

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

IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 63-32458 IN THE NAME OF)	ORDER CANCELLING
W & H LIMITED LIABILITY CO.)	HEARING
_____)	

FACTUAL AND PROCEDURAL HISTORY

1. On September 12, 2006, W & H Partnership LLC applied to the Department of Water Resources ("Department") to appropriate 4.60 cfs of water from an unnamed tributary of the Boise River for wildlife and wildlife storage purposes. The Department designated the application no. 63-32458 ("Application").
2. On October 9, 2012, W & H Partnership LLC assigned the Application to W & H Limited Liability Company ("applicant").
3. On November 18, 2010, G.O. Investments LLC ("protestant") protested the Application.
4. On March 7, 2013, the Department issued an order setting dates for hearings for this application and five similar applications. The hearing dates occur from October 24 through October 30, 2013.
5. On May 10, 2013, the Department received a *Notice of Settlement and Joint Motion to Approve Stipulated Conditions* ("settlement notice") executed by the applicant and the protestant. In the settlement notice, the protestant agreed to withdraw its protest against the Application if certain conditions are placed on any permit and license that may be issued in connection with the Application.
6. In response to the settlement notice, on May 15, 2013, the Department issued its *Interlocutory Order Authorizing Certain Terms and Conditions* stating that the conditions described in the settlement notice would be placed on any permit and license issued in connection with the application.

CONCLUSIONS OF LAW

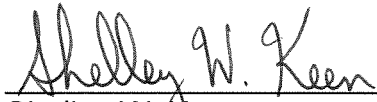
1. The *Interlocutory Order Authorizing Certain Terms and Conditions* resolves the protest filed by G.O. Investments LLC against the Application.
2. Because the protest against the Application has been resolved, it is not necessary for the Department to conduct a hearing prior to issuance of a decision regarding the Application.

3. The Department should cancel the scheduled hearing in connection with the Application.

ORDER

The hearing scheduled for Application for Permit No. 63-32458 is **CANCELLED**.

Dated this 15th day of October, 2013.

A handwritten signature in cursive script, reading "Shelley W. Keen", written over a horizontal line.

Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2013, I mailed a certified true and correct copy, postage prepaid, of the foregoing **ORDER CANCELLING HEARING** to the person (s) listed below:

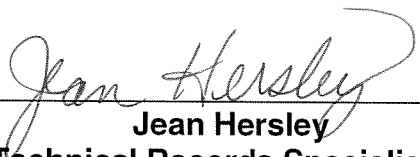
RE: ORDER CANCELLING HEARING APPLICATION FOR PERMIT NO. 63-32458

**W & H PARTNERSHIP LLC
DBA MALLARD FARMS
PO BOX 7943
BOISE ID 83707**

**GIVENS PURSLEY
ATTN: MICHAEL CREAMER
PO BOX 2720
BOISE ID 83701-2720**

**SPF WATER ENGINEERING LLC
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**GO INVESTMENTS LLC
C/O HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE ID 83702**



Jean Hersley
Technical Records Specialist II