

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

FRANK ASTORQUIA,	)	
	)	
Petitioner,	)	Case No. CV-WA-2012-14102
	)	
vs.	)	ORDER SETTLING AGENCY
	)	TRANSCRIPT AND RECORD
	)	
STATE OF IDAHO, DEPARTMENT OF	)	
WATER RESOURCES, an agency of the State	)	
of Idaho,	)	
Respondent.	)	
_____	)	
	)	
IN THE MATTER OF WATER RIGHT	)	
LICENSE NO. 37-7460 IN THE NAME OF	)	
FRANK AND/OR JOSEPHINE ASTORQUIA	)	
_____	)	

Pursuant to I.R.C.P. 84(j), the Idaho Department of Water Resources (“Department” or “IDWR”) served in this matter upon the parties on September 13, 2012, its *Notice of Lodging Agency Record and Transcript with the Agency* (“Notice”) via electronic mail. The Notice gave the parties fourteen (14) days from the date of the Notice to file any objections to the agency transcript and record. The Department received no objections from the parties on or before September 27, 2012. The Department does note, however, five corrections to the record and/or the Table of Contents and Index thereto.

First, in the Table of Contents and Index for the Agency Record Lodged with the Agency (“TOC and Index”), the Department mistakenly identified the date of the Letter from Rita Fleck

to Frank Astorquia Re:Permit No. 37-7460, as January 12, 1980. The correct date of that letter is January 12, 1981. That change has been made to the Table of Contents and Index for the record. The Bates labeling has been adjusted accordingly.

Second, in the TOC and Index, the descriptions of two email messages were incorrect because the sender and recipient names were reversed. The descriptions of the email messages between Jo Beeman and Phil Rassier, dated April 21, 2006, have been changed in the Table of Contents and Index for the record.

Third, in the TOC and Index, the date of an email from Jo Beeman to Phil Rassier and Shelley Keen, Subject: Astorquia 37-7460, was originally dated October 25, 2005. The correct date is October 25, 2007. That change has been made to the Table of Contents and Index for the record.

Fourth, the Hearing Exhibits submitted at the March 13, 2012 hearing were not identified in the TOC or the Index. The Hearing Exhibits in pdf/OCR format were part of the DVD delivered to counsel for Petitioner on September 14, 2012, but were not Bates labeled. The Department has now included the Hearing Exhibits A-B in the Table of Contents and Index for the record. Hearing Exhibits A-B are now Bates labeled, and the Bates labeling in the record has been adjusted accordingly.

And fifth, two identical copies of the Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources, dated August 16, 2012, were included in the record. The second, redundant copy has been removed and the Bates labeling has been adjusted accordingly.

With these five corrections, the Department does hereby deem the agency transcript and

record settled.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that, no objection having been made to the agency transcript in this matter, the transcript is deemed settled. No objections having been made to the agency record but recognizing the Department's corrections *sua sponte*, the record is now settled with the changes identified above.

IT IS FURTHER ORDERED that pursuant to Rule 84(j) of the Idaho Rules of Civil Procedure, this Order shall be included in the record on petition for judicial review. The Department shall provide the parties with replacement copies of the agency record on a DVD disk consistent with the modifications made in this Order.

DATED this 17th day of October 2012.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2012, I caused a true and correct copy of the foregoing **Order Settling Agency Transcript and Record** to be filed with the Court and served on the following parties by the indicated methods:

<i>Original to:</i> SRBA Court 253 3 rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707 Facsimile: (208) 736-2121	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email
Josephine P. Beeman Jane M. Newby BEEMAN & ASSOCIATES, P.C. 409 West Jefferson Street Boise, ID 83702 jo.beeman@beemanlaw.com jane.newby@beemanlaw.com	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email



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