

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF LICENSE NO. 11-7342)

IN THE NAME OF JOHN AND JULIE)

FRANSON)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

_____)

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On July 29, 2008, the Department mailed John and Julie Franson a packet containing Water Right License No. 11-7342 (license), which authorized domestic and stock water uses in Caribou County.

2. The license was issued as a preliminary order (order) of the Department pursuant to Idaho Code § 67-5243 and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

3. 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.

4. On August 12, 2008, the Department received John and Julie Franson's Petition for Reconsideration (petition) asking the Department to reconsider the uses authorized by the license to include irrigation.

CONCLUSIONS OF LAW

1. The petition was timely.
2. The Department can withdraw a preliminary order before it becomes final

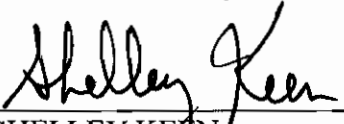
3. The Department needs additional information and/or time to determine if the license should be revised as requested in the petition.

4. The Department should grant the petition.

ORDER

IT IS HEREBY ORDERED that the preliminary order issuing Permit No. 11-7342 is **WITHDRAWN**.

Dated this 15th day of August, 2008.



SHELLEY KEEN
Manager, Water Rights Section