



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 25, 2012

George E. Colwell
Cheryl F. Colwell
3990 Hwy. 52
Payette ID 83661

RE: Preliminary Order in the Matter of Water Right License No. 65-22949

Dear Water Right Holder:

The accompanying order is a "**final order**" issued by the department pursuant to section 67-5246 or 67-5247 Idaho Code. Enclosed is an informational sheet that explains how to respond to final orders.

If you have any questions regarding this matter, please call me at 208-287-4916.

Sincerely,

for Craig L. Saxton
Water Rights Supervisor

Enclosures

cc: Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing FINAL ORDER (Amended Water Right License) to the persons listed below:

RE: Water Right License No. 65-22949

**GEORGE E COLWELL
CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661**

**DANA L HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 W FRANKLIN ST
BOISE ID 83702**

A handwritten signature in cursive script, reading "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.