

08/01/2007

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WITHERSPOON KELLEY → 9P12082876700

NO.976 001

MESSAGE CONFIRMATION

08/01/2007 14:05

ID=WITHERSPOON KELLEY

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08/01/2007 13:48 WITHERSPOON KELLEY → 9P12084876700

NO.975 001

FAX TRANSMISSION

WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S.

422 W. Riverside, Suite 1100

Spokane, WA 99201

(509) 824-5265

Fax: (509) 458-2717

To: Jeff Peppersack
Water Allocation Bureau

Date: August 1, 2007

Fax #: 208-289-6700

Pages 4, including this cover sheet.

From: Angela Bean, Legal Assistant to
Stanley M. Schwartz

Subject: Permit No. 95-09042

COMMENTS:

CLIENT NO. 13436-11

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FAX TRANSMISSION

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To: Jeff Peppersack
Water Allocation Bureau

Date: August 1, 2007

Fax #: 208-487-6700

Pages 4, including this cover sheet.

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WITHERSPOON, KELLEY, DAVENPORT & TOOLEA PROFESSIONAL SERVICE CORPORATION
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August 1, 2007

COEUR D'ALENE OFFICE
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COEUR D'ALENE, IDAHO 83814-2146
Telephone: (208) 667-4000
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1515 SW FIFTH AVENUE, SUITE 600
PORTLAND, OREGON 97201
Telephone: (503) 546-2391
Fax: (503) 546-2889Jeff Peppersack, Bureau Chief
Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098**RECEIVED****AUG 01 2007**

DEPARTMENT OF WATER RESOURCES

RE: Permit No. 95-09042

Dear Mr. Peppersack:

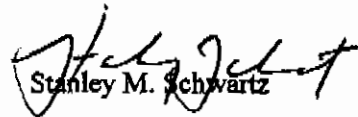
Enclosed you will find a Petition for Review and Request for Hearing on your Order Denying Request for Extension of Time.

Thank you for your consideration.

Very truly yours,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, PS

By


Stanley M. Schwartz

SMS/ab

c: Mark Murphy
Jana McDonald

RECEIVED

AUG 01 2007

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

CPM DEVELOPMENT CORPORATION, a
Washington Corporation;

Petitioner,

v.

IDAHO STATE DEPARTMENT OF WATER
RESOURCES

Respondent

PERMIT NO. 95-09042

PETITION FOR RECONSIDERATION
AND/OR REQUEST FOR HEARING ON
THE PRELIMINARY ORDER DENYING
REQUEST FOR EXTENSION OF TIME

COMES NOW CPM Development Corporation and requests that the Department of Water Resources, acting through its Water Allocation Bureau Chief, reconsider its Order Denying Request for Extension of Time in the matter of Permit No. 95-09042.

The basis for this Request for Reconsideration and/or a Hearing is to modify the CPM requested extension of time to submit proof of beneficial appropriation to November 15, 2007, instead of the one-year extension requested through letter dated June 20, 2007, which effectively would have extended the deadline to submit proof of beneficial use to July 1, 2008. CPM desires additional time to ensure that the authorized diversion of 2.2 cubic feet per second of ground water for commercial use is achieved in connection with the permitted commercial use, which is washing of separated rock and blending with cement to make concrete.

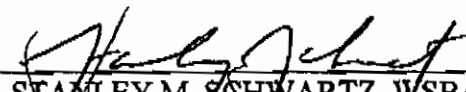
PETITION FOR RECONSIDERATION - 1

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Rights\Pleadings\PetitionforReconsideration.docWITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
BOISE, IDAHO 83725-3000

1
2 RESPECTFULLY SUBMITTED this 1st day of August 2007.
3

4 WITHERSPOON, KELLEY DAVENPORT
5 & TOOLE, P.S.

6 By:

7 
8 STANLEY M. SCHWARTZ, WSBA #15518
9 Attorney for CPM Development Corporation
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28 PETITION FOR RECONSIDERATION - 2

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