

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
EXCHANGE NO. 77004 IN THE NAME OF)
WILDERNESS RANCH OWNERS)
ASSOCIATION INC. AND THE US)
BUREAU OF RECALAMATION)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider a preliminary order authorizing the above exchange, the Department makes the following finds, concludes, and orders:

FINDINGS OF FACT

1. On June 7, 2011, the Department issued a Preliminary Order Authorizing Application for Exchange No. 77004 in the name of Wilderness Ranch Owners Association Inc. And the US Bureau of Reclamation.

2. On June 21, 2011, the Department received a Petition for Reconsideration from the Applicants requesting the Department reconsider Application for Exchange Order Condition #2 and #4. The conditions appear inconsistent in language and could give rise to speculation about the inconsistency and be potentially misinterpreted. The Petition offered that condition #2(a) should read the following:

*2(a) When, and to the extent that, Wilderness Ranch Owners Association, Inc.
has water accrued and available in its Lucky Peak storage account.*

CONCLUSIONS OF LAW

1. Idaho Code 67-5243 (3) in part states:
Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. 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.

2. A timely petition for reconsideration was filed by the Applicants. Changing the Order language of condition 2(a) would provide clarification and also consistency with condition #4 language.

3. The Department should grant the petition for reconsideration.

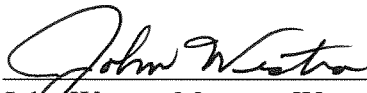
ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration submitted by the Applicants is **GRANTED** pursuant to Idaho Code 67-5243(3).

IT IS FURTHER ORDERED the Preliminary Order Authorizing Exchange #77004 in the name of Wilderness Ranch Owners Association Inc. and the US Bureau of Reclamation be **AMENDED**. Condition #2(a) shall read the following:

2. *Diversion and use of water under the exchange is only authorized:*
 - a. *When, and to the extent that, Wilderness Ranch Owners Association, Inc. has water accrued and available in its Lucky Peak storage account*

Dated this 29th day of June, 2011.


John Westra, Manager Western Region

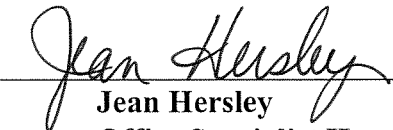
CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**BUREAU OF RECLAMATION
PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706**

**WILDERNESS RANCH OWNERS ASSOCIATION INC
46 WILDERNESS RANCH RD
BOISE ID 83716**

**MICHAEL C CREAMER
C/O GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701**



**Jean Hersley
Office Specialist II**