

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO	)	
APPROPRIATE WATER NOS. 65-23239	)	ORDER GRANTING
AND 65-23105 AND APPLICATION FOR	)	PETITION FOR
TRANSFER NO. 73787 IN THE NAME OF	)	RECONSIDERATION
EAGLE SPRINGS RANCH, LLC	)	
_____	)	

On April 20, 2009, the Idaho Department of Water Resources ("IDWR") issued a preliminary order in the above titled matter. On April 20, 2009, IDWR served the preliminary order on the parties. On May 6, 2009, Eagle Springs Ranch, LLC ("Eagle Springs") timely filed a document titled *Eagle Springs Ranch, LLC's Exceptions To and Petition for Reconsideration of Preliminary Order* (hereafter referred to as the "objection document"). On May 12, 2009, Eagle Springs amended the objection document.

The objection document mixes two distinct post-decision processes described in the Administrative Procedures Act and in IDWR's Rules of Procedure. A petition for reconsideration asks the signatory of a decision issued by IDWR to reconsider the decision. Exceptions ask the Director of IDWR to issue a final order amending the decision of a hearing officer other than the Director. Because the hearing officer cannot determine what was intended by the objection document, the hearing officer will consider the objection document as a petition for reconsideration.

The objection document, or petition for reconsideration, raises significant issues of law and fact that could not be addressed within 21 days. As a result, this order grants the petition for reconsideration. An amended preliminary order will be issued shortly.

ORDER

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

IT IS FURTHER ORDERED that the merits of the petition for reconsideration will be addressed by the hearing officer by separate order that will be issued within a short period of time.

Dated this 27th day of May, 2009.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 2009, a true and correct copy of the foregoing document(s) described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Granting Petition for Reconsideration

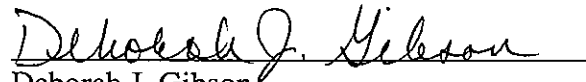
JEFFREY C FEREDAY
MICHAEL C CREAMER
MICHAEL P LAWRENCE
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

BARNES VENTURES INC
SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

JAYNE REED
450 SOUTH FORD RD
GARDEN VALLEY ID 83622

SPF WATER ENGINEERING
ATTN SCOTT KING
600 E RIVER PARK LN STE 105
BOISE ID 83706

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant