

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

IN THE MATTER OF APPLICATIONS FOR  
PERMIT NO. 37-22252 AND TRANSFER  
NO. 74449 IN THE NAME OF DRY LOT  
LLC

**ORDER WITHDRAWING  
PRELIMINARY ORDERS**

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider the issuance of a permit to appropriate water and a transfer of water rights, the Department finds, concludes, and orders:

**FINDINGS OF FACT**

1. On February 24, 2010, the Department issued Permit to Appropriate Water No. 37-22252 ("permit") and Transfer No. 74449 ("transfer") to Dry Lot LLC.
2. The permit and transfer were issued as preliminary orders pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).
3. On March 9, 2010, the Department received a timely petition for reconsideration and request for hearing ("petition") from Travis L. Thompson of Barker Rosholt & Simpson LLP ("petitioner"), on behalf of Dry Lot LLC. The petitioner requests a hearing and changes to certain elements of the water rights and conditions of approval.

**CONCLUSIONS OF LAW**

1. Rule 730.02.b of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.b) provides as follows:

Within fourteen (14) days after:

- i. The service date of this preliminary order;
  - ii. The service date of the denial of a petition for reconsideration from this preliminary order; or
  - iii. The failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing appeal or take exceptions to any part of the preliminary order and file briefs in support of the party's position on any issue in the proceeding to the agency head (or designee of the agency head). Otherwise, this preliminary order will become a final order of the agency.
2. The preliminary orders have not yet become final orders.

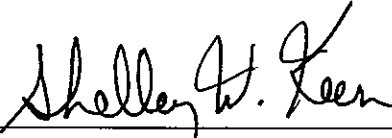
3. The Department needs additional information and time to determine if the permit and transfer approvals should be revised as requested in the petition.

4. The Department can withdraw a preliminary order before it becomes final.

### **ORDER**

IT IS HEREBY ORDERED that the preliminary orders issuing Permit No. 37-22252 and Transfer No. 74449 are **WITHDRAWN**.

Dated this 19<sup>th</sup> day of March, 2010.

  
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SHELLEY KEEN, Manager  
Water Rights Section

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing ORDER WITHDRAWING PRELIMINARY ORDERS issued January 8, 2010 to the person(s) listed below:

**RE: TRANSFER NO. 74449  
WATER RIGHT APPLICATION FOR PERMIT NO. 37-22252**

**DRY LOT LLC  
116 VALLEY CLUB DR  
HAILEY ID 83333**

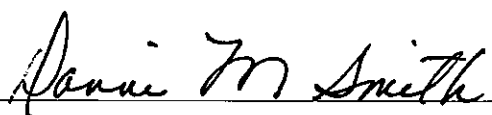
**CHARLES E BROCKWAY  
C/O BROCKWAY ENGINEERING  
2016 N WASHINGTON ST #4  
TWIN FALLS ID 83301**

**TRAVIS L THOMPSON  
BARKER ROSHOLT & SIMPSON LLP  
113 MAIN AVE WEST STE 303  
PO BOX 485  
TWIN FALLS ID 83303-0485**

**BIG WOOD CANAL COMPANY  
C/O CRAIG HOBDEY  
PO BOX 176  
GOODING ID 83330**

**INDIAN CREEK RANCH OWNERS ASSN INC  
C/O DANA L HOFSTETTER  
HOFSTETTER LAW OFFICE LLC  
608 WEST FRANKLIN ST  
BOISE ID 83702**

**OLD CUTTERS INC  
PO BOX 4944  
KETCHUM ID 83340**

A handwritten signature in black ink, reading "Danni M. Smith", is written over a horizontal line.

**Danni M. Smith  
Office Services Supervisor**