

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR) **ORDER GRANTING PETITION**
PERMIT NO. 63-33510 IN THE NAME) **AND VOID ORDER WITHDRAWAL**
ALAN AND PATRICIA HERZFELD)
_____)

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

FINDINGS OF FACT

1. On November 10, 2011, the Department issued a preliminary order voiding Application for Permit No. 63-33510 in the name of Alan and Patricia Herzfeld (Applicants). The order was issued for the failure of the Applicants to provide necessary corrections/edits to their application.

2. On November 18, 2011 the Department received a petition to rescind the void order from the Applicants. Also enclosed was an amended application reflecting the necessary corrections/edits.

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:

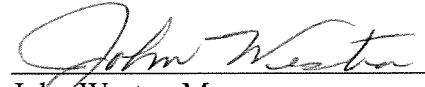
Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

2. A Petition for Reconsideration and the necessary amended application were submitted timely by the Applicants. The Preliminary Void Order should be withdrawn, and the application continue to be processed.

ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration submitted by the Applicants is **GRANTED**. The Preliminary Order Voiding Application for Permit No. 63-33510 is **WITHDRAWN**. Processing of the Application will continue.

Dated this 6th day of December, 2011.


John Westra, Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER GRANTING PETITION FOR RECONSIDERATION AND VOID ORDER WITHDRAWAL** to the person(s) listed below:

Documents Enclosed: Order Granting Petition for Reconsideration

ALAN & PATRICIA HERZFELD
9409 BURNETT DR
BOISE ID 83709

A handwritten signature in cursive script, reading "Sherry Borgeman", is written over a horizontal line.

Sherry Borgeman
Administrative Assistant