BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 65-22718 IN THE NAME OF JACK MOOERS AND BETTY DERBONNE	))))	**RECOMMENDED ORDER DISMISSING CONTESTED CASE**

Application No. 65-22718 having been withdrawn IT IS HEREBY ORDERED that the above-entitled contested case is DISMISSED and the hearing scheduled in this matter is VACATED.

PROCEDURAL RIGHTS

This is the recommended order of the Hearing Officer. It will not become final without action of the Director of the Idaho Department of Water Resources. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer within fourteen (14) days of the service date of this order. The Hearing Officer will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Section 67-5243(3) Idaho Code.

Within fourteen (14) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position with the Director or Director's designee on any issue in the proceeding. If no party files exceptions to the recommended order with the Director or Director's designee, the Director or Director's designee will issue a final order within fifty-six (56) days after:

i. The last day a timely petition for reconsideration could have been filed with the hearing officer;
ii. The service date of a denial of a petition for reconsideration by the hearing officer; or
iii. The failure within twenty-one (21) days to grant or deny a petition for reconsideration by the hearing officer.

Written briefs in support of or taking exceptions to this recommended order shall be filed with the Director or Director's designee. Opposing parties shall have fourteen (14) days to respond. The Director or Director's designee may schedule oral argument in the matter before issuing a final order. The Director or Director's designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

Dated this 16th day of June 2005.

Peter R. Anderson
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of June, 2005, I mailed a true and correct copy thereof, postage prepaid, to each of the parties listed below.

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Victoria Wigle
Director's Administrative Assistant
Idaho Department of Water Resources