BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 87-10022 IN THE NAME OF RALPH NAYLOR FARMS, LLC.	)))))	**ORDER DENYING PETITION AND REQUEST FOR HEARING**

On January 13, 2005, Protect Our Water, Inc., an Idaho nonprofit corporation, and Sid and Renee Eder, James and Cynthia Mital, Richard and Jan Shumway, David and Margaret Thompson, Karl and Milena Stoszek, Michael Forbes, and Lisa Greenville, individually ("petitioners") filed a Petition and Request for Hearing ("petition") in the above captioned matter. The petition cited Section 42-1701A, Idaho Code, as authority to request a hearing.

On January 25, 2005, Ralph Naylor Farms, Inc. objected to the petition on the basis that there is no statutory authority that would provide for granting party status to the petitioners.

Procedural steps described in Idaho Code, Chapter 52, Title 67, (the Administrative Procedure Act) are presently ongoing. The authority to request a hearing cited in section 42-1701A, Idaho Code, by the petitioners is not available to the petitioners in this matter, since a hearing was already held by the hearing officer for the Department of Water Resources ("Department") on September 25, 2004, as provided by statute, and further the petitioners are not parties to the proceeding.

The Department should deny the request for hearing and reject the petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the request of the petitioners for hearing is **DENIED** and the petition is **REJECTED**.

Dated this 28th day of January, 2005.

L. GLEN SAXTON, P.E.
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that service of the within and foregoing document was made this 28th day of January, 2005, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

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