

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

IN THE MATTER OF APPLICATION FOR
EXCHANGE OF WATER NO. 75007 IN
THE NAME OF IDAHO WATER
RESOURCE BOARD AND U.S. BUREAU
OF RECLAMATION

**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 exchange of water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On August 21, 2009, the Department issued Preliminary Order Authorizing Exchange ("preliminary order") in the matter of application for exchange of water no. 75007 ("application") in the name of the Idaho Water Resource Board ("applicant") and the U.S. Bureau of Reclamation ("co-applicant") pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

2. 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.

3. On September 8, 2009, the Department received a petition for reconsideration ("petition") from the U.S. Bureau of Reclamation ("petitioner"). The petitioner requests changes to the preliminary order to reflect conditions of a stipulation between the applicant, co-applicant, and protestants to the application and Memorandum of Agreement No. 1425-08MA1S7123 ("MOA") between the U.S. Bureau of Reclamation and the Idaho Water Resource Board and that the exchange is subject to the MOA.

CONCLUSIONS OF LAW

1. The petition was timely in accordance with Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

2. The Department should grant the petition for reconsideration to provide the Department more time to review the petitioner's request.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration is **GRANTED**.

Dated this 29th day of September, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau