

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-33761 IN THE)
NAME OF RUBEN AND/OR)
DOMINGO ASUMENDI)
_____)

**STAY OF PRELIMINARY VOID ORDER
PARTIAL GRANTING OF PETITION FOR
RECONSIDERATION**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider a preliminary order voiding an application for permit, the Department makes the following finds, concludes, and orders:

FINDINGS OF FACT

1. On December 12, 2013, the Department issued a preliminary order voiding Application for Permit No. 63-33761 in the name of Ruben and/or Dimingo Asumendi (Applicants). The order was issued for failure of the Applicants to respond to a November 4, 2013 Department letter requesting additional information and authorizations
2. On December 27, 2013 a petition for reconsideration was received from the Applicants. The petition requested an additional 60 days to obtain the necessary authorization from the Black Canyon Irrigation District.
3. On December 31, 2013, the Department sent the Applicants a letter stating the deadline to submit the requested information or authorization would be January 17, 2014
4. On January 9, 2014, the Manager of Black Canyon Irrigation District contacted the Department. He stated, the District Board would reconsider the Applicants proposal/authorization at their next Board meeting. He requested the Department extend the deadline to February 15, 2014.

CONCLUSIONS OF LAW

1. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) in part states:

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.

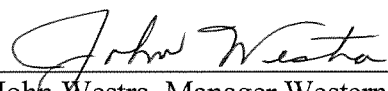
2. The Applicants and Black Canyon Irrigation District have shown due diligence and the petition for reconsideration should be reconsidered.

ORDER

IT IS HEREBY ORDERED the Applicant's Petition for Reconsideration is **PARTIALLY GRANTED**. This order grants an extension of time for the Applicants to provide the necessary information or Irrigation District authorization as outlined in the 12/31/2013 Department letter. The extension deadline is **February 15, 2014**.

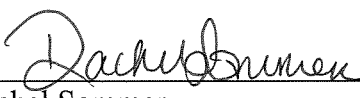
IT IS FURTHER ORDERED the Preliminary Void Order issued on December 12, 2013 is **STAYED** until February 15, 2014. If the Applicants fail to provide the information or authorization by the set deadline, the Preliminary Void Order will become final without notice.

Dated this 15th day of January, 2014.


John Westra, Manager Western Region

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the person(s) listed below:


Rachel Sommer
Administrative Assistant

Ruben & Domingo Asumendi
23032 Hwy 20-26
Parma ID 83660