

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

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

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 On June 3, 2009, the void order was rescinded by IDWR.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.
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.

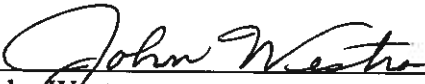
CONCLUSIONS OF LAW

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

CERTIFICATE OF SERVICE

I hereby certify that on Oct. 13, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Jean Hurley

Documents: Preliminary Void Order, Order Explanatory,

John W Baicy
2715 Shady Lane
Webster TX 77598

Void Order