

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

IN THE MATTER OF WATER SUPPLY )	
BANK LEASE FOR WATER RIGHT )	
NO. 63-00194 )	<b>FINAL ORDER VACATING STATUS</b>
)	<b>CONFERENCE AND DISMISSING</b>
)	<b>VERIFIED PETITION TO REVOKE</b>
)	<b>OR MODIFY LEASE WITH</b>
)	<b>PREJUDICE</b>
_____ )	

On July 10, 2012, Two Rivers Homeowner’s Association Inc. (“Two Rivers”) filed a *Verified Petition to Revoke or Modify Lease* (“Petition”). In its Petition, the Two Rivers asked the Director of the Idaho Department of Water Resources (“Director”) to revoke or modify the Water Supply Bank lease for water right no. 63-194 pursuant to Idaho Code § 42-1766.


On July 15, 2013, the Director received a *Notice of Withdrawal of Verified Petition to Revoke or Modify Lease* (“Notice”) filed by Two Rivers. In the Notice, Two Rivers voluntarily withdraws its Petition, requests that the status conference currently set for August 14, 2013 be vacated, and requests that this matter be dismissed with prejudice.

Based upon and consistent with the foregoing, the Director **ORDERS** as follows:

The request by Two Rivers to vacate the August 14, 2013 status conference is **GRANTED**.

This matter is **DISMISSED WITH PREJUDICE**.

DATED this 17<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
GARY SPACKMAN  
Director

**CERTIFICATE OF SERVICE**

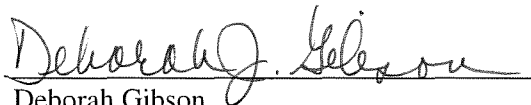
I HEREBY CERTIFY that on this 17<sup>th</sup> day of July 2013, the above and foregoing, was served by the method indicated below, and addressed to the following:

NORMAN M. SEMANKO  
MOFFATT, THOMAS, BARRETT,  
ROCK & FIELDS, CHARTERED  
101 CAPITOL BLVD., 10<sup>TH</sup> FLOOR  
PO BOX 829  
BOISE, ID 83701  
[nms@moffatt.com](mailto:nms@moffatt.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

RICHARD H. GREENER  
TARA MARTENS MILLER  
GREENER, BURKE,  
SHOEMAKER, P.A.  
950 W. BANNOCK STREET,  
SUITE 950  
BOISE, ID 83702  
[tmiller@greenerlaw.com](mailto:tmiller@greenerlaw.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail



Deborah Gibson  
Administrative Assistant to the Director  
Idaho Department of Water Resources

## **EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

### **REQUEST FOR HEARING**

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.