



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 18, 2008

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Petition for Reconsideration of the Order Voiding Permit No. 22-7114

Dear Mr. Harris:

In response to your petition for reconsideration of the preliminary order voiding Permit No. 22-7114, the Department has issued the enclosed order withdrawing the preliminary order. The purpose for withdrawing the preliminary order is to provide you and your client time to evaluate the information used by the Department to determine whether the permit holder established a beneficial use of water during the period authorized by the permit.

The Department will hold the permit file for 60 days so that you can review the record and submit additional information. After 60 days, the Department will review the file and take appropriate action to issue a license, issue a license with conditions, or void the permit as directed in Idaho Code § 42-219.

Please note also that the permit required the permanent installation of a measuring device. If it is determined that the permit holder established a beneficial use of water in connection with the permit, the Department will still require compliance with the measuring device requirement.

Please call or email if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

Jeff Peppersack, Chief
Water Allocation Bureau