

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	PRELIMINARY ORDER
NO. 37-7844 IN THE NAME OF	)	RESCINDING AN ORDER VOIDING A PERMIT,
DARLENE JEVNE	)	REINSTATING THE PERMIT AND
_____	)	ISSUING A WATER RIGHT LICENSE

This matter having come before the Department of Water Resources (Department) as a petition to rescind a preliminary order voiding a permit to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On April 12, 2005, the Department issued a preliminary order (order) voiding Permit No. 37-7844 (permit) because Department staff could not confirm that water had been diverted and put to beneficial use within the period authorized by the permit.

2. On April 27, 2005, the Department received a petition for reconsideration of the order from Darlene Jevne (permit holder).

3. On June 9, 2005 the Department issued an order granting the permit holder's petition for reconsideration of the preliminary order voiding the permit. In the order the Department also required the permit holder to cooperate with the Department's field examiner to make the permitted point of diversion and place of use available for inspection during the 2005 irrigation season.

4. On August 1, 2005, a Department field examiner inspected the use of water in connection with the permit.

5. On August 8, 2005, the Department's field examiner completed a Beneficial Use Field Report in which he concluded that the permit holder had established a beneficial use of 2.51 cfs of water from the Little Wood River for irrigation purposes during the development period authorized by the permit.

CONCLUSIONS OF LAW

1. Idaho Code § 42-219 states, in pertinent part, as follows:

Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose it was originally intended, the department shall issue to such user or users a license confirming such use.

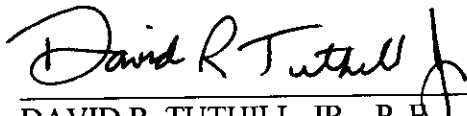
2. The permit holder established a beneficial use of water in accordance with the permit.
3. The Department should rescind the preliminary order voiding the permit and should reinstate the permit.
4. The Department should issue a water right license for the beneficial use of water established in accordance with the permit.

ORDER

IT IS HEREBY ORDERED that the preliminary order voiding Permit No. 37-7844 is **RESCINDED** and the permit is **REINSTATED**.

IT IS FURTHER HEREBY ORDERED that a water right license shall be **ISSUED** for the beneficial use of water established in accordance with the permit.

Dated this 22nd day of September, 2005.



DAVID R. TUTHILL, JR., P. E.
Administrator, Water Management Division