

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

IN THE MATTER OF PERMIT)
NO. 65-13533 IN THE NAME OF)
MARY JO OR STEVE SEMELS)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a result of petition to reconsider issuance of a preliminary order voiding a permit and refusing issuance of a license, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On July 28, 1994, Kathleen M. Vaughn and Alan Duane Vaughn applied to the Department for a permit to appropriate 0.38 cfs of water from a spring tributary to the Middle Fork Payette River within the SW¼SW¼ of Section 16, Township 09 North, Range 04 East, B.M., for irrigation and domestic purposes in Boise County.
2. On October 21, 1994, the Department approved the application as permit no. 65-13533 (permit) with the deadline to submit a proof of beneficial use statement set as November 01, 1996.
3. On November 08, 1996, the Department sent a lapse notice to Kathleen M. Vaughan and Alan Duane Vaughan.
4. On November 13, 1996, the Department received a request for an extension of time to submit the proof of beneficial use statement. The request was granted and the deadline was extended to November 01, 2000.
5. On October 31, 2000, the Department received the proof of beneficial use statement for the permit.
6. On November 16, 2000, the Department received an assignment of permit form and the permit owner was changed to Mary Jo or Steve Semels.
7. On January 12, 2018, after unsuccessfully attempting to schedule a field examination, the Department sent Mary Jo and Steve Semels a notice of intent to void. The notice specified that the Department would take action to void the permit if a reply was not made within thirty (30) days. A response was not received.
8. On April 04, 2018, the Department issued a preliminary order voiding the permit and refusing issuance of a license.
9. On April 16, 2018, the Department received an Assignment of Permit form assigning permit 65-13533 to Dan Conrad from Steve Semels.
10. On April 17, 2018, the Department received a petition for reconsideration ("petition") of the April 04, 2018 preliminary order from Dan Conrad. The petition states that Mr. Conrad purchased the property associated with permit 65-13533 from the Semels. The petition states

that Mr. Semels contacted Mr. Conrad on April 14, 2018 to inform him of the April 4, 2018 void order and the need to assign the permit to Mr. Conrad.

CONCLUSIONS OF LAW

1. 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.
2. The petition was filed timely.
3. Mr. Conrad, and not Mr. Semels, is the appropriate contact to schedule a field examination.
4. The Department should withdraw the preliminary order and reinstate permit 65-13533 to allow the Department to process the assignment of permit, conduct a field examination, and issue a license for the beneficial use developed.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is **GRANTED**. The Department's April 4, 2018 *Preliminary Order Voiding Permit* in the Matter of Permit No. 65-13533 is withdrawn and the permit is reinstated.

Dated this 8th day of May, 2018.



Nick Miller
Manager, IDWR Western Region

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May, 2018, true and correct copies of the foregoing **ORDER GRANTING PETITION FOR RECONSIDERATION** were served by placing a copy of the same with postage prepaid, and properly addressed to the following:

RE: 65-13533

MARY JO SEMELS
STEVE SEMELS
PO BOX 675
GARDEN VALLEY ID 83622



Rachel Neely
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BLTCH" OTTER
Governor

GARY SPACKMAN
Director

May 8, 2018

MARY JO SEMELS
STEVE SEMELS
PO BOX 675
GARDEN VALLEY ID 83622

Re: Order in the matter of Water Right Permit No. 65-13533

Dear Interested Parties:

The accompanying order issued by the Department is an Order Granting Petition for Reconsideration.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, which appears to read "Rachel Neely" followed by a stylized flourish or initials.

Nick Miller
Western Regional Manager