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WATER RESOURCES
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DEPARTMENT OF
WATER RESOURCES

U.S.D.I., Bureau of Reclamation

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DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER LICENSE NO. 02-10651)
IN THE NAME OF DERCK INVESTMENT) **PETITION FOR RECONSIDERATION**
CORP)
_____)

On November 19th, 2025, the Idaho Department of Water Resources ("IDWR") issued License No. 02-10651 to Derck Investment Corp ("Claimant"). The United States of America, Department of the Interior, Bureau of Reclamation ("Reclamation") respectfully files this Petition for Reconsideration regarding issuance of License No. 02-10651 pursuant to the IDWR rules of procedure, IDAPA 37.01.01.730.02.

On November 9th, 2023, an application for permit was filed with IDWR to irrigate 166 acres, including T01S, R02W, S34, NESE (Reclamation). In the Application for Permit, the Claimant states they own the land to be irrigated, and no right-of-way or easement is granted to the Claimant to cross the land of another.

Reclamation respectfully requests that IDWR withdraw its granting of the License or alternatively modify the Place of Use because the Claimant is not authorized to irrigate the 0.3 acres on Reclamation-owned land in T01S, R02W, S34, NESE.

Under state law a water right cannot be established in trespass (see *In Re General Determination of Rights to Use of Surface and Ground Waters of Payette River*, 107 Idaho 221, 687 P.2d 1348, 1353 (1984); *Lemmon v. Hardy*, 95 Idaho 778, 519 P.2d 1168 (1974); *Reed v. Morton*, 480 F.2d 634 (9th Cir. 1973); *Jones v. McIntire*, 60 Idaho 338, 91 P.2d 373 (1939); *Bachman v. Reynolds Irrigation Dist.*, 56 Idaho 507, 55 P.2s 1314 (1936); *Bassett v. Swenson*, 51 Idaho 256, 5 P.2d 722 (1931); *Short v. Praisewater*, 35 Idaho 691, 208 P. 844 (1922); *Rabido v. Furey*, 33 Idaho 56, 190 P. 73 (1920); and *King v. Chamberlin*, 20 Idaho 504, 118 P. 1099 (1911)).

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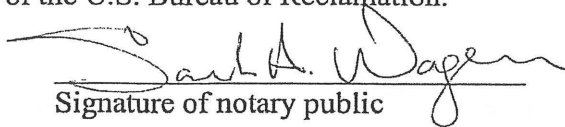
Respectfully submitted,



Acting Area Manager
Snake River Area Office
U.S. Bureau of Reclamation

State of Idaho
County of Minidoka

This record was acknowledged before me on 12/3/25 by Michael Hilliard
as the designated and authorized official of the U.S. Bureau of Reclamation.



Signature of notary public

My commission expires: 10/20/29

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 3, 2025, I served a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION; LICENSE NO. 02-10651** by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

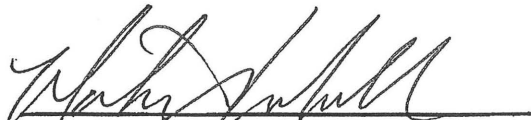
Original to:

Mathew Weaver, Director
Idaho Department of Water Resources
State Office
Water Management Division
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Derck Investment Corp
1444 N Knights Dr
Boise, Idaho 83712-6557

Ray G Kaufman
1444 N Knights Dr
Boise, Idaho 83712-6557


Signature of Person Serving Documents

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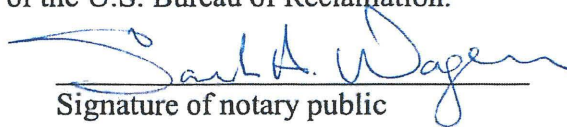
Respectfully submitted,



Acting Area Manager
Snake River Area Office
U.S. Bureau of Reclamation

State of Idaho
County of Minidoka

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as the designated and authorized official of the U.S. Bureau of Reclamation.



Signature of notary public

My commission expires: 10/20/29

MEMORANDUM

December 15, 2025

Water Right: 2-10651

Author: SStorms

Subject: PPU Correction

During review of the license issued for water right. 2-10651 on November 19, 2025, it was recognized that an acre limit was included on the license, as well as conditions X27 and 206, all of which are used to describe a permissible place of use (PPU). The original application for the permit only described a specific 166 acres and the water right examiner confirmed those specific 166 acres had been developed. The place of use (POU) description on the originally issued license described the specific 166 acres and therefore did not describe a PPU. The inclusion of the acre limit and PPU conditions were recognized while reviewing license after receiving a petition for reconsideration from the US Bureau of Reclamation on December 3, 2025 and the acre limit and conditions X27 and 206 were removed as part of the amended license issued on December 16, 2025.