition #5, on permit # 95-8856, in the name of Cougar Bay Ridge water LLC.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter an Order **removing** this condition from the application, as provided in IDAPA Rule 37.01.01720 (Rule of Procedure 720).

Dated this 28th day of December, 2007.



Robert G. Haynes
Regional Manager

SCANNED

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