

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

IN THE MATTER OF APPLICATION)	
FOR TRANSFER # 74687 AND)	PRELIMINARY ORDER
APPLICATION FOR PERMIT #)	VOIDING APPLICATION <u>AND</u>
63-32997, BOTH IN THE NAME OF)	
DBSI LAKE LOWELL 160 LLC)	PRELIMINARY ORDER
_____)	REJECTING APPLICATION

FINDINGS OF FACT

1. On March 3, 2008, DBSI Lake Lowell 160 LLC filed Application for Transfer No. 74687; and Application for Permit No. 63-32997 with the Idaho Department of Water Resources (IDWR).
2. On April 10, 2009, IDWR sent DBSI Lake Lowell 160 LLC a letter requesting additional information; as well as the application forms containing *original* signatures. The letter was sent to their consultant, J. Matt Uranga. A thirty (30) day deadline from the date of the letter was set.
3. To date, IDWR has received no response from DBSI Lake Lowell 160 LLC &/or Mr. Uranga.

CONCLUSIONS OF LAW

1. Idaho Code (IC) § 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit the requested information to IDWR within the allotted time frame, IDWR may reject or void the application.
2. DBSI Lake Lowell 160 LLC &/or J. Matt Uranga failed or refused to provide the requested information to IDWR. The application for transfer should be rejected; and the application for permit should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Transfer # 74687 in the name of DBSI Lake Lowell 160 LLC be REJECTED. IT IS ALSO HEREBY ORDERED that Application for Permit # 63-32997 also in the name of DBSI Lake Lowell 160 LLC be voided.

Date this 7th day of July, 2009

A handwritten signature in black ink, reading "John Westra", is written over a horizontal line.

John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2009, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in dark ink, appearing to read "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

DBSI LAKE LOWELL 160 LLC
C/O J. MATT URANGA P.E.
1216 N 22nd ST
BOISE ID 83702