

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

IN THE MATTER OF APPLICATION	)	
FOR PERMIT #63-12154 IN THE NAME	)	PRELIMINARY ORDER
OF ROGER R SLEGER	)	VOIDING APPLICATION
_____	)	

FINDINGS OF FACT

1. On October 14, 1994, Roger R. Sleger (Applicant) filed application for permit #63-12154 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation beneficial use.

2. On March 20, 2008, IDWR sent the Applicant a letter requesting their intentions regarding further processing of the application. A prompt response was received on April 3, 2008, requesting processing proceed.

3. On May 15, 2008, IDWR sent the Applicant a letter that conveyed the proposed ground water diversion location and well depth made it a direct water tributary to the Boise River. The well would be required to have a water bearing zone greater than 200 feet or a mitigation plan would be required to mitigate injury to existing Boise River water rights. The Applicant chose to develop a mitigation plan.

4. On October 7, 2008, IDWR sent the Applicant an acknowledgement and set a January 1, 2010 deadline for submittal of the mitigation plan. If the plan is not received by the deadline, the application will be ordered void.

5. To date, IDWR has not received the mitigation plan from the Applicant.

CONCLUSIONS OF LAW

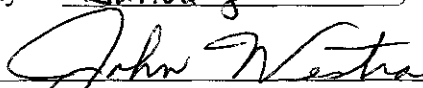
1. Idaho Code (IC)§ 42-204 and the Appropriation Rules and Regulations IDAPA (Rule 35) 37.03.08.35.01 state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request (or set deadline), IDWR may void the application.

2. Roger R Sleger failed or refused to provide IDWR the requested mitigation plan. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-12154 in the name of Roger R Sleger is VOID.

Dated this 6th day of January, 2010



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on Jan 7 2010 I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Sherry Bergema

Documents: Preliminary Void Order, Order Explanatory,

Roger R Sleger
575 E Rooster Ct
Eagle ID 83616