

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

IN THE MATTER OF TRANSFER NO.	)	ORDER GRANTING PETITION
73824 IN THE NAME OF MC CONNEL	)	FOR RECONSIDERATION AND
ISLAND DITCH CO LTD	)	WITHDRAWING PRELIMINARY
	)	ORDER

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the approval of a transfer, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On October 18, 2006, the Department received Application for Transfer No. 73824 (application) in the name of Mc Connel Island Ditch Co LTD (Mc Connel Island). The purpose of the application was to change the nature of use and period of use of Right No. 63-4632F from irrigation to wildlife and stockwater storage purposes. The wildlife and stockwater uses were proposed to mitigate for the consumptive losses from two ponds proposed for development under Application for Permit Nos. 63-32560 and 63-32561 located in the SW¼NE¼ of Section 12, Township 05N, Range 06W, B.M.

2. On February 8, 2012, the Department approved Transfer No. 73824. The Department served notice to the applicant of the approval as a preliminary order on February 16, 2012.

3. On February 27, 2012, the Department received a petition for reconsideration (petition) of the transfer approval from Mc Connel Island. The petition stated that the application was never approved by the board of Mc Connel Island and that the application was never brought to the board's attention. The petition requested that the Department should deny the approval of the transfer. Affidavits from Shelia Seeman and Tony Martinez, Secretary and President for Mc Connel Island, were also filed in support of the petition.

CONCLUSIONS OF LAW

1. Rule 730.02.a of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a) provides in pertinent part as follows:

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. The petition was filed timely.
3. The Department should grant the petition for reconsideration and withdraw the preliminary order approving the transfer.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order approving Transfer No. 73824 is **GRANTED**.

IT IS FURTHER HEREBY ORDERED that the preliminary order approving Transfer No. 73824 is **WITHDRAWN**.

Dated this 29 day of February 2012.



JEFF PEPPERSACK
Chief, Water Allocation Bureau

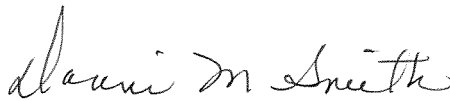
CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing **Order Granting Petition for Reconsideration and Withdrawing Preliminary Order** to the persons listed below:

RE: TRANSFER NO. 73824
 WATER RIGHTS NOS. 63-4632F

MC CONNEL ISLAND DITCH CO LTD
PO BOX 729
PARMA ID 83660

ERO RESOURCES CORP
C/O DAVID SHAW
3314 GRACE ST
BOISE ID 83703

A handwritten signature in cursive script, reading "Danni M. Smith", is positioned above a horizontal line.

Danni M. Smith
Office Services Supervisor