

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.96-9112)	ORDER WITHDRAWING A
IN THE NAME OF MCLEOD AND ABBY)	PRELIMINARY ORDER VOIDING
MORGAN)	PERMIT
_____)	

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of an order voiding Permit to Appropriate Water No. 96-9112, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On October 24, 2007, the Department issued an order voiding Permit No. 96-9112 (permit) 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). The order was mailed on October 25, 2007, to Mcleod and Abby Morgan (permit holders) and to Donald and Julie Skinner, who may have an ownership interest in the permit or the property where the water use was permitted.

2. On November 6, 2007, the Department received a petition for reconsideration of the order from John Finney, attorney for Donald and Julie Skinner (petitioners). The petitioners seek a withdrawal of the order.

CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The petitioners have provided a reasonable explanation for the delayed response regarding their interest in Permit No. 96-9112.
3. The Department can withdraw a preliminary order before it becomes final.

ORDER

IT IS HEREBY ORDERED that the preliminary order voiding Permit No. 96-9112 is **WITHDRAWN** and the permit is **REINSTATED** subject to the following conditions:

- a) The petitioners shall submit documents assigning ownership of the permit from McLeod and Abby Morgan (Morgans) to the petitioners. If the petitioners are unable to contact Morgans, then the petitioners shall submit other documentation of evidence of an ownership

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interest in the permit or the permitted place of use. The ownership documentation shall be submitted on forms provided by the Department, with appropriate fees, within 30 days of the date of this order.

b) The petitioners shall cooperate with the Department's field examiner to make the permitted point of diversion and place of use available for inspection to determine the extent of beneficial use developed under the permit.

IT IS FURTHER ORDERED that failure to comply with the conditions for withdrawal of the order will be cause for the Department to reinstate the order voiding Permit No. 96-9112.

Dated this 9th day of November, 2007.

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Jeff Peppersack, Chief
Water Allocation Bureau