

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

IN THE MATTER OF APPLICATION FOR)	
PERMIT #63-12153 IN THE NAME OF)	PRELIMINARY ORDER
MITCHEL TAIN)	VOIDING APPLICATION
_____)	

FINDINGS OF FACT

1. On May 15, 1992, IDWR placed a "Hold" on processing of new ground water appropriations in the Boise River Basin.
2. On October 24, 1994, Mitchel Tain filed application for permit #63-12153 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation, stockwater, and domestic beneficial use.
3. In early January 2008, IDWR again resumed processing of new ground water appropriations in the Boise Basin. On May 29, 2008, IDWR sent Mr. Tain a letter requesting his intent for processing the application for permit. A response was required within 30 days from the letter date.
4. To date, IDWR has not received a response from Mitchel Tain.

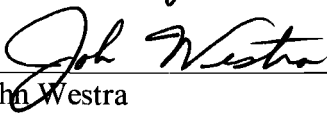
CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR 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. Mitchel Tain failed or refused to provide IDWR the requested information. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-12153 in the name of Mitchel Tain be VOIDED.

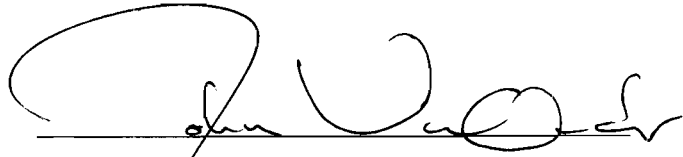
Dated this 15th day of July, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:


John VanOrder
Office Specialist

Application for Permit #63-12153

Mitchel Tain
PO Box 44
Idaho City, ID 83631