

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84419**

This is to certify that: **DRIGGS ACQUISITION LLC**
97 N HWY 33
DRIGGS, ID 83422

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13664	WR/DECREED	3/3/1977	0.550 cfs	83.1 af	27.7	760.5	GROUND WATER
22-13811	WR/DECREED	2/20/1980	3.010 cfs	885.5 af	253.0	760.5	GROUND WATER
22-7215B	WR/DECREED	3/3/1977	0.680 cfs	102.0 af	34.0	760.5	GROUND WATER
22-7215C	WR/DECREED	3/3/1977	0.400 cfs	78.0 af	20.0	760.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13664	NO	YES	NO	YES	NO	NO
22-13811	NO	YES	NO	NO	NO	NO
22-7215B	NO	YES	NO	NO	NO	NO
22-7215C	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-13664	22-13664	0.550 cfs	83.1 af	27.7	760.5	N/A	N/A	N/A	N/A	N/A
22-13811	22-13811	3.010 cfs	885.5 af	253.0	760.5	N/A	N/A	N/A	N/A	N/A
22-7215B	22-7215B	0.680 cfs	102.0 af	34.0	760.5	N/A	N/A	N/A	N/A	N/A
22-7215C	22-7215C	0.400 cfs	78.0 af	20.0	760.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.640 cfs	1148.6 af	334.7	760.5		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 9th day of March, 2021.


Regional Manager

Transfer No. 84419

**Support Data
In File # 22-7215B**

WATER RIGHT NO. 22-13664**As Modified by Transfer No. 84419**

In accordance with the approval of Transfer No. 84419, Water Right No. 22-13664 is now described as follows:

Right Holder: DRIGGS ACQUISITION LLC
97 N HWY 33
DRIGGS, ID 83422

Priority Date: 3/3/1977

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/15

To
to 10/15

Diversion Rate
0.550 cfs
0.550 cfs

Diversion Volume
83.1 af
83.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWSW
SWSENW

Sec 23 Twp 05N Rge 45E TETON County
Sec 26 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 27.7

POU Total Acres: 760.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 27.7 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

WATER RIGHT NO. 22-13664

As Modified by Transfer No. 84419

CONDITIONS OF APPROVAL

4. The well previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. Use of this right is combined with water from the Grand Teton Canal Co.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7215C
As Modified by Transfer No. 84419

In accordance with the approval of Transfer No. 84419, Water Right No. 22-7215C is now described as follows:

Right Holder: DRIGGS ACQUISITION LLC
 97 N HWY 33
 DRIGGS, ID 83422

Priority Date: 3/3/1977

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
 0.400 cfs
 0.400 cfs

Diversion Volume
 78.0 af
 78.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SWSW
 SWSNW

Sec 23 Twp 05N Rge 45E TETON County
 Sec 26 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 20.0
 POU Total Acres: 760.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

WATER RIGHT NO. 22-7215C
As Modified by Transfer No. 84419

CONDITIONS OF APPROVAL

4. The well previously used under these Rights shall be abandoned in a manner which complies with Department well abandonment rules.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 2, 2008.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. Use of this right is combined with water from the Grand Teton Canal Co.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-13811**As Modified by Transfer No. 84419**

In accordance with the approval of Transfer No. 84419, Water Right No. 22-13811 is now described as follows:

Right Holder: DRIGGS ACQUISITION LLC
97 N HWY 33
DRIGGS, ID 83422

Priority Date: 2/20/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	3.010 cfs	885.5 af
			3.010 cfs	885.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 23 Twp 05N Rge 45E TETON County
GROUND WATER	SWSE	Sec 26 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 253.0

POU Total Acres: 760.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 253 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 84419

WATER RIGHT NO. 22-13811
As Modified by Transfer No. 84419

CONDITIONS OF APPROVAL

4. The well previously used under these Rights shall be abandoned in a manner which complies with Department well abandonment rules.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. Use of this right is combined with water from the Grand Teton Canal Co.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7215B**As Modified by Transfer No. 84419**

In accordance with the approval of Transfer No. 84419, Water Right No. 22-7215B is now described as follows:

Right Holder: DRIGGS ACQUISITION LLC
97 N HWY 33
DRIGGS, ID 83422

Priority Date: 3/3/1977

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/15

To
to 10/15

Diversion Rate
0.680 cfs
0.680 cfs

Diversion Volume
102.0 af
102.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWSW
SWSNW

Sec 23 Twp 05N Rge 45E TETON County
Sec 26 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	22		40.0	40.0										40.0	40.0	40.0	40.0	240.0
05N	45E	23											40.0	20.0					60.0
05N	45E	26					9.7	40.0	40.0	3.8	5.0	40.0	40.0	2.0					180.5
05N	45E	27	40.0	40.0	40.0	40.0									40.0	40.0		40.0	280.0

Right Acre Limit: 34.0
POU Total Acres: 760.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 when combined shall not exceed the irrigation of 334.7 acres.
3. Rights 22-7215B, 22-7215C, 22-13664, and 22-13811 are limited to the irrigation of a specific 334.7 acres within the 760.5 acre place of use authorized by this right in a single irrigation season. The specific 334.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 334.7 acres to be irrigated within the 760.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

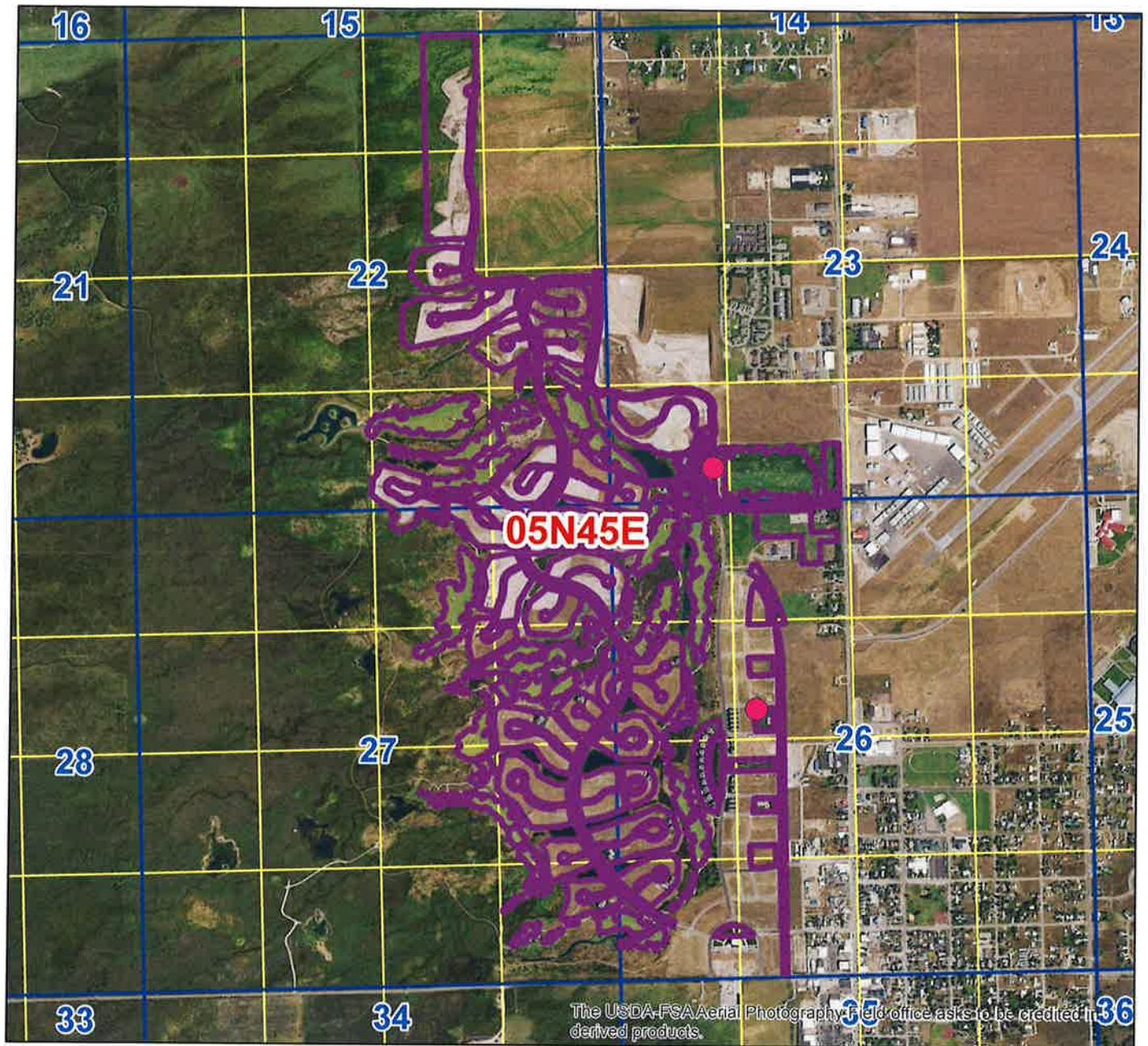
WATER RIGHT NO. 22-7215B
As Modified by Transfer No. 84419

CONDITIONS OF APPROVAL

4. The well previously used under these Rights shall be abandoned in a manner which complies with Department well abandonment rules.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 2, 2008.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. Use of this right is combined with water from the Grand Teton Canal Co.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 84419

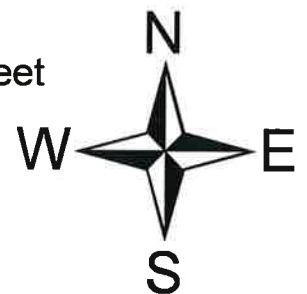
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 1,250 2,500 5,000 Feet



Date: 3/9/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 9, 2021

DRIGGS ACQUISITION LLC
97 N HWY 33
DRIGGS ID 83422

Re: Transfer No: 84419
Water Right No(s): 22-7215B , 22-7215C , 22-13664, 22-13811

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

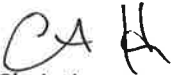
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in black ink, appearing to read 'CAH'.

Christina Henman
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84419

Water Right No(s): 22-7215B , 22-7215C , 22-13664, 22-13811

**DRIGGS ACQUISITION LLC
97 N HWY 33
DRIGGS ID 83422**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a 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.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.