

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION) **PRELIMINARY ORDER GRANTING**
FOR PERMIT NO. 57-11834 IN THE) **PETITION FOR RECONSIDERATION**
NAME OF CAL AND SUSIE LOW)
_____)

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 September 21, 2012 Cal and Susie Low (Applicants) filed Application for Permit No. 57-11834 with the Idaho Department of Water Resources (Department) seeking a permit from Castle Creek, a tributary to the Snake River, for a 98 acre foot storage pond to be used for late season irrigation of 79 acres.
2. On January 23, 2013 the Department sent the Applicant's representative a letter requesting an amended application. On February 21, 2013 the Department contacted the Applicant's representative regarding the amended application.
3. On April 5, 2013 the Department sent the Applicant's representative a letter requesting a response and the amended application within 30 days.
4. On May 20, 2013 a Preliminary Order Voiding Application for Permit No. 57-11834 was issued by the Department.
5. On May 31, 2013 a Petition for Reconsideration was received by the Department along with an amended Application for Permit.

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. Upon receiving the void, a timely Petition for Reconsideration was filed with the Department along with the requested additional document. These actions show due diligence.

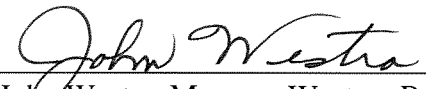
3. The Department should grant the petition for reconsideration.

ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration submitted by the Applicant is **GRANTED** pursuant to Rule 730.02.a. of the Department's Rules of Procedure.

IT IS FURTHER ORDERED the preliminary order voiding Application for permit No. 63-33379 is **WITHDRAWN**. The application is **REINSTATED** and will continue to be processed.

Dated this 20th day of June, 2013.



John Westra, Manager Western Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of June, 2013, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served: Preliminary Order Granting Petition for Reconsideration

CAL & SUSIE LOW
21101 OREANA LOOP DR
OREANA ID 83650

HYDRO LOGIC INC
1002 W FRANKLIN ST
BOISE ID 83702



Megan Gregory
Office Specialist II