

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF LICENSE NO. 25-7545)	
IN THE NAME OF RUSSELL)	ORDER GRANTING PETITION
SCHWENDIMAN AND IDAHO AG CREDIT)	FOR RECONSIDERATION
_____)	

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

FINDINGS OF FACT

1. On May 18, 2005, the Department mailed Russell Schwendiman and Idaho Ag Credit a packet containing Water Right License No. 25-7545 (license), which authorized the irrigation of 369 acres in Bonneville County.

2. The license was issued 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).

3. 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.

4. On June 1, 2005, Russell Schwendiman filed a Petition for Reconsideration (petition) asking the Department to reconsider the number of irrigated acres authorized by the license.

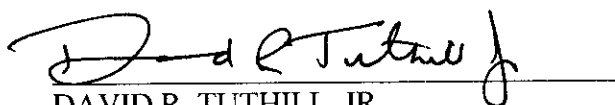
CONCLUSIONS OF LAW

1. The petition was timely.
2. The Department should grant the petition.

ORDER

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

Dated this 21st day of June, 2005.

A handwritten signature in black ink, appearing to read "David R. Tuthill, Jr.", written over a horizontal line.

DAVID R. TUTHILL, JR.

Administrator, Water Management Division