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OCT 29 2009

WATER RESOURCES
WESTERN REGION

Oct. 26 , 2009

Department of Water Resources
John Westra , Manager

Dear Sir,

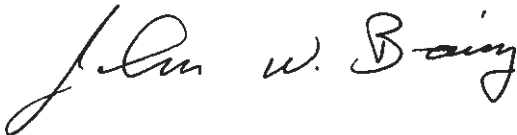
In reference to Application Permit No. 63-12421 , I file the application about 15 years ago. I have been working at remote sites for the Boeing Company for the past year in order to make more money. I do not get mail service except at my permanent residence which I am able to return to every 3 months. I pay my bills on line. I was unable to receive the mail in time to respond in a timely manner to all your requests.

I submitted the irrigation rates for my permit as requested via register letter. The water department did not like the distribution so they requested another 40 acre allocation plan. I submitted this form to your department with my signature. However, I did not send it register mail. Please attempt to locate my correspondence. I have responded with all the requested forms as timely as possible.

I wish to have your department to reconsider my application. In light of the fact that it took your department 15 years to process my application surely you can extend my response time a few weeks.

If my request is denied, please consider this request for a hearing.

Thank you for your consideration.



John Baicy
2715 Shady Lane
Webster, Texas 77598

jwbaicy@gmail.com

281 792 5537

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

RECEIVED

OCT 29 2009

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 63-12421 IN THE NAME OF)
JOHN W BAICY)

PRELIMINARY ORDER
VOIDING APPLICATION

WATER RESOURCES
WESTERN REGION

FINDINGS OF FACT

1. On October 24, 1997, John W Baicy (Applicant) filed an application for permit #63-12421 with the Idaho Department of Water Resources (IDWR) seeking ground water for stockwater, domestic and irrigation

2. On July 31, 2008, IDWR sent the Applicant a letter requesting his intent regarding the application. The letter was returned by the Postal Service as undeliverable. The application was ordered void on August 26, 2008.

3. On November 10, 2008, IDWR reviewed the application file and found an updated Applicant address from previous correspondence. The Applicant was contacted, and immediately returned written correspondence. His intention was to have the application processed.

4. On June 3, 2009, the void order was rescinded by IDWR. The application was reinstated.

5. On August 7, 2009, IDWR sent the Applicant a letter addressing the duplication/overlap of another decreed water right. An amended application form was sent to the applicant to cover the nonirrigated remaining acres. The Applicant returned the application on August 31, 2009. Unfortunately, the amended application was still deficient. — *The application had all the necessary information.*

6. On September 1, 2009, IDWR sent the Applicant another letter with a corrected application form for signature. A 30 day response deadline was stated in the letter.

7. To date, no reply has been received from the Applicant. */ This letter/form was signed and returned.*

CONCLUSIONS OF LAW

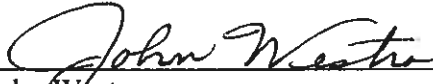
1. Idaho Code (IC)§ 42-204 and the Appropriation Rules and Regulations IDAPA (Rule 35) 37.03.08.35.01 state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request, IDWR may void the application.

2. John W Baicy failed or refused to provide IDWR the requested information. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-12421 in the name of John W Baicy is VOID.

Dated this 12th day of October, 2009



John Westra
Manager, Western Regional Office