

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 73415 IN THE NAME OF)
LAYNE HARRIS)
_____)

**ORDER WITHDRAWING
A PRELIMINARY ORDER**

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

FINDINGS OF FACT

1. On May 15, 2008, the Department approved Transfer of Water Right No. 73415 (transfer) 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).

2. On May 26, 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). The petitioner seeks reconsideration of the transfer approval and asks that the transfer approval be stayed until objections on an associated right are resolved in the Snake River Basin Adjudication process.

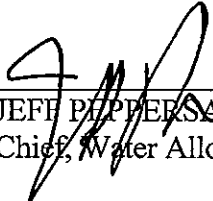
CONCLUSIONS OF LAW

1. The Department can withdraw a preliminary order before it becomes final.
2. The Department should put the Application for Transfer on hold until the objection is resolved.

ORDER

IT IS HEREBY ORDERED that the preliminary order issuing Transfer No. 73415 is **WITHDRAWN**.

Dated this 19th day of June, 2008.



JEFF PEPPERSACK
Chief, Water Allocation Bureau

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