



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

November 9, 2009

MARTIN W HALPERN
PO BOX 32
ARGYLE TX 76226

RE: Water Right License 75-7067

Dear Permit Holder,

The Department of Water Resources (IDWR) issued license 75-7067 as a preliminary order on September 30, 2009. The preliminary order became final on October 14, 2009.

The Department inadvertently issued license 75-7067 without conditions agreed upon in the March 21, 2008, Stipulated Elements of a Water Right agreement.

In addition, the Department issued the license identifying the point of diversion as being located in the NWSESW, Sec. 11, T17N, R20E. The licensing field exam conducted on August 28, 2009, identifies the location of the point diversion as SWSESW, Sec. 11, T17N, R20E.

To correct this, the Department has issued the enclosed revised license for 75-7067. The enclosed license is a final order issued by the Department pursuant to rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01.760). It supersedes the license issued on September 30, 2009.

If you have questions, please contact me at (208) 287-4916.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Water Right Permits Section

Enclosure

**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 date of issuance (not service) of the final order, b) the date of issuance 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.