

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED

AMENDED

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78404**

This is to certify that: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110

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>
2-10395	WR/DECREED	7/30/1969	6.700 cfs	N/A	N/A	317.0	SNAKE RIVER
2-10398	WR/DECREED	7/30/1969	0.780 cfs	N/A	N/A	39.0	SNAKE RIVER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
2-10399	WR/DECREED	7/30/1969	1.400 cfs	N/A	N/A	123.0	SNAKE RIVER
2-10420	WR/DECREED	7/30/1969	1.740 cfs	N/A	N/A	69.0	SNAKE RIVER
2-10396	WR/DECREED	7/30/1969	0.950 cfs	N/A	N/A	2178.0	SNAKE RIVER

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>
2-10395	NO	YES	NO	NO	NO	NO
2-10398	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>
2-10395	2-10395	6.700 cfs	0.0 af	N/A	317.0	N/A	N/A	N/A	N/A	N/A
2-10398	2-10398	0.780 cfs	0.0 af	N/A	39.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.480 cfs	N/A	N/A	356.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 2-10395Transfer No. 78404

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78404

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 4th day of March, 2013.



Western Regional Manager



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78404**

This is to certify that: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110

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>
2-10395	WR/DECREED	7/30/1969	6.700 cfs	N/A	N/A	317.0	SNAKE RIVER
2-10398	WR/DECREED	7/30/1969	0.780 cfs	N/A	N/A	39.0	SNAKE RIVER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
2-10399	WR/DECREED	7/30/1969	1.400 cfs	N/A	N/A	123.0	SNAKE RIVER
2-10420	WR/DECREED	7/30/1969	1.740 cfs	N/A	N/A	69.0	SNAKE RIVER
2-10396	WR/DECREED	7/30/1969	0.950 cfs	N/A	N/A	2178.0	SNAKE RIVER

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>
2-10395	NO	YES	NO	NO	NO	NO
2-10398	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>
2-10395	2-10395	6.700 cfs	0.0 af	N/A	317.0	N/A	N/A	N/A	N/A	N/A
2-10398	2-10398	0.780 cfs	0.0 af	N/A	39.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.480 cfs	N/A	N/A	365.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 2-10395

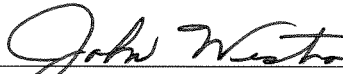
Transfer No. 78404

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78404

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 11th day of February, 2013.


Western Regional Manager

WATER RIGHT NO. 2-10395

As Modified by Transfer No. 78404

In accordance with the approval of Transfer No. 78404, Water Right No. 2-10395 is now described as follows:

Right Holder: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/01

To
to 10/31

Diversion Rate
6.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWSW) Sec 26 Twp 03S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	23		40.0			40.0	40.0	40.0	40.0	40.0	39.0	38.0						317.0

POU Total Acres: 317.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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. 02.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78404

WATER RIGHT NO. 2-10395
As Modified by Transfer No. 78404

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through point of diversion described above: 2-10395, 2-10398, 2-10420 and 2-10422.

WATER RIGHT NO. 2-10398
As Modified by Transfer No. 78404

In accordance with the approval of Transfer No. 78404, Water Right No. 2-10398 is now described as follows:

Right Holder: MURPHY LAND CO LLC
 PO BOX 3110
 PASCO, WA 99302-3110

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From
 03/01

To
 to 10/31

Diversion Rate
 0.780 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWSW) Sec 26 Twp 03S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	23												39.0					39.0

POU Total Acres: 39.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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. 02.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78404

WATER RIGHT NO. 2-10398

As Modified by Transfer No. 78404

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through point of diversion described above: 2-10395, 2-10398, 2-10420 and 2-10422.

WATER RIGHT NO. 2-10399

As Modified by Transfer No. 78404

In accordance with the approval of Transfer No. 78404, Water Right No. 2-10399 is now described as follows:

Right Holder: MICHAEL L JAMES
21610 ROBINSON RD
OREANA, ID 83650

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/01

To
to 10/31

Diversion Rate
1.400 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SENE) Sec 8 Twp 04S Rge 02E OWYHEE 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	
04S	02E	18			40.0		40.0			40.0						3.0			123.0

POU Total Acres: 123.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by Transfer 74511 within one year of the date of its approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.

Transfer No. 78404

WATER RIGHT NO. 2-10399
As Modified by Transfer No. 78404

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Rights 2-10399, 2-10421 and 2-10423 when combined shall not exceed the irrigation of 123 acres in a single irrigation season.
9. The following rights are also diverted through point of diversion described above: 2-2261A, 2-2261C, 2-2261D, 2-2259, 2-10421 and 2-10423.

WATER RIGHT NO. 2-10420**As Modified by Transfer No. 78404**

In accordance with the approval of Transfer No. 78404, Water Right No. 2-10420 is now described as follows:

Right Holder: MIKE IHLI
LINDA IHLI
625 S SCHOOL AVE
KUNA, ID 83634

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/01

To
to 10/31

Diversion Rate
1.740 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWSW) Sec 26 Twp 03S Rge 01E OWYHEE 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	
04S	01E	1			12.0														12.0
04S	01E	12	24.0			2.0									4.0			12.0	42.0
04S	01E	13	15.0																15.0

POU Total Acres: 69.0

CONDITIONS OF APPROVAL

1. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. The following rights are also diverted through point of diversion described above: 2-2357A, 2-2357B, 2-2173, 2-7046E, and 2-10398.

WATER RIGHT NO. 2-10396**As Modified by Transfer No. 78404**

In accordance with the approval of Transfer No. 78404, Water Right No. 2-10396 is now described as follows:

Right Holder: SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 10/31

Diversion Rate
0.950 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

NESE

Sec 35 Twp 03S Rge 01E OWYHEE 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	
04S	01E	1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
							L 3	L 4											
04S	01E	2	40.0	40.0	40.0	40.0	41.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
			L 1	L 2			L 3												
04S	01E	11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S	01E	12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S	01E	13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S	01E	14	40.0			40.0									40.0			40.0	160.0
04S	01E	23	40.0																40.0
04S	01E	24						40.0											40.0

POU Total Acres: 2178.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by Transfer 76739 within one year of the date of its approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 78404

WATER RIGHT NO. 2-10396
As Modified by Transfer No. 78404

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 25, 2013

MURPHY LAND CO LLC
PO BOX 3110
PASCO WA 99302-3110

Re: Transfer No: 78404
Water Right No's: 2-10395, 2-10396, 2-10398, 2-10399, 2-10420

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. 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)334-2190.

Sincerely,

Raehe Sommer
For:

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

RE: Transfer No. 78404
Water Right No's: 2-10395, 2-10396, 2-10398, 2-10399, 2-10420

MURPHY LAND CO LLC
PO BOX 3110
PASCO WA 99302-3110

MICHAEL L JAMES
21610 ROBINSON RD
OREANA ID 83650

MIKE IHLI
LINDA IHLI
625 S SCHOOL AVE
KUNA ID 83634

SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

Rachel Sommer
Administrative Assistant I

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.