

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-7893B IN THE NAME OF)
JAMES P. CONGER AND JOAN CONGER)
_____)

**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 permit to appropriate water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On September 12, 2006, the Department issued Water Right License No. 37-7893B (license) 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 September 27, 2006, 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 a revision to the license.

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 license should be revised as requested in the petition.

ORDER

IT IS HEREBY ORDERED that the preliminary order issuing Water Right License No. 37-7893B is **WITHDRAWN**.

Dated this 28th day of September, 2006.



GARY SPACKMAN

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