

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

**IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 74574 IN THE NAME OF)
MIDDLETON IRRIGATION ASSOCIATION))
INC)
_____)**

**PRELIMINARY ORDER
REJECTING TRANSFER
APPLICATION**

FINDINGS OF FACT

1. On February 22, 2008, Middleton Irrigation Association Inc. filed Application for Transfer No. 74574 (Applicant) with the Idaho Department of Water Resources (IDWR). The application sought to change the nature of use for water right No. 63-00198AC.

2. Application for Transfer No. 74574 is one part of the "Legacy Development" a planned residential project under Idaho Development Services Inc. Applications for Transfer Nos. 74573 & 74574 and Application for Permit No. 63-32956 are an interrelated part of the project water development.

3. On September 21, 2009, IDWR sent Idaho Development Services Inc. a letter requesting additional information pursuant to Water Appropriation Rule 40.05.f.i.-*Information Relative to Financial Resources*. The information was to be submitted within the next 60 days, November 21, 2009.

4. To date, IDWR has not received the requested information from Idaho Development Services Inc.

CONCLUSIONS OF LAW

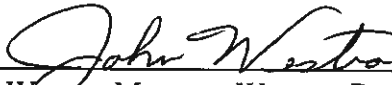
1. Without Idaho Development Services Inc. providing the financial resource information, IDWR cannot continue to process the changes proposed in the application consistent with the provisions of Idaho Code §42-222.

2. Idaho Development Services Inc has failed or refused to provide IDWR the requested information. The application should be rejected.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 74574 in the name of Middleton Irrigation Association Inc. is REJECTED.

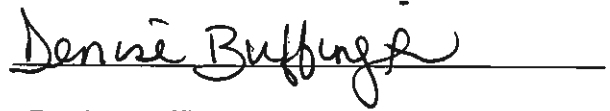
Dated this 28th day of December, 2009



John Westra, Manager Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2009, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS** to the person(s) listed below:

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

Denise Buffington
Administrative Assistant

Void and Rejection Preliminary Orders

Application for Permit No. 63-32956 and Application for Transfer Nos. 74573 & 74574

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