

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
35-8359 IN THE NAME OF JOHN B.)
KUGLER)
_____)

**ORDER DENYING PETITION
FOR RECONSIDERATION**

On March 24, 2009, the Department issued a Preliminary Order Suspending Action and Prohibiting Development to John B. Kugler ("permit holder") for Permit No. 35-8359.

On April 6, 2009, the Department received a Petition for Reconsideration from the permit holder that stated "that the hearing officer failed to fully consider mitigating factors a provided by law and further on the grounds and for the reason that the hearing officer failed to consider the law statutes of the State of Idaho and the federal law as it existed at the time of the issuance of the water permit."

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is **Denied**.

Dated this 24th day of April, 2009.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2009, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Denying Petition for Reconsideration, and
Explanatory Information to Accompany an Order Denying a Petition for
Reconsideration of a Preliminary Order

JOHN KUGLER
DIANE KUGLER
2913 GALLEON CT NE
TACOMA WA 98422



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

SCANNED
APR 30 2009