

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 73763 IN THE NAME OF)
JEFF & CARRIE BENTON)
_____)

**ORDER WITHDRAWING
A PRELIMINARY ORDER**

This matter having come before the Department of Water Resources (Department) as result of the rejection of an application for transfer, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On April 24, 2008, the Department issued a preliminary order (order) of the Department rejecting Application for Transfer 73763 pursuant to Idaho Code § 67-5243 and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

2. On April 30, 2008, the Department received a request from the applicant's representative for additional time to respond to the Department's request for additional information to address enlargement concerns.

3. The Department should provide reasonable opportunity for the applicant to provide additional information and/or time to determine if the Application for Transfer can be processed.

CONCLUSIONS OF LAW

1. The Department can withdraw a preliminary order before it becomes final.

2. The Department may allow additional time to respond to a request for more information.

ORDER

IT IS HEREBY ORDERED that the preliminary order Rejecting Application for Transfer 73763 is **WITHDRAWN**. It is further ordered that the applicant has 90 days to provide the previously requested information. Failure to provide sufficient information in a timely manner will result in rejection of the application.

Dated this 1st day of May, 2008.



PAMELA S. SKAGGS
Water Rights Supervisor

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SUPPORT DATA

IN FILE # 43-32593