

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 73789 IN THE)
NAME OF ELK CREEK CANYON LLC)
_____)

**PRELIMINARY ORDER REJECTING
APPLICATION FOR TRANSFER**

This matter having come before the Department of Water Resources ("Department") as a result of an application to transfer water rights, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 03, 2007, Elk Creek Canyon LLC (Applicant) applied to the Department for authorization to change point of diversion(s) and place of use for ground water under decreed water rights #61-7204, #61-7330, #61-7206C, #61-12015, and #61-12017. The transfer application is designated no. 73789 by the Department.
2. On February 10, 2009, the Department received a letter from Attorney Joseph Meier representing Carl F Reynolds & Sons regarding the applicant's authority to transfer the water rights.
3. On February 18, 2010, the Department sent the Applicant a letter requesting current status and authority to file the application for transfer. The Applicant also needed to address specifically the 3rd paragraph of the Meier letter. An April 1, 2010 deadline was set for a response.
4. To date, the Department has not received a response from the Applicant.

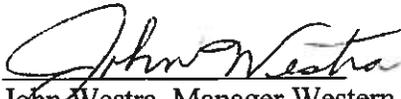
CONCLUSIONS OF LAW

1. Without the Applicant providing clarification and present authority status to file the transfer application, the Department cannot process the application for transfer, ref. Idaho Code (IC) 42-248.
2. The Department should reject the application.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 73789 in the name of Elk Creek Canyon LLC is **REJECTED**. The application will be removed from the Department records.

Dated this 5th day of April, 2010


John Westra, Manager Western Region.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2010, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive style and is positioned above a solid horizontal line.

Denise Buffington
Administrative Assistant

Application for Transfer # 73789 Preliminary Rejection Order, Order Letter and Explanatory Information

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