

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 63-33344 IN THE )  
NAME OF ARK PROPERTIES LLC )  
AND MAYFIELD TOWNSITE LLC )  
\_\_\_\_\_ )

**PRELIMINARY ORDER GRANTING  
PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider a preliminary order voiding an application for permit, the Department makes the following finds, concludes, and orders:

**FINDINGS OF FACT**

1. On December 30, 2010, the Department issued a preliminary order voiding Application for Permit No. 63-33344 in the name of Ark Properties LLC and Mayfield Townsite LLC (Applicant). The order was issued for failure of the Applicant to respond to a September 20, 2010 Department letter requesting additional information. A 90 day deadline was set for the information and response.

2. On January 11, 2011, a petition for reconsideration and the requested information was received from the Applicant's consultant SPF Water Engineering. The consultant had overlooked the 90 day information deadline.

**CONCLUSIONS OF LAW**

1. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) in part states:

*Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.*

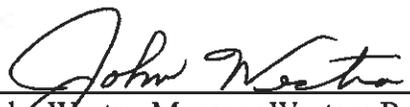
2. A timely petition for reconsideration was filed with the Department. The Department should grant the petition for reconsideration.

## ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration submitted by the Applicant is **GRANTED** pursuant to Rule 730.02.a. of the Department's Rules of Procedure.

IT IS FURTHER ORDERED the preliminary order voiding Application for permit No. 63-33344 is **WITHDRAWN**. The application is **REINSTATED** and will continue to be processed.

Dated this 28<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
John Westra, Manager Western Region

## CERTIFICATE OF SERVICE

I hereby certify on this 31<sup>st</sup> day of January, 2011, I mailed a true and correct copy, postage prepaid, of the forgoing **ORDER** to the person(s) listed below:

  
\_\_\_\_\_

Denise Buffington  
Administrative Assistant

SPF Water Engineering LLC  
Attn: Scott King, P.E.  
300 E Mallard Dr, Ste 350  
Boise ID 83706

Ark Properties LLC  
Attn: John Mc Callum  
11204 N Bar 21 Dr  
Glenns Ferry ID 83623

Mayfield Townsite LLC  
PO Box 1359  
Caldwell ID 83606