

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

**IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 75977 IN THE NAME OF) **CONDITIONAL ORDER**
DARYL MULLINIX) **GRANTING PETITION FOR**
_____) **RECONSIDERATION****

FINDINGS OF FACT

1. On March 26, 2010, a preliminary void order was issued by the Idaho Department of Water Resources (IDWR) for Transfer No. 75977 in the name of Daryl Mullinix (Applicant). The order was for failure of the applicant to provide additional information within a 30 day deadline.
2. On April 5, 2010, IDWR received a timely petition for reconsideration from the Applicant requesting a 6 month extension of time. The Snake River Basin Adjudication Court (SRBA) has been asked to review parent water right #79-2094.

CONCLUSIONS OF LAW

1. Pursuant to Idaho Code 67-5243(3), an applicant may file a petition for reconsideration with the IDWR within 14 days of the order service date. IDWR will act on the petition within 21 days or the petition will be considered denied by operation of law. The petition for reconsideration was received timely within the 14 day period.
2. An Applicant may request in writing that processing of their application be interrupted for a period up to 6 months, ref. IDAPA 37.03.08.40.01.c. The petition request for an additional 6 month extension of time should be granted for the SRBA legal review process.

CONDITIONAL ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration is granted. The Applicant is granted the requested 6 month extension of time for processing interruption of Application for Transfer No. 75977.

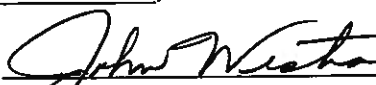
IT IS FURTHER ORDERED the final order rejecting the transfer application is stayed for 6 months. The following actions will be taken at the expiration of the stay:

Application processing may resume. The SRBA legal proceedings are complete; decreed right #79-14232 is unchanged. ***The preliminary order rejecting the application will be withdrawn and processing will commence.***

OR

Application processing may not resume due to legal proceedings. ***The preliminary order rejecting the application will become a final rejection order by operation of law.***

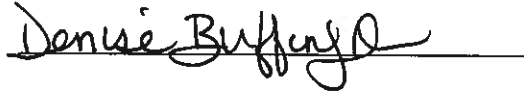
Dated this 23rd day of April, 2010



John Westra, Manager Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2010, I mailed a true and correct copy of the foregoing **ORDER** to the person(s) listed below:

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

Denise Buffington
Administrative Assistant

DARYL MULLINIX
523 PARK ST
GRANGEVILLE ID 83530