

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 11-7342 IN THE NAME OF)
UTAH PROCESS AGENCY INC)
_____)

**ORDER WITHDRAWING
A PRELIMINARY ORDER**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of an order voiding a permit to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On April 3, 2007, the Department received an Assignment of Permit, assigning Permit No. 11-7342 (permit) to John and Julie Franson. The Assignment of Permit was not processed due to the lack of the required filing fee.
2. Utah Process Agency Inc. remains the owner of record for the permit.
3. John and Julie Franson have an interest in the permit since they own the land that the permit was to have been developed on.
4. On May 15, 2008, the Department issued a Preliminary Order Voiding Permit No. 11-7342 pursuant to Idaho Code § 67-5243 and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). The order was mailed to Utah Process Agency Inc. and to John and Julie Franson on May 19, 2008.
5. On June 2, 2008, the Department received a Petition for Reconsideration of the order (petition) pursuant to Rule 730.02.a of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a). John and Julie Franson (petitioners) seek to have the permit reinstated and licensed.

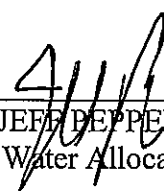
CONCLUSIONS OF LAW

1. The Department can withdraw a preliminary order before it becomes final.
2. The Department needs additional information and/or time to determine if the permit should be licensed as requested in the petition.

ORDER

IT IS HEREBY ORDERED that the preliminary order voiding Permit No. 11-7342 is **WITHDRAWN**.

Dated this 11th day of June, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau