

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 24 2013	
By _____	Clerk
STANDARD FORM 5	
Deputy Clerk	

In Re SRBA

Case No. 39576

Subcase No. 63-7533

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Basin and Range Resource Company, LLC

OBJECTOR:

United States of America

Deputy A. T. M. A. 4-7-2013
By *Deputy A. T. M. A.* Date
Title: *Resident 10th St Operating*
Office

David Negri 4/22/13
David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:

for *Jan Shurte* *4-18-13*
Jan Shurte Date
Senior Water Resource Agent

Andrea L. Courtney *7/10/13*
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7533

NAME AND ADDRESS: BASIN & RANGE RESOURCE CO LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
27.000 AFY

PRIORITY DATE: 12/17/1971

POINT OF DIVERSION:

T06N R05W S23 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

01/01 12/31

0.450 CFS
27.00 AFYPLACE OF USE: STOCKWATER in PAYETTE CountyT06N ~~R06W~~ R05W S23

NESE

T06N ~~R06W~~ R05W S24

NWSW

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Stockwater use is for 2,000 head cattle.

CERTIFICATE OF MAILING

I certify that on April 23, 2013, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

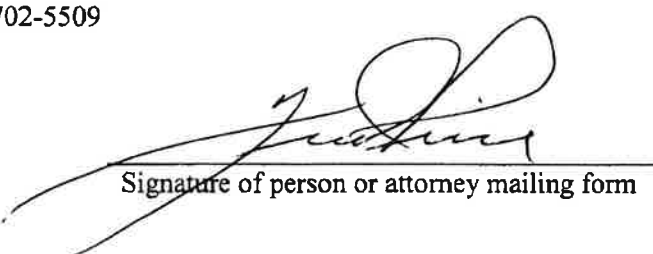
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

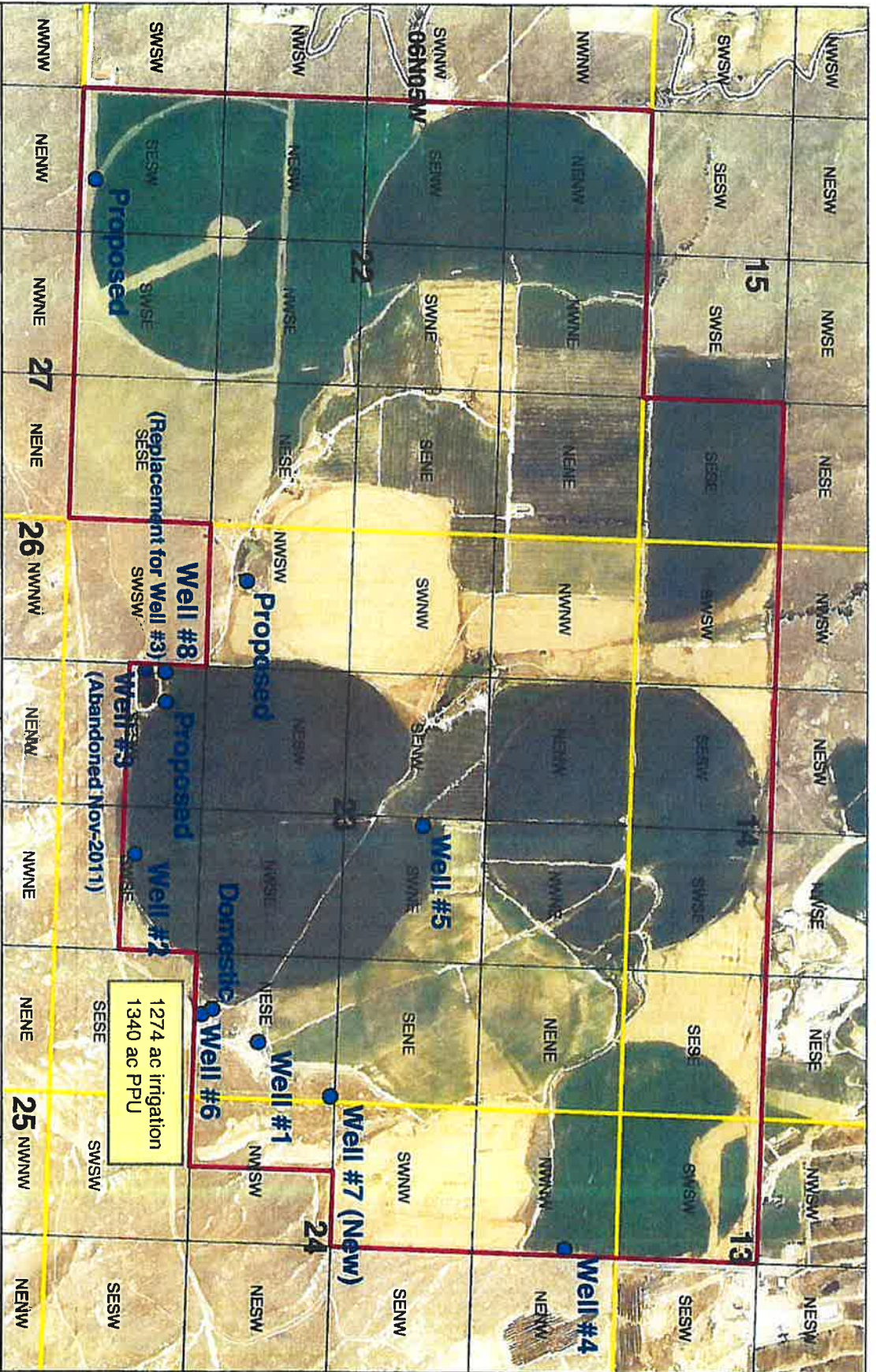
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BASIN AND RANGE RESOURCE COMPANY, LLC
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509



Signature of person or attorney mailing form



Legend

- Wells
- Abandoned Wells

□ Permissible Place of Use

Payette County, Idaho

ATTACHMENT #7a

**Basin and Range
PPU and PODS**

Drip

Date: 2-3-11 (Revision #1, 4-16-12)
Aerial Photo: 2009





Idaho Department of Water Resources

Water Right
63-3308
(IRRIGATION)

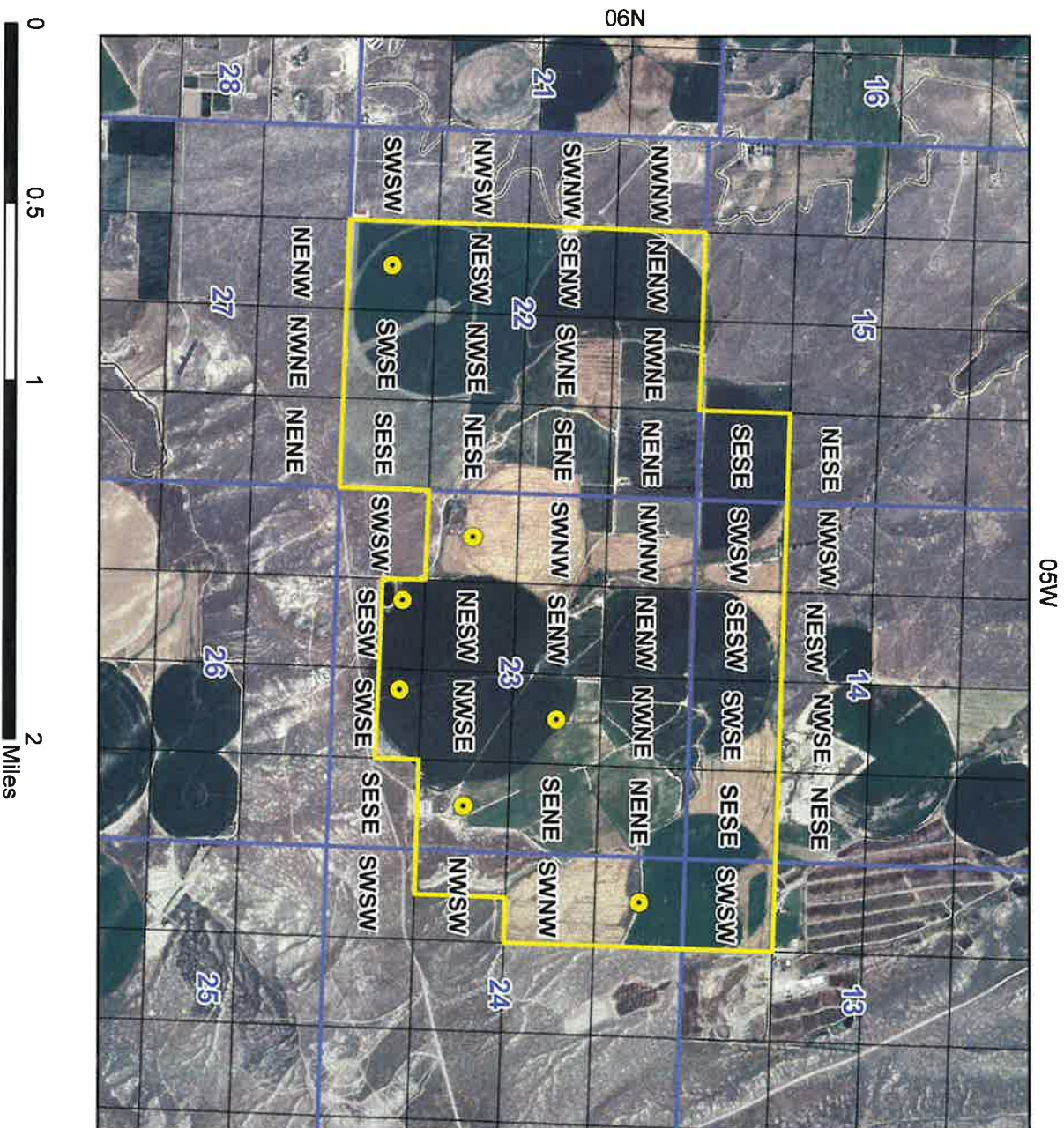
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon, Payette Counties
IDWR Basin 63

Prepared by Shurte, Jan

2009 Aerial Photography



Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, April 03, 2013 11:17 AM
To: 'Dana Hofstetter'
Cc: Negri, David (ENRD); Cooley-Denney, Suzy; Courtney, Andrea; fwprice@blm.gov
Subject: RE: Basin and Range Resource Company, LLC - SF5s
Attachments: SF5 63-7533.docx

Dana,

Attached is the revised SF5 for 63-7533 per the emails below. Please return the signed SF5s to me and we will distribute them to the other parties.

Thanks,
Jan

From: Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Tuesday, April 02, 2013 3:14 PM
To: Shurte, Jan
Cc: Negri, David (ENRD); Cooley-Denney, Suzy; Courtney, Andrea; fwprice@blm.gov
Subject: Re: Basin and Range Resource Company, LLC - SF5s

Great, tomorrow a.m. would work fine.

Thank you,
Dana

On 4/2/2013 2:53 PM, Shurte, Jan wrote:

Dana,

I will be able to forward a corrected SF5 on 63-7533 with the language you listed below in the morning.

Thanks,
Jan

From: Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Tuesday, April 02, 2013 2:51 PM
To: Negri, David (ENRD)
Cc: Cooley-Denney, Suzy; Courtney, Andrea; fwprice@blm.gov; Shurte, Jan
Subject: Re: Basin and Range Resource Company, LLC - SF5s

Thank you, David and Fred - Can IDWR provide this amended SF5 to me today or tomorrow?

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On 4/2/2013 2:24 PM, Negri, David (ENRD) wrote:

The change to the remark for 63-7533 is acceptable to the BLM. We would, however, like the water right description to be edited rather than a handwritten change. It appears we have time to do so before the April 9 pre-trial. Can IDWR make this change?

From: Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Monday, April 01, 2013 12:08 PM
To: Cooley-Denney, Suzy
Cc: Courtney, Andrea; Negri, David (ENRD); fwprice@blm.gov; Shurte, Jan
Subject: Re: Basin and Range Resource Company, LLC - SF5s

Thank you for the amended SF5 cover sheets.

With regard to the two Explanatory Material remarks that reference "Transfer 77052" on each of the irrigation rights would IDWR have any objection to us writing in and initialing the word "Amended" before "Transfer 77052"? An Amended Transfer Approval was issued on June 26, 2012 (shortly after the original Transfer approval of June 19, 2012) and it is important that the amended approval is not overlooked.

With regard to the following condition on 63-7533 "Place of use does not include federal public lands."- would BLM object to replacing this language with "The place of use within the NWSW of S24, T6N, R5W is limited to the west half of that quarter-quarter." This would make the language consistent with the irrigation rights.

Thank you,
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On 3/28/2013 3:37 PM, Cooley-Denney, Suzy wrote:

Dana ~

Attached please find SF5 cover sheets and IDWR recommendations for the following water right subcases:

63-3182

63-3308

63-3583

63-7177

63-7349

63-7533

63-7903

Please have your clients review the attached documents and if acceptable, sign the SF5s, initial the recommendations, and return the documents back to the Department, ATTN: Jan Shurte. If you have any questions regarding the attached

recommendations, please do not hesitate to contact Jan Shurte at (208) 287-4992.

As I am sure you are aware, the Pre-Trial Conference for these subcases is scheduled for Tuesday, April 9, 2013 at 10:00 a.m.

Thank you for your assistance in this matter.

~ Suzy

<<63-3182.pdf>> <<63-3308.pdf>> <<63-3583.pdf>> <<63-7177.pdf>>
<<63-7349.pdf>> <<63-7533.pdf>> <<63-7903.pdf>>

SUZY COOLEY-DENNEY, Paralegal

Office of the Attorney General

Idaho Department of Water Resources

7600 N. Mineral Drive, Suite 100

Coeur d'Alene, Idaho 83815

(208) 762-2811 (Telephone)

(208) 762-2819 (Facsimile)

suzy.cooley-denney@idwr.idaho.gov

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7533

NAME AND ADDRESS: BASIN & RANGE RESOURCE CO LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
27.000 AFY

PRIORITY DATE: 12/17/1971

POINT OF DIVERSION:

T06N R05W S23 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

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01/01 12/31

0.450 CFS
27.00 AFYPLACE OF USE: STOCKWATER in PAYETTE County

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63-3308

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As I am sure you are aware, the Pre-Trial Conference for these subcases is scheduled for Tuesday, April 9, 2013 at 10:00 a.m.

Thank you for your assistance in this matter.

~ Suzy

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SUZY COOLEY-DENNEY, Paralegal

Office of the Attorney General

Idaho Department of Water Resources

7600 N. Mineral Drive, Suite 100

Coeur d'Alene, Idaho 83815

(208) 762-2811 (Telephone)

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suzy.cooley-denney@idwr.idaho.gov

Shurte, Jan

To: Shurte, Jan
Subject: FW: Basin Range and Resource SF5s
Attachments: SF5 63-3182.pdf; SF5 63-3308.pdf; SF5 63-3583.pdf; SF5 63-7177.pdf; SF5 63-7349.pdf; SF5 63-7533.pdf; SF5 63-7903.pdf

From: Shurte, Jan
Sent: Thursday, December 06, 2012 2:30 PM
To: Dana Hofstetter ; David Negri ; Fred Price
Cc: Courtney, Andrea
Subject: Basin Range and Resource SF5s

Good afternoon,

Attached are the SF5s for Basin and Range Resource Company, LLC. Please note that Right Nos. 63-3308 and 63-7903 do not have a signature line for BLM since no objections were filed by BLM to these two rights. These rights still address the federal land issues with the specific place of use remarks from approved Transfer No. 77052.

Dana would you please review and sign all of the SF5s, send 63-3308 and 63-7903 back to the Department at my attention and forward the remaining Right Nos. 63-3182, 63-3583, 63-7177, 63-7349 and 63-7533 to David Negri for his signature. David would you please review and sign these rights and return them to the Department at my attention.

Please feel free to contact me if you have any questions or corrections concerning these rights.

Jan Shurte
Adjudication Technical Analyst
Idaho Dept of Water Resources
322 E Front St
Boise, Idaho 83720
(208) 287-4992

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 63-7533

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Basin and Range Resource

OBJECTOR:

United States of America

Dana L. Hofstetter, Attorney Date

David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:

Jan Shurte 12-6-12
Jan Shurte Date

Jan Shurte
Senior Water Resource Agent

Date _____

Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7533

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703



SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
27.000 AFY

PRIORITY DATE: 12/17/1971

POINT OF DIVERSION:

T06N R05W S23 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.450 CFS 27.00 AFY

PLACE OF USE: STOCKWATER in PAYETTE County

T06N R06W R05W S23	NESE	T06N R06W R05W S24	NWSW
--------------------	------	--------------------	------

Place of use does not include federal public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Stockwater use is for 2,000 head cattle.

CERTIFICATE OF MAILING

I certify that on _____, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BASIN AND RANGE RESOURCE
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

Signature of person or attorney mailing form

SRBA

DIRECTORS REPORT 63-07533

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-07533

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

CHANGE: SUBSTITUTION OF PARTY
TRANSFER COMPLETE

Name and Address: BASIN AND RANGE RESOURCE
COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY, NV 89703

Source: GROUND WATER

Quantity: .45 CFS
27.00 AFY

Priority Date: 12-17-1971

Diversion Point: T06N R05W S23 NESE Within Payette County

Purpose and	Purpose of Use	Period of Use	Quantity
Period of Use:	Stockwater	01-01 TO 12-31	.45 CFS 27.00 AFY

Place of Use: Stockwater T06N R06W S23 S24 NESE NWSW Within Payette County

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

Stockwater use is for 2,000 head cattle.

Adding place of use does not include Fed land.

Return to SRBA Home Page

*remark per BLM
objection*

Adjudication Memorandum

Date: 11/29/12

Right No.(s) 63-7533

From: JAN SHURTE

OBJECTION FILED TO CHANGE CFS & AF AMOUNT
ON THIS RIGHT WAS DENIED SEVERAL TIMES
WITH THE FINAL DENIAL ON 5-24-11. SEE
NOTES ON REFERENCE MEMO IN FILE.
THIS RIGHT WILL REMAIN AS LICENSED
IN 1978. ATTORNEY WITHDREW TRANSFER
74601 - THIS REVERTED BACK TO ORIG.
LICENSE & IT WAS NOT INCLUDED IN TRANSFER
11619.

**SEE REFER TO SRBA FILE 63-3182
FOR SRBA PLEADINGS OR OTHER
DOCUMENTS THAT APPLY
COLLECTIVELY TO THESE CLAIMS:**

**63-3182, 63-3583, 63-7177, 63-7533,
63-31839, 63-31840, 6331841, 63-31842,
63-31854 & 63-31855.**

**SUMMARY: ORIGINAL CLAIMANT FILED TRANSFER
71619 ON 2/25/05. CLAIMS RECOMMENED PER THIS
2005 TRANSFER BUT CLAIMANT DID NOT
ACCOMPLISH THE TRANSFER.**

**NEW OWNER WANTS PARTIAL DECREE TO REFLECT
NEW TRANSFER # ~~74601~~ FILED 2/28/2008. SRBA COURT
CODED SUBCASES WITH NAP. IDWR WILL FILE NCAP
AFTER TRANSFER IS PROCESSED.**

*NOTE: THIS WATER RIGHT WAS NOT INCLUDED
IN TRANSFER # 74601 SO IT REVERTS
BACK TO ORIG. LICENSE ISSUED IN 1978
SINCE TRANSFER # 71619 WAS
RESCINDED. LICENSEE WAS DENIED
A PETITION FOR RECONSIDERATION OF THE
1978 LICENSE ON 5-24-11. J*

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LICENSE)
NO. 63-7533 IN THE NAME OF)
RAY OBENDORF)
_____)

**ORDER DENYING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider a *Preliminary Order Denying Petition to Correct License*, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On February 25, 2011, the Department received a *Petition to Correct License* from Basin and Range Resource Company, LLC (petitioner) in reference to license 63-7533. The petition identifies Basin and Range Resource Company, LLC as the owner of the place of use described in license 63-7533. Basin and Range Resource Company, LLC, is the claimant listed in the Snake River Basin Adjudication recommendation for subcase 63-7533. The petitioner requests that license 63-7533 be corrected to include all the uses documented in the beneficial use field report and to authorize a total diversion rate of 1.0 cfs and a total diversion volume of 80 acre-feet per year.

2. On April 20, 2011, the Department issued a *Preliminary Order Denying Petition to Correct License* 63-7533 on the grounds that the Department's decision to limit the use under the license to 0.45 cfs and 27 acre-feet per year for stockwater purposes was not an error and that the permit holder at the time had two opportunities to object if he disagreed with the quantity of water licensed.

3. On May 5, 2011, the Department received a *Petition for Reconsideration* regarding the *Preliminary Order Denying Petition to Correct License*. The petition for reconsideration argues:

"1. The February 2, 1978, letter incorrectly represented to the Permitholder (sic) that the IDWR field examiner found that only 0.45 cfs and 27 AFA could be recognized as beneficially used under Idaho law; 2. The usual IDWR procedure where field examination results are not consistent with permit elements is to amend the permit to conform to the field examination and such procedure was not followed in this case; 3. IDWR has the authority to correct, and generally does correct, its licensing errors pursuant to Idaho Code § 67-5254(1), even when these are identified outside of the usual licensing appeal periods." Petition page 4.

4. On March 24, 1977, a Department field examiner (examiner) conducted an inspection to verify the beneficial use of water developed in accordance with the permit. The field exam report provides that "[w]ater is used for stockwater and also to sprinkle feedlot and cattle during dry hot weather." The examiner estimated the diversion works could divert 1.0 cfs based on test pump information. The examiner listed 80 acre-feet as the recommended total annual diversion volume. The examiner did not provide an explanation for recommending 80 acre-feet.

5. On January 31, 1978, a Department employee (reviewer) tasked with reviewing the field exam report and making a recommendation on how the water right should be licensed reviewed the March 24, 1977 field exam report. The reviewer recommended that the license be issued for 0.45 cfs, the amount necessary to supply 12 gallons of water for each head of cattle during a two-hour pumping period. The reviewer recommended an annual diversion volume of 27 acre-feet based on 12 gallons per day per head for 2000 head of cattle over 365 days a year.

6. On February 2, 1978, the Department sent Ray Obendorf (permit holder) a letter that informed him that an examiner conducted an examination of permit 63-7533 on March 24, 1977 and found that the amount of water that can be recognized as beneficially used under Idaho law is 0.45 cfs and that the maximum quantity delivered shall not exceed 27 acre-feet per year. Although the examiner found additional uses for more water, the letter was an accurate statement based upon the permitted use of stockwater. Moreover, the letter did inform the permit holder that a license would be issued for the amounts listed unless the permit holder disagreed and contacted the Department within 10 days. The permit holder had the opportunity to contact the Department to review the field examiner's report and to inform the Department if he disagreed with the quantities listed or if he determined that the quantities listed were insufficient. The permit holder did not respond, and only after 33 years is the issue now being raised by a new owner.

7. In cases where an amendment of permit is warranted, Department practice is to seek an amendment of the permit from the permit holder. For example, if an examination revealed an authorized water use was developed in a location not described on the permit, an amendment of the permit would be sought to ensure that the use can be authorized in the alternate location. An amendment of permit 63-7533 was not warranted because the beneficial use of stockwater for 2000 head of cattle, as described on the application and permit, was fully confirmed and additional water to sprinkle the feedlot and cattle during dry hot weather was considered an additional use. An additional water use cannot be authorized by amending the permit.

8. The Department's determination that 0.45 cfs and 27 acre-feet per year was the extent of beneficial use authorized by the permit was not an error. The Department reviewer had the field examiner's report and recommendations available for his review. After reviewing the available information, the reviewer made a determination of the extent of beneficial use authorized by the permit and the Department issued license 63-7533 to reflect that determination.

CONCLUSIONS

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. Rule 730.02.a. of the Rules of Procedure of the Department provides in pertinent part that the Department 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."

3. The Department does not agree that the license confirming stockwater use in the amount of 0.45 cfs and 27 acre-feet per year is an error. It was a determination by the Department of beneficial use developed under the permit and subject to appeal at the time of licensing. The petitioner cannot now come forward claiming an error simply because they disagree with the amount licensed.

4. The Department should deny the petition for reconsideration of the *Preliminary Order Denying Petition to Correct License* pursuant to Section 67-5243(3), *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the *Preliminary Order Denying Petition to Correct License* 63-7533 is **DENIED** pursuant to Section 67-5243(s), *Idaho Code*.

Dated this 24 day of May, 2011.



Jeff Peppersack, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I certify that on _____, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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2. Copies to:

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Signature of person or attorney mailing the form