

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)

NO. 65-23306 IN THE NAME OF GOLD FORK)

RIVER RANCH AND APPLICATION FOR)

TRANSFER NO 74947 IN THE NAME OF GOLD)

FORK IRRIGATION CO LTD)

ORDER DENYING PETITION

FOR RECONSIDERATION

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the voiding of an application for permit and rejection of an application for transfer, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. In July 2008, Gold Fork River Ranch LLC filed application for permit #65-23306 and Gold Fork Irrigation Co LTD filed application for transfer #74947 with the Idaho Department of Water Resources (IDWR) seeking ground water for aesthetic beneficial use and changes to water rights #65-10943 & #65-02256. SPF Water Engineering represents both applicants as their Consultant.

2. On April 16, 2009, IDWR sent the Consultant a letter requesting a meeting to make application corrections/amendments and address issues.

3. On May 8, 2009, IDWR staff met with the Consultant to convey corrections/ amendments that were required for the applications. Amended applications were to be submitted to IDWR.

4. On July 27, 2009, IDWR sent the Consultant a letter requesting the amended applications be submitted to IDWR within 30 days of the letter date. An untimely response would result in the applications ordered void/rejected.

5. On September 14, 2009, an electronic mail was received from the Consultant requesting 2 additional weeks to provide the amended applications. On September 15, 2009, IDWR granted the extension request. Submittal after September 28, 2009 would result in the applications ordered void/rejected.

6. On October 1, 2009, Application for Permit No.65-23306 was order void and Application for Transfer No. 74947was ordered rejected.

7. On October 08, 2009, an amended transfer application was submitted to IDWR. An enclosed petition for reconsideration requested IDWR reconsider the void and rejection orders.

DENIAL ORDER

CONCLUSIONS OF LAW

1. At the meeting held on May 8, 2009, IDWR provided the consultant necessary information and data to amend the applications. The amended transfer application submitted on October 8, 2009 remains lacking and incomplete. The necessary amended application for permit was not submitted.

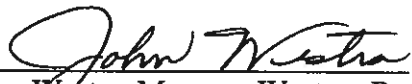
2. The Consultant/applicants have had ample time to submit the amended applications. The petitioner has not provided sufficient reasons why the amended applications were not submitted in a timely manner.

3. The Department should deny the petition pursuant to Idaho Code § 67-5243(3). Application fees should be refunded.

ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration for Application for Permit No. 65-23306 void order and Application for Transfer No. 74947 rejection order is **DENIED** pursuant to Idaho Code § 67-5243(3). Application fees are refunded.

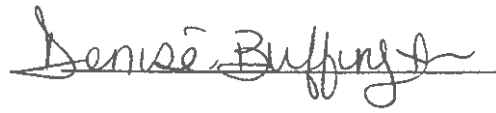
Dated this 19th day of October, 2009.


John Westra, Manager Western Region

DENIAL ORDER

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2009, I mailed a true and correct copy, postage prepaid, of the foregoing **Order Denying Petition for Reconsideration** and application fee refund request to the person(s) listed below:



Denise Buffington
Administrative Assistant

Gold Fork River Ranch
PO Box 1001
Eagle Id 83616

Gold Fork Irrigation Co LTD
PO Box 13
Donnelly ID 83615

SPF Water Engineering
300 E Mallard Ste 350
Boise ID 83706

S. Marston, Accounting SO

DENIAL ORDER