



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

February 28, 2017

Kevin Smyer
PO Box 482
Albion, ID 83311

RE: Petition for Reconsideration (Transfer 79943)

Dear Mr. Smyer:

On February 17, 2017 at 9:10 pm, you sent me an email with the subject line: "Petition for Reconsideration." The email described a number of concerns you have with the *Preliminary Order Approving Transfer* (79943). A hard copy of the petition arrived in the mail on February 21, 2017. Your petition was not filed in a timely manner and cannot be considered. The purpose of this letter is to return your petition and briefly explain why the petition was not filed in a timely manner.

I issued the *Preliminary Order Approving Transfer* (79943) on February 3, 2017. The preliminary order included an attachment setting forth the deadlines for filing petitions for reconsideration, exceptions, or appeals. Pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01), petitions for reconsideration must be filed within 14 days of the date of service of a preliminary order. The date of service of the preliminary order was February 3, 2017. Therefore, petitions for reconsideration had to be filed by the close of business on February 17, 2017.

Filing of documents can only occur during regular business hours (8:00 am to 5:00 pm). See IDAPA 37.01.01.007.01. Because your email was sent after 5:00 pm on February 17th, it was not filed in a timely manner. None of the other parties filed petitions for reconsideration. In the absence of any timely-filed petition or exceptions, the preliminary order has become a final order of the Department. The order can now be appealed to the district court. Please refer to the page included with the preliminary order for the filing deadlines associated with appeals to the district court.

Sincerely,

James Cefalo

Encl: Petition for Reconsideration

Cc: Bill Parsons, Charlie Honsinger, Christopher King, Norman Smyer