

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER #66384 (PREVIOUSLY)
#4960) IN THE NAME OF H.R.)
MONTIERTH)
_____)

PRELIMINARY ORDER
VOIDING APPLICATION

FINDINGS OF FACT

1. On November 8, 1996 H.R. Montierth filed with the Department of Water Resources (IDWR) an application for transfer of ground water for irrigation purposes. The transfer application proposed a change in point of diversion and place of use for water rights 61-07306D, 61-07390B & 61-07424B in Elmore County Idaho.
2. By letter January 3, 1997, IDWR requested property ownership documentation from Mr. Montierth for processing of the transfer application.
3. On April 11, 1997 IDWR sent a letter to HR Montierth and Idaho Waste Systems stating the transfer application was not advertised because additional ownership information had not been submitted as requested.
4. On October 30, 1997 IDWR informs Mr. Montierth by letter transfer application #4960 has been superceded by transfer # 5065 in the name of Idaho Waste Systems. He could withdraw his application and be refunded the \$100 application fee.
5. On January 14, 1998 a Notice of Intent to Void Application for Transfer is sent by IDWR to Mr. Montierth. A 10 day period is given for Mr. Montierth to respond.
6. To date no response has been received from Mr. Montierth.

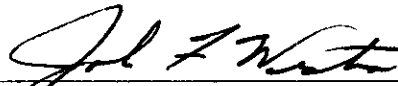
CONCLUSIONS OF LAW

1. Idaho Code (IC) §42-204 and the Rules of Procedure IDAPA 37.01.01.700 (Rule 700) state that if an applicant does not submit requested information to IDWR within a specified thirty (30) days of the date of request, IDWR may void the application.
- 2 H.R. Montierth failed or refused to respond to IDWR. The application should be voided pursuant to IC§ 42-204 and IDAPA Rule 700.

ORDER

IT IS HEREBY ORDERED that Application for Transfer #66384 (previously #4960) in the name of H.R. Montierth be **VOIDED**.

Dated this 5th day of November, 2004



John F. Westra
Western Regional Manager

CERTIFIED MAIL

I hereby certify that on this 5th day of November, 2004, I served a copy of the foregoing Order Voiding Application by depositing the same in the United States mail, postage prepaid, addressed to the following:



H.R. Montierth
4301 N Dalton Ln
Boise ID 83704