

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 76825 IN THE)
NAME OF DELBERT KOHTZ)
_____)

**CONDITIONAL ORDER GRANTING
PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider a preliminary order rejecting an application for transfer, the Department makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On December 2, 2010, the Department issued a preliminary order rejecting Application for transfer No. 76825 in the name of Delbert Kohtz (Applicant). The order was issued due the failure of the Applicant to respond to a September 21, 2010 Department letter requesting additional information. The deadline for submitting the information was within 60 days of the letter date.

2. On December 14, 2010, the Applicant filed a timely Petition for Reconsideration with the Department. The Applicant had received the correspondence, but he had mistakenly failed to follow-up.

3. 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.

CONCLUSIONS OF LAW

1. The Department should grant the petition for reconsideration and provide the Applicant an opportunity to provide the information in support of the transfer application, pursuant to Rule 730.02.a

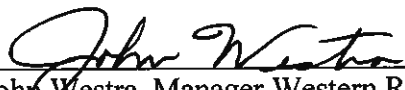
ORDER

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

IT IS FURTHER ORDERED the Applicant is **GRANTED** an extension of time to **March 1, 2011** to submit the information as requested in the September 21, 2010 Department letter. Failure to provide the complete information or make a request for an extension of time by the deadline will result in the previous preliminary order becoming a *final order rejecting the application*.

IT IS FURTHER ORDERED the reinstatement of Application for Transfer No. 76825 is **STAYED** until the requested information is fully submitted and the application is designated complete.

Dated this 21st day of December, 2010.


John Westra, Manager Western Region

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December 2010, I mailed a true and correct copy, postage prepaid, of the foregoing **CONDITIONAL ORDER GRANTING PETITION FOR RECONSIDERATION** to the person(s) listed below:

Documents Enclosed: Conditional Order Granting Petition for Reconsideration

DELBERT KOHTZ
1135 VALLEY RD S
EDEN ID 83325

A handwritten signature in cursive script, reading "Denise Buffington", written over a horizontal line.

Denise Buffington
Administrative Assistant