

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

IN THE MATTER OF APPLICATION)	
FOR PERMIT 63-12220 IN THE NAME)	CONDITIONAL WITHDRAWAL OF
AVEST LIMITED PARTNERSHIP)	PRELIMINARY VOID ORDER
_____)	

FINDINGS OF FACT

On January 7, 2010, a preliminary order was issued by the Idaho Department of Water Resources (IDWR) voiding Application for Permit #63-12220 in the name of Avest Limited Partnership.

On January 20, 2010, Avest Limited Partnership submitted a petition to IDWR asking for reconsideration of the void order.

CONCLUSIONS OF LAW

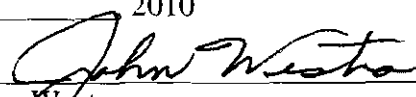
Pursuant to Idaho Code (IC) 67-5243 (3) Any party may file a petition for reconsideration of the order to IDWR within 14 days of the service date of the order. IDWR will act on a petition for reconsideration within 21 days of its receipt.

Avest Limited Partnership has submitted the petition to IDWR within the parameters of IC 67-5243 (3). The applicant is showing due diligence in pursuing the requested information. The petition should be granted, and the preliminary void order be withdrawn.

ORDER

IT IS HEREBY ORDERED the Preliminary Order Voiding Application for Permit #63-12220 in the name of Avest Limited Partnership is **WITHDRAWN contingent on the applicant submitting requested information by April 1, 2010.** Failure to submit the information will result in the preliminary void order becoming a final void by operation of law IC 67-5243.

Dated this 11th day of February, 2010



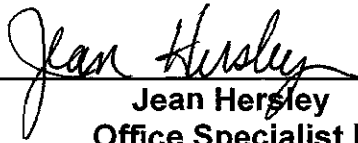
John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2010, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person (s) listed below:

DOCUMENTS: Conditional Withdrawal of Preliminary Void Order 63-12220

**AVEST LTD PARTNERSHIP
C/O ROGER ALLEN
9647 W PEBBLE BROOK ON
BOISE ID 83703**



**Jean Hersley
Office Specialist II**