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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO. )  
66073 OF WATER RIGHT NO. )  
37-2515C IN THE NAME OF LAURIE L. )  
ADAMSON )  
\_\_\_\_\_ )

**PRELIMINARY ORDER**

**FINDINGS OF FACT**

1. On March 29, 2002, the Department of Water Resources ("Department") approved Application for Transfer No. 66073 ("transfer") submitted in the name of Laurie L. Adamson ("right holder"). The transfer changed the location of a point of diversion authorized under Water Right No. 37-2515C from the NW1/4SE1/4SW1/4 Section 16, T1S, R21E, B.M. to the NW1/4SW1/4SW1/4 Section 16, T1S, R21E, B.M.
2. On July 16, 2003, the right holder asked the Department to rescind the transfer approval allowing the point of diversion to revert back to the location authorized before the transfer was approved. The right holder described that the reason for the request is that the new point of diversion has not been used and the adjoining land where the old point of diversion is located has been acquired allowing use of the existing well.

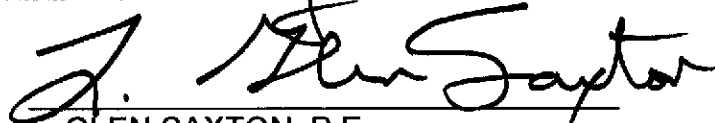
**CONCLUSIONS OF LAW**

1. The Department is authorized to issue Preliminary Orders changing a prior approval.
2. The right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the March 29, 2003 transfer approval.

**ORDER**

IT IS THEREFORE HEREBY ORDERED that Transfer No. 66073 approved on March 29, 2003 is **RESCINDED** and that the authorized point of diversion under Water Right No. 37-2515C is located within the NW1/4SE1/4SW1/4 Section 16, T1S, R21E, B.M.

Dated this 21<sup>st</sup> day of July, 2003.

  
\_\_\_\_\_  
L. GLEN SAXTON, P.E.  
Administrator  
Water Management Division

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SEP 03 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 22, 2003

LAURIE L ADAMSON  
14223 SE 283 PL  
KENT WA 98042

RE: Preliminary Order in the Matter of Transfer 66073 (Water Right 37-2515C)

Dear Interested Parties:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack', is written over a horizontal line.

for Jeff Peppersack, Manager  
Water Right Permits Section

JP:kit

Enclosures

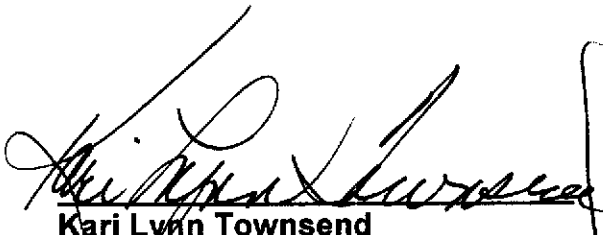
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## CERTIFICATE OF SERVICE

I hereby certify that on **July 22, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**RE: Transfer 66073 - Water Right 37-2515C**

**LAURIE L ADAMSON  
14223 SE 283 PL  
KENT WA 98042**



**Kari Lynn Townsend  
Secretary**

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**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

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RECEIVED  
JUL 16 2003  
Department of Water Resources

ATT: Glen Saxton

Rescind?

Request to Rescind (rescind)

Transfer # 66073 which was approved date 3-29-02 was filed to change the point of diversion for 20 Acres 37-2515. I have drilled the new well according to the approved transfer, and have never put a pump in it or diverted water from it. The opportunity arose to buy (purchase) 40 acres which the remaining 37-2515 B is diverted from. These properties are adjoining, the new well drilled for 37-2515 C doesn't have the capacity to irrigate 60 Acres so this well will be retained for domestic use and plan to put a house on this property. So I am requesting that transfer 66073 be rescinded so that right 37-2515 C may be diverted from the original point of diversion which is the same point of diversion as 37-2515 B. Please note that both 37-2515 B and 37-2515 C have been partially decreed in the SRBA from the point of diversion that I intend to irrigate both rights out of. Also note approved Transfer # 66073 has never been up dated in your data base Thank you!

Phone #

253-639-7338

Laurie Adamson

14223 SE 283 PL

Kent, WA 98042

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