



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 28, 2011

Richard Kraatz
PO Box 4420
Ketchum ID 83340

RE: Transfer No. 77615 Amended Approval Notice

Dear Water Right Holder:

On December 13, 2011, IDWR mailed you a copy of approved water right transfer no. 77615. We were notified that there was an error in the approval. Pursuant to Rule 760 of the IDWR's Rules of Procedure, IDWR has modified the transfer approval to correct the error. An amended transfer approval document is enclosed.

The amended transfer approval is a preliminary order of IDWR issued pursuant to Section 67-5243, *Idaho Code*, and Rule 730 of the IDWR's Rules of Procedure. **A preliminary order issued by IDWR can and will become a final order without further action unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Sincerely,

James Cefalo
Water Resources Program Manager

Enclosure

JC:sc

CERTIFICATE OF MAILING

I hereby certify that on 28th of December, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing AMENDED TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77616

**Richard Kraatz
PO Box 4420
Ketchum ID 83340**

**Speck & Aanestad
James P Speck
PO Box 987
Ketchum ID 83340**

**Water District 73
11 O'Neal Ln
May Id 83253**



**Sharla Cox
Administrative Assistant**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after service as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service.

Note: the petition must be received by the Department within this fourteen (14) day period. The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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.