

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 75-7353)	ORDER GRANTING PETITION
IN THE NAME OF MORGAN DE BOARD)	FOR RECONSIDERATION
_____)	AND REINSTATING PERMIT

This matter having come before the Department of Water Resources (Department) as a petition to reconsider a preliminary order voiding a permit, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On February 7, 2006, the Department issued a preliminary order (order) voiding Permit to Appropriate Water No. 75-7353 (permit) in the name of Morgan De Board (permit holder).

2. On February 9, 2006, the Department served notice to the permit holder that it had issued the order.

3. The Department also served notice to William D. Inman because the field examiner who verified the beneficial use of water established in connection with the permit said that he and/or Donna Inman currently own the property where the permitted water use was established.

4. The Department issued the order because the permit holder did not submit an application for amendment of permit that was necessary to correct the point of diversion description from the location authorized by the permit to the location where it was actually established.

5. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

6. On February 22, 2006, Donna Inman filed a Petition for Reconsideration (petition) with the department in connection with the order. On the same day Donna Inman also submitted the required application to amend the permit.

CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition for reconsideration of the order and reinstate the permit pursuant to Rule 730.02.a. of the Department's Rules of Procedure.

ORDER

IT IS HEREBY ORDERED that the petition is **GRANTED** pursuant to Rule 730.02.a. of the Department's Rules of Procedure.

IT IS ALSO HEREBY ORDERED that Permit 75-7353 is **REINSTATED**.

Dated this 27th day of February, 2006.



GARY SPACKMAN

Chief, Water Allocation Bureau