

## **MEMORANDUM**

TO: File

FROM: Steve Lester 

DATE: June 21, 2007

RE: Voiding of Application for Transfer 67838, J. R. Simplot Company

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This application was voided by the 6/5/2007 preliminary order that became final after the period expired in which to file a petition for consideration.

The application should have been terminated by a State Office preliminary order to reject the application pursuant to Transfer Memo #24 policy. It was my error that led to Western Region issuing the order to void the application.

However, the following points mitigate this procedural variation:

1. The applicant was provided with several lengthy periods in which to provide information necessary to process the transfer.
2. The most recent example was a 90-day response period to IDWR's 1/30/2007 request for additional information.
3. That request noted the application would be voided without a timely reply.
4. The applicant did not respond to that request or to the preliminary order voiding the application.
5. The applicant can re-file the transfer application if necessary.

I discussed this with Jeff Peppersack and Pam Skaggs yesterday. We all agreed that the expected process to terminate the application should have been used. We also agreed that the applicant was afforded adequate due process in this matter and that additional steps are not required to terminate the application.

Therefore, the application has been voided without prejudice.

  
DATABASE UPDATED, STATUS = REJECTED