

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 71145 IN THE NAME OF)
RHYTHM RANCH HOMEOWNERS)
ASSOCIATION)
_____)

**ORDER WITHDRAWING
A PRELIMINARY ORDER**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the approval of Transfer of Water Right No. 71145, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On March 3, 2006, the Department issued an approved Transfer of Water Right(s), Transfer No. 71145, for water rights 37-21229, 37-21231, 37-21233, 37-21235, and 37-21237 (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 March 17, 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 transfer.

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 transfer should be revised as requested in the petition.

ORDER

IT IS HEREBY ORDERED that the preliminary order issuing Transfer No. 71145 is **WITHDRAWN**.

Dated this 6th day of April, 2006.



GARY SPACKMAN

ORDER WITHDRAWING A PRELIMINARY ORDER