BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 71690 IN THE NAME OF THE TERTELING COMPANY, INC.	))))	**RECOMMENDED ORDER DISMISSING CONTESTED CASE**

Pursuant to Protestant's *Withdrawal of Protest* filed with the Idaho Department of Water Resources ("Department") on April 11, 2006, IT IS HEREBY ORDERED that the Edwards Family LLC protest is DISMISSED, with prejudice, and the hearing scheduled in this matter is VACATED. The Department retains full discretion to consider any and all evidence it considers relevant, and the Applicant retains the right to object to consideration of the same, including the *Affidavit of Norman C. Young* filed with the Department on April 11, 2006.

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 14th day of April, 2006.

Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2006, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

CHARLES L. HONSINGER
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Victoria Wigle

Victoria Wigle
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