

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT	)	ORDER GRANTING PETITION
LICENSE NO. 47-7478 IN THE NAME OF	)	FOR RECONSIDERATION
COLLEGE OF SOUTHERN IDAHO	)	AND REVISING LICENSE
_____	)	

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On July 23, 2007, the Department issued Water Right License 47-7478 (license) confirming that the College of Southern Idaho (right holder) has established a right to divert 1.38 cfs from ground water in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T10S, R17E, B. M., for heating and fish propagation use in Twin Falls County.

2. Approval condition no. 1 on the license says, "The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right."

3. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

4. On July 25, 2007, the Attorney Travis L. Thompson filed a petition for reconsideration of the license (petition) on behalf of the right holder. In the petition, Mr. Thompson asked the Department to remove approval condition no. 1 from the license.

CONCLUSIONS OF LAW

1. The petition was filed timely.

2. Approval condition no. 1 on the license is not necessary to define and administer the water right.

3. The Department should remove approval condition no. 1 on the license.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the issuance of Water Right License 47-7478 is **GRANTED** pursuant to Idaho Code § 67-5243.

IT IS FURTHER HEREBY ORDERED that approval condition no. 1 on the license is **REMOVED**.

IT IS FURTHER HEREBY ORDERED that a revised Water Right License document shall be **ISSUED** on this date in connection with this order.

Dated this 25th day of September, 2007.



GARY SPACKMAN, Administrator
Water Management Division