

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 83955**

This is to certify that: **FALLS WATER CO INC**  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

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>
25-14035	WR/DECREED	6/10/1958	0.590 cfs	N/A	N/A	N/A	GROUND WATER
25-14055	WR/DECREED	12/31/1962	1.160 cfs	N/A	N/A	N/A	GROUND WATER
25-14114	WR/LICENSE	8/26/2004	9.560 cfs	N/A	N/A	N/A	GROUND WATER
25-14326	WR/DECREED	10/31/1986	1.200 cfs	327.5 af	81.9	N/A	GROUND WATER
25-14327	WR/DECREED	1/27/1976	4.570 cfs	912.5 af	228.1	N/A	GROUND WATER
25-7148	WR/DECREED	3/13/1978	1.890 cfs	145.9 af	N/A	N/A	GROUND WATER
25-7191	WR/DECREED	4/18/1980	3.000 cfs	1578.0 af	N/A	N/A	GROUND WATER
25-7418	WR/DECREED	9/23/1987	1.000 cfs	N/A	N/A	N/A	GROUND WATER
25-7509	WR/LICENSE	8/10/1989	0.170 cfs	15.2 af	N/A	N/A	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>
25-14035	NO	NO	NO	YES	NO	NO
25-14055	NO	NO	NO	YES	NO	NO
25-14114	NO	NO	NO	YES	NO	NO
25-14326	NO	NO	NO	YES	NO	NO
25-14327	NO	NO	NO	YES	NO	NO
25-7148	NO	NO	NO	YES	NO	NO
25-7191	NO	NO	NO	YES	NO	NO
25-7418	NO	NO	NO	YES	NO	NO
25-7509	NO	NO	NO	YES	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>
25-14035	25-14035	0.590 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-14055	25-14055	1.160 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-14114	25-14114	9.560 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-14326	25-14326	1.200 cfs	327.5 af	81.9	N/A	N/A	N/A	N/A	N/A	N/A
25-14327	25-14327	4.570 cfs	912.5 af	228.1	N/A	N/A	N/A	N/A	N/A	N/A
25-7148	25-7148	1.890 cfs	145.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-7191	25-7191	3.000 cfs	1578.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 83955

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**


**TRANSFER OF WATER RIGHT  
TRANSFER NO. 83955**

**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>
25-7418	25-7418	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-7509	25-7509	0.170 cfs	15.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		<b>21.940 cfs</b>	<b>4970.4 af</b>	<b>N/A</b>	<b>N/A</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

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 20<sup>th</sup> day of July, 2020

  
Regional Manager

**Support Data  
In File # 25-7148**

Transfer No. 83955

# **WATER RIGHT NO. 25-7148**

## **As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-7148 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 3/13/1978

**Source:** GROUND WATER

### **BENEFICIAL USE**

MUNICIPAL

### **From**

01/01

### **To**

to 12/31

### **Diversion Rate**

1.890 cfs

1.890 cfs

### **Diversion Volume**

145.9 af

145.9 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

### **CONDITIONS OF APPROVAL**

1. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 83955

**Support Data  
In File # 25-7148**

**WATER RIGHT NO. 25-7148**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Municipal use is for 118 homes.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 25-7191**

## **As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-7191 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 4/18/1980

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	3.000 cfs	1578.0 af
			3.000 cfs	1578.0 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

### **CONDITIONS OF APPROVAL**

1. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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**WATER RIGHT NO. 25-7191**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Municipal use is for 1315 homes.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 25-7418**

**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-7418 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 9/23/1987

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

01/01

**To**

to 12/31

**Diversion Rate**

1.000 cfs

1.000 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 25-7418, 25-14035, 25-14055, and 25-14114 when combined shall not exceed a total annual maximum diversion volume of 1991.3 af at the field headgate.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 25-7418**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 25-7509**

**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-7509 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 8/10/1989

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

01/01

**To**

to 12/31

**Diversion Rate**

0.170 cfs

0.170 cfs

**Diversion Volume**

15.2 af

15.2 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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**WATER RIGHT NO. 25-7509**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
8. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
9. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 25-14035**  
**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-14035 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 6/10/1958

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

01/01

**To**

to 12/31

**Diversion Rate**

0.590 cfs

0.590 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 25-7418, 25-14035, 25-14055, and 25-14114 when combined shall not exceed a total annual maximum diversion volume of 1991.3 af at the field headgate.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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**WATER RIGHT NO. 25-14035**

**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 25-14055**  
**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-14055 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 12/31/1962

**Source:** GROUND WATER

**BENEFICIAL USE**  
MUNICIPAL

**From**  
01/01

**To**  
to 12/31

**Diversion Rate**  
1.160 cfs  
1.160 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 25-7418, 25-14035, 25-14055, and 25-14114 when combined shall not exceed a total annual maximum diversion volume of 1991.3 af at the field headgate.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 25-14055**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
12. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 78220 dated 12-05-2012.
13. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
14. This right does not grant any right-of-way or easement across the land of another.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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. 25-14114**  
**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-14114 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 8/26/2004

**Source:** GROUND WATER

**BENEFICIAL USE**  
MUNICIPAL

**From** 01/01 **To** 12/31

**Diversion Rate**  
9.560 cfs  
9.560 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 25-7418, 25-14035, 25-14055, and 25-14114 when combined shall not exceed a total annual maximum diversion volume of 1991.3 af at the field headgate.
2. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 25-14114**

**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
9. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
10. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
11. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
12. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
13. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
14. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
15. This right does not grant any right-of-way or easement across the land of another.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



**WATER RIGHT NO. 25-14326**

**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-14326 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 10/31/1986

**Source:** GROUND WATER

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>	<b><u>Diversion Volume</u></b>
MUNICIPAL	04/01	to 10/31	1.200 cfs	327.5 af
			1.200 cfs	327.5 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 81.9 acres within the place of use described for this right.
2. Municipal use under rights 25-14326 and 25-14327 is for irrigation of 310.0 acres within the authorized place of use in a single irrigation season.
3. Rights 25-14326 and 25-14327 when combined shall not exceed a total diversion rate of 4.57 cfs.
4. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**WATER RIGHT NO. 25-14326**  
**As Modified by Transfer No. 83955**

**CONDITIONS OF APPROVAL**

7. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
11. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
12. This right is based upon an enlargement of Right No. 25-14327 pursuant to Idaho Code § 42-1426.
13. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
14. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
15. This right does not grant any right-of-way or easement across the land of another.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. 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. 25-14327**

**As Modified by Transfer No. 83955**

In accordance with the approval of Transfer No. 83955, Water Right No. 25-14327 is now described as follows:

**Right Holder:** FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS, ID 83401

**Priority Date:** 1/27/1976

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

04/01

**To**

to 11/01

**Diversion Rate**

4.570 cfs

4.570 cfs

**Diversion Volume**

912.5 af

912.5 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 228.1 acres within the authorized place of use in a single irrigation season.
2. Municipal use under rights 25-14326 and 25-14327 is for irrigation of 310.0 acres within the authorized place of use in a single irrigation season.
3. Rights 25-14326 and 25-14327 when combined shall not exceed a total diversion rate of 4.57 cfs.
4. Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 when combined shall not exceed a total diversion rate of 21.94 cfs and a total annual maximum diversion volume of 4970.4 af at the field headgate.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 83955

**WATER RIGHT NO. 25-14327**

**As Modified by Transfer No. 83955**

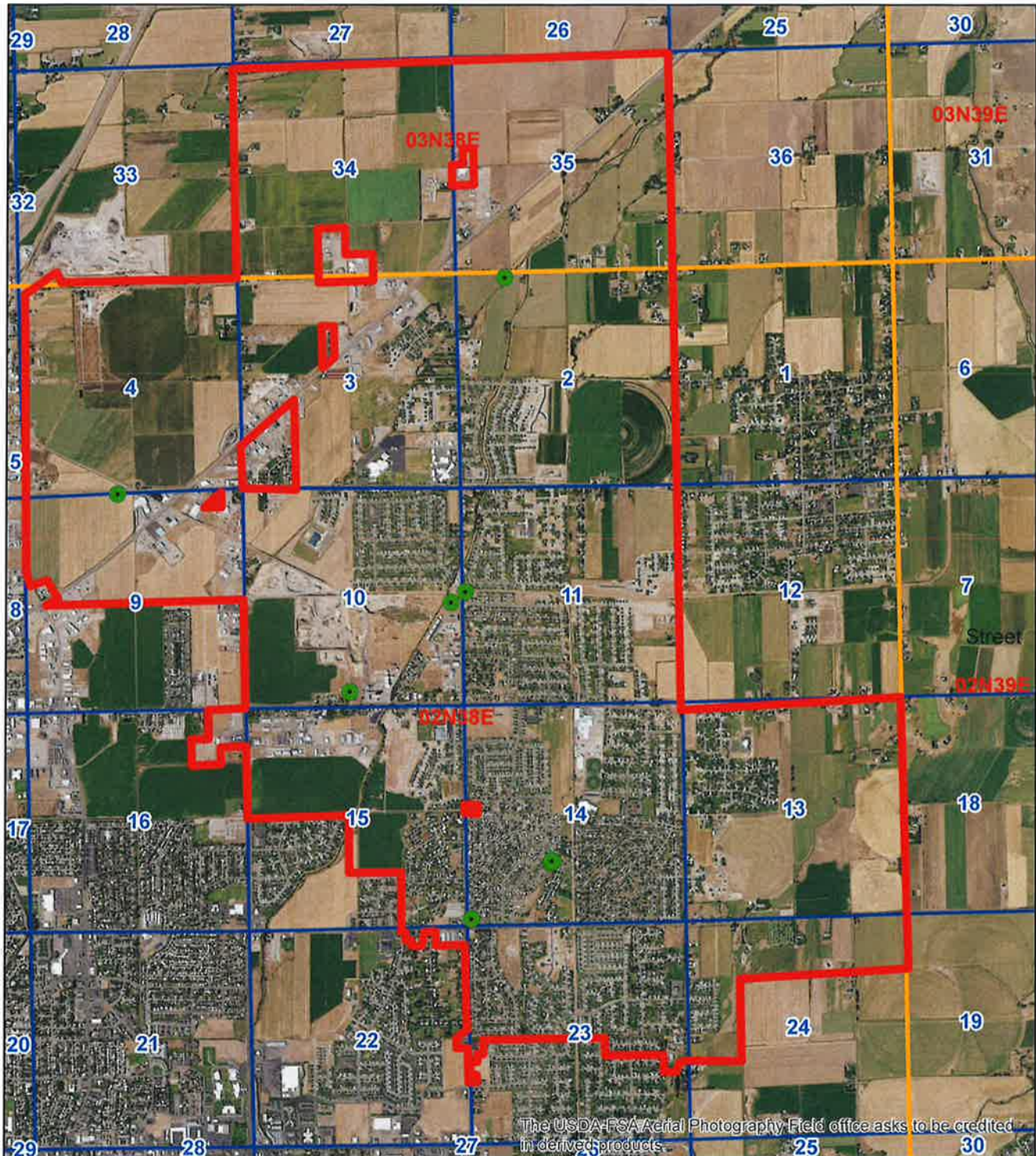
**CONDITIONS OF APPROVAL**

7. Prior to the diversion and use of water under Transfer approval 83955, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
10. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
11. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
12. Right No. 25-14326 is an enlargement of this right pursuant to Idaho Code § 42-1426.
13. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
14. This right does not grant any right-of-way or easement across the land of another.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.



# Transfer Approval 83955

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



## Legend

- Falls Water Co. POD
- Falls Water Co. POU
- Township/Range
- Sections

0 2,200 4,400 8,800 Feet





**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](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

July 20, 2020

FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS ID 83401

Re: Transfer No: 83955

Water Right No(s): 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055, 25-14114, 25-14326, 25-14327

**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.

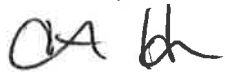
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 be 'CH' or 'CHenman', written over the word 'Sincerely,'.

Christina Henman  
Administrative Assistant

Enclosure

CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC  
C/O KRISTIN MOORE  
482 CONSTITUTION WAY STE 303  
IDAHO FALLS ID 83402-3552

## **CERTIFICATE OF SERVICE**

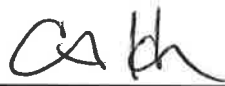
I hereby certify that on July 20, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 83955**

**Water Right No(s): 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055,  
25-14114, 25-14326, 25-14327**

**FALLS WATER CO INC  
2180 N DEBORAH DR  
IDAHO FALLS ID 83401**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC  
C/O KRISTIN MOORE  
482 CONSTITUTION WAY STE 303  
IDAHO FALLS ID 83402-3552**



---

**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.