

**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 December 14, 2009, 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 December 28, 2009, 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 changes to certain elements of the water rights and conditions of approval on both the permit and the transfer.

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.

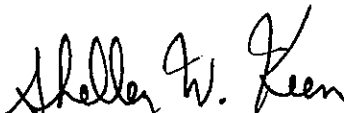
3. The Department needs additional information and time to determine if the permit and transfer should be revised as requested in the petition.

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IT IS HEREBY ORDERED that the preliminary orders issuing Permit No. 37-22252 and Transfer No. 74449 are **WITHDRAWN**.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 8th day of January, 2010.



SHELLEY KEEN, Manager
Water Rights Section

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2010, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER WITHDRAWING PRELIMINARY ORDERS 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**

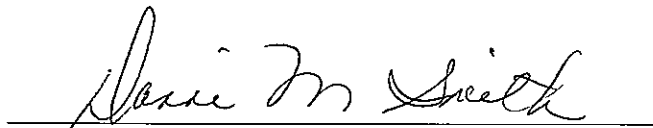
**CHARLES BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**TRAVIS L THOMPSON
BARKER ROSHOLT
PO BOX 485
TWIN FALLS ID 83303-0485**

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

**BIG WOOD CANAL CO
C/O CRAIG HOBODY
PO BOX 176
GOODING ID 83330**

**INDIAN CREEK RANCH OWNERS ASSN INC
C/O DANA HOFSTETTER
HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE ID 83701**

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

**Danni M. Smith
Office Services Supervisor**