

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER)
TO WATER RIGHTS NOS. 36-02356A, 36-07210,)
AND 36-07427)

Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF WATER)
TO WATER RIGHTS NOS. 36-04013A, 36-04013B,)
AND 36-07148 (SNAKE RIVER FARM))

**(Clear Springs, Snake River
Farm Delivery Call)**

**ORDER GRANTING
DAIRYMEN’S PETITION
FOR RECONSIDERATION
TO ALLOW TIME FOR
FURTHER REVIEW**

On July 5, 2007, the Director of the Department of Water Resources (“Director” or “Department”) issued separate orders in the above-entitled matters approving the replacement water plan of the Idaho Dairymen’s Association (“IDA”). *Order Approving Dairymen’s and IGWA’s 2007 Replacement Water Plans, Rescinding 2007 Curtailment, and Setting Hearing and Prehearing Schedule* for the Blue Lakes Delivery Call and the Clear Springs, Snake River Farm Delivery Call (hereinafter “July 5 Orders”). The July 5 Orders were final orders of the Department. Because the July 5 Orders were issued before an opportunity for hearing, the Orders provided that all aspects of the orders shall be subject to review at the Department hearing in these matters (now scheduled for November 28, 2007). See July 5 Orders at 12.

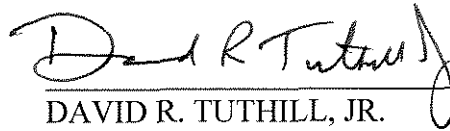
IDA filed a timely petition for reconsideration of the July 5 Orders on July 19, 2007. *Petition for Reconsideration of Order Approving Dairymen’s and IGWA’s 2007 Replacement Water Plans, Rescinding 2007 Curtailment, and Setting Hearing and Prehearing Schedule* (“Petition”). Department Rule of Procedure 740.02.a provides that any party may file a petition for reconsideration within fourteen (14) days of the service date of a final order. IDAPA 37.01.01.740.02.a. The rule further provides, “The agency 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. *Id.*”

IDA filed its Petition on July 19, 2007, and it will be deemed denied by operation of law if not acted by the Department by August 9, 2007. Because the Department requires additional time to review the merits of the Petition, the Director shall grant IDA’s Petition for the sole purpose of allowing additional time for the agency to respond to the Petition. A further order responding to the merits of the Petition will issue within ten (10) days of the date of this order.

ORDER

Based upon and consistent with the foregoing, IT IS SO ORDERED.

Dated this 7th day of August, 2007.



DAVID R. TUTHILL, JR.
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

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