

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

IN THE MATTER OF APPLICATION)	
FOR TRANSFER # 74416, WATER)	PRELIMINARY ORDER
RIGHT # 65-4002X IN THE NAME OF)	REJECTING APPLICATION
BILL & SHIRLEANE ABBOTT)	
)	

FINDINGS OF FACT

1. On September 4, 2007, IDWR sent the Abbott's a letter regarding a change of ownership they had previously filed. The letter also indicated that the Abbott's may need to file a new Application for Transfer or Application for Permit, for their portion of the property. There was no response deadline set.
2. On October 17, 2007 IDWR received a letter from Albert P Barker of Barker, Rosholt & Simpson, as attorney of record for the Abbotts. This letter addressed the questions raised in the September 2007 letter, concerning the property and ownership issues with the above referenced water right.
3. On December 13, 2007, Bill & Shirleane Abbott filed an application for transfer with the Idaho Department of Water Resources (IDWR).
4. On December 31, 2007, IDWR sent Mr. Barker a letter stating the Application for Transfer had been received; and that any further correspondence would be sent to him as attorney of record.
5. On March 5, 2009, IDWR sent the Abbotts a letter, via their attorney Mr. Barker, requesting additional information in order to continue processing their application. A thirty (30) day deadline from the date of the letter was set.
6. To date, IDWR has received no response from Bill & Shirleane Abbott, or Mr. Barker.

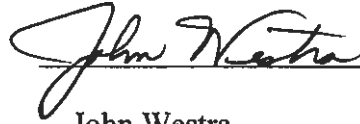
CONCLUSIONS OF LAW

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 the application.
2. The Abbotts &/or Mr. Barker failed or refused to provide the requested information to IDWR. The application should be rejected.

ORDER

IT IS HEREBY ORDERED that Application for Transfer # 74416 in the name of Bill & Shirleane Abbott be REJECTED.

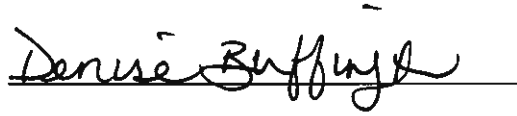
Date this 8th day of May, 2009

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

John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2009, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

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

Denise Buffington
Administrative Assistant

BILL & SHIRLEANE ABBOTT
C/O BARKER ROSHOLT & SIMPSON
ATTN: ALBERT P BARKER
PO BOX 2139
BOISE ID 83701-2139