

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

IN THE MATTER OF LICENSE	)	ORDER GRANTING PETITION
NO. 2-10651 IN THE NAME OF	)	FOR RECONSIDERATION AND
DERCK INVESTMENTS CORP	)	MODIFYING A PRELIMINARY ORDER
_____	)	

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 as follows:

FINDINGS OF FACT

1. On January 24, 2024, the Department issued Permit No. 2-10651 (“Permit”) to DERCK Investment Corp. (“Permit Holder”) authorizing the diversion of 3.32 cfs from the Snake River to be used for irrigation of 166 acres. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before February 1, 2028.
2. On February 24, 2025, the Department received the *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”).
3. On August 13, 2025, the Department conducted a beneficial use examination for the Permit. The examiner determined the Permit Holder developed 166.0 acres of irrigation with a system capable of diverting at 3.20 cfs.
4. The recommended place of use for irrigation included 0.3 acres in Township 01 South, Range 02 West, Section 34, NESE.
5. On November 19, 2025, the Department issued License No. 2-10651 (“License”) for the recommend rate of 3.20 cfs for irrigation of 166.0 acres.
6. On December 3, 2025, the Department received a Petition for Reconsideration (“Petition”) from the US Bureau of Reclamation (USBOR) asking the Department “withdraw its granting of License or alternatively modify the Place of Use because the Claimant is not authorized to irrigate 0.3 acres on Reclamation-owned land in T01S, R02W, S34, NESE.”
7. Department map tools and property ownership records show the place of use in the Township 01 South, Range 02 West, Section 34, NESE is likely on land owned by USBOR.
8. The License included an acre limit and conditions typically used to describe a Permissible Place of Use (PPU). The place of use description for the License does not describe a PPU.

APPLICABLE STATUTES AND RULES

1. Idaho Code § 42-219(1) states, in relevant part:

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 for which it was originally intended, the department shall issue to such user or users a license confirming such use. Such license shall state...the purpose for which such water is used and the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied.

2. Rule 730.02.b of the Department's Rules of Procedure (IDAPA 37.01.01) states:

A party may file a petition for reconsideration of this preliminary order with the agency within fourteen (14) days of the service date of this order. The agency 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. Idaho Code § 42-219(8) states in relevant part:

In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use that is in accordance with the permit or may refuse issuance of a license and void the permit.

CONCLUSIONS OF LAW

1. USBOR filed a timely petition to reconsider the preliminary order.
2. USBOR owns all land in the Township 01 South, Range 02 West, Section 34, NESE and has not granted permission to DERCK Investments Corp. to irrigate land owned by USBOR.
3. Rule 730.02 of the Department's Rules of Procedure (IDAPA 37.01.01) authorizes the Department to reconsider the issuance of a preliminary order.
4. The Department should grant the Petition and issue an amended license to remove the 0.3 acres described on USBOR lands.
5. The amended license should remove the acre limit and conditions describing a PPU.

ORDER

IT IS HEREBY ORDERED that the Petition is **GRANTED**.

IT IS FURTHER ORDERED that License No. 2-10651 is **MODIFIED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 16th day of December, 2025.



Scott King
Manager, IDWR Western Region



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 16, 2025

DERCK INVESTMENTS CORP
1444 N KNIGHTS DR
BOISE ID 83712-6557

RE: *Order Granting Petition for Reconsideration and Modifying a Preliminary Order* for License No. 2-10651

Dear Applicant(s):

Please see the enclosed *Order Granting Petition for Reconsideration and Modifying a Preliminary Order* for License No. 2-10651 in the name of DERCK INVESTMENTS CORP.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

Marina Bozdog
Technical Records Specialist I

Enclosure(s)

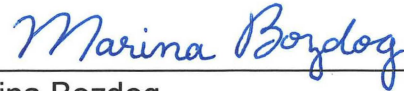
CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2025, I served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

DERCK INVESTMENT CORP (Current Owner)
1444 N KNIGHTS DR
BOISE ID 83712-6557

RAY G KAUFMAN (Representative)
1444 N KNIGHTS DR
BOISE ID 83712-6557

US BUREAU OF RECLAMATION
SNAKE RIVER AREA OFFICE
230 COLLINS ROAD
BOISE, IDAHO 83702-4520



Marina Bozdog
Technical Records Specialist I