

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.       )  
67-14780 IN THE NAME OF COUNCIL    )  
SCHOOL DISTRICT NO. 13            )  
\_\_\_\_\_)

**ORDER CORRECTING THE  
DATE OF PRIORITY**

This matter having come before the Department of Water Resources (Department) as a result of the discovery of a clerical error, the Department finds, concludes and orders as follows:

**FINDINGS OF FACT**

1. On August 7, 2006, Council School District No. 13 applied to the Department for a permit to appropriate 0.02 cubic feet per second (cfs) from ground water for irrigation use in the SW1/4NE1/4 of Section 15, Township 16 North, Range 1 West, in Adams County, Idaho.

2. On December 20, 2006, the applicant amended the quantity of water applied for to 1.20 cfs without paying the additional filing fee.

3. On May 31, 2007, the Department corresponded with the applicant discussing the amount of water needed to irrigate the proposed development.

4. On June 21, 2007, the applicant again amended the application for permit requesting the amount of water be reduced to 0.20 cfs for the proposed development.

5. On October 10, 2007, the Department approved Permit 67-14780 with a priority date of August 7, 2006.

6. Water Appropriation Rule 35.02.b (IDAPA 37.03.08.035.02.b) says, in pertinent part:

The priority of an application for unappropriated or trust water is established as of the time and date the application is received in complete form along with the statutory fee in any official office of the department. The priority of the application, remains fixed unless changed by action of the director in accordance with applicable law.

## CONCLUSIONS OF LAW

1. The priority date shown on the permit does not comply with the Water Appropriation Rules. It is a clerical error.
2. The Department should correct the priority date for the permit to December 20, 2006.

## ORDER

**IT IS, THEREFORE, HEREBY ORDERED** that the priority date of Permit No. 67-14780 is December 20, 2006.

DATED this 5<sup>th</sup> day of December, 2007.



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JOHN WESTRA  
Manager