

No Color
Documents
In File

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 69342 IN THE NAME OF)
HELEN F ASHCRAFT)
_____)

**PRELIMINARY ORDER
CORRECTING TRANSFER
APPROVAL**

FINDINGS OF FACT

1. On July 26, 2001, Helen F. Ashcraft (applicant) filed Application for Transfer No. 69342 (transfer) to change the point of diversion and place of use for water rights 31-7176, 31-11609, 31-11611 and 31-11724.
2. On October 2, 2002 the Department approved the transfer showing the following condition incorrectly identifying Right 31-11724 as 31-11727.

Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

3. The transfer approval also showed the following condition incorrectly identifying the combined number of acres to be irrigated in a single irrigation season under Rights 31-11609 and 31-11611 as 4.06 acres rather than 40.6 acres.

Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of 4.06 acres in a single irrigation season.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

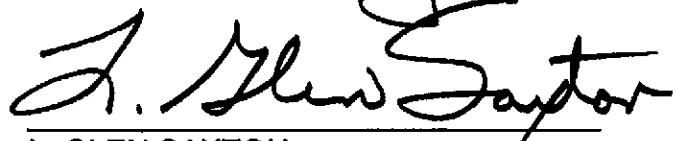
MICROFILMED
MAR 17 2003

2. The transfer approval incorrectly describes the affected water right numbers and the combined acre limitation under two of the affected water rights.
4. The Department should correct the transfer approval to correctly identify the affected water rights and their proper combined limitations.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 69342 is **CORRECTED** by changing the conditions to identify Right 31-11724 as affected by the transfer and to identify a combined irrigation limitation of 40.6 acres under rights 31-11609 and 31-11611.

Dated this 26th day of February, 2003.


L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69342

This is to certify that: HELEN F ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448
(208) 356-3533

69342

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
31-7176	WR/Decreed	01/02/1976	1.78 cfs	465.5 af		133.0	GROUND WATER
31-11609	WR/Decreed	02/22/1951	0.56 cfs	98.7 af	28.2	40.6	GROUND WATER
31-11611	WR/Decreed	07/22/1983	0.21 cfs	43.4 af	12.4	40.6	GROUND WATER
31-11724	WR/Decreed	03/20/1956	0.47 cfs	150.5 af		43.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
31-7176	NO	NO	YES	NO	NO	NO
31-11609	NO	YES	YES	NO	NO	NO
31-11611	NO	YES	YES	NO	NO	NO
31-11724	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
31-7176	31-7176	1.78 cfs	465.5 af	133.0	217.0		N/A	N/A	N/A	N/A
31-11609	31-11609	0.56 cfs	98.7 af	28.2	217.0		N/A	N/A	N/A	N/A
31-11611	31-11611	0.21 cfs	43.4 af	12.4	217.0		N/A	N/A	N/A	N/A
31-11724	31-11724	0.47 cfs	150.5 af	43.0	217.0		N/A	N/A	N/A	N/A
TOTALS		2.81 cfs	758.1 af	216.6	217		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of October, 2002

MICROFILMED

OCT 15 2002

J. Glen Saxton
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11724
As Modified by Transfer No. 69342

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11724 is now described as follows.

Right Holder: HELEN F ASHCRAFT And
 BOYD B ASHCRAFT
 2983 E 2000 N
 SUGAR CITY ID 83448

Priority Date: March 20, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.47 CFS	150.5 AF
		0.47 CFS	150.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 36E 4							34.0										34.0
07N 36E 32							L 4						35.0	30.0	28.0	31.0	124.0
07N 36E 33												35.0	24.0				59.0

Total Acres: 217

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 43 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED
 OCT 15 2002

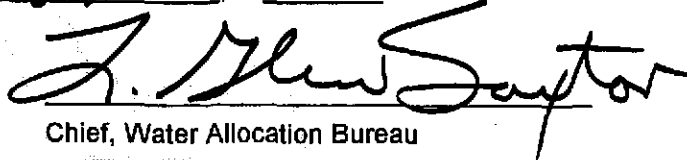
WATER RIGHT NO. 31-11724
As Modified by Transfer No. 69342

CONDITIONS OF APPROVAL

6. Rights 31-11609, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED
OCT 15 2002

WATER RIGHT NO. 31-7176
As Modified by Transfer No. 69342

In accordance with the approval of Transfer No. 69342, Water Right No. 31-7176 is now described as follows.

Right Holder: HELEN F ASHCRAFT And
BOYD B ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448

Priority Date: January 02, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	1.78 CFS	465.5 AF
		1.78 CFS	465.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 36E 4						34.0											34.0
						L 4											
07N 36E 32													35.0	30.0	28.0	31.0	124.0
07N 36E 33												35.0	24.0				59.0

Total Acres: 217

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 133 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED

OCT 15 2002

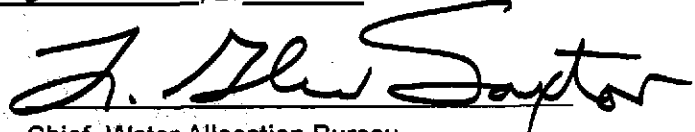
WATER RIGHT NO. 31-7176
As Modified by Transfer No. 69342

CONDITIONS OF APPROVAL

6. Rights 31-11609, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

WATER RIGHT NO. 31-11609
As Modified by Transfer No. 69342

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11609 is now described as follows.

Right Holder: HELEN F ASHCRAFT And
 BOYD B ASHCRAFT
 2983 E 2000 N
 SUGAR CITY ID 83448

Priority Date: February 22, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.56 CFS	98.7 AF
			0.56 CFS	98.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 36E 4						34.0											34.0
						L 4											
07N 36E 32													35.0	30.0	28.0	31.0	124.0
07N 36E 33											35.0	24.0					59.0

Total Acres: 217

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 28.2 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED
 OCT 15 2002

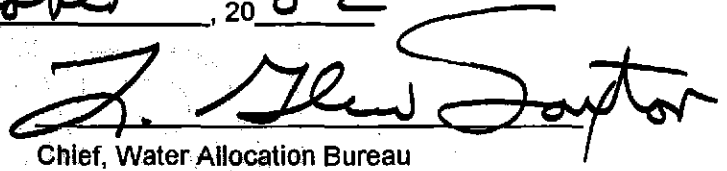
WATER RIGHT NO. 31-11609
As Modified by Transfer No. 69342

CONDITIONS OF APPROVAL

6. Rights 31-7176, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of 4.06 acres in a single irrigation season.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. Right 31-11611 is an enlargement of Right 31-11609 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

WATER RIGHT NO. 31-11611
As Modified by Transfer No. 69342

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11611 is now described as follows.

Right Holder: HELEN F ASHCRAFT And
 BOYD B ASHCRAFT
 2983 E 2000 N
 SUGAR CITY ID 83448

Priority Date: July 22, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.21 CFS	
			0.21 CFS	43.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	36E	4					34.0											34.0	
							L 4												
07N	36E	32												35.0	30.0	28.0	31.0	124.0	
07N	36E	33											35.0	24.0				59.0	

Total Acres: 217

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 12.4 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED
 OCT 15 2002

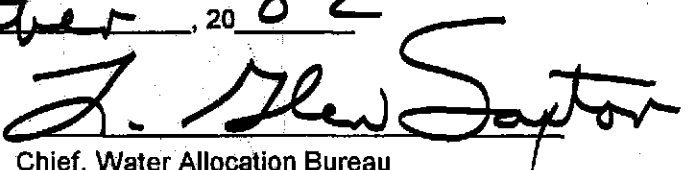
WATER RIGHT NO. 31-11611
As Modified by Transfer No. 69342

CONDITIONS OF APPROVAL

6. Rights 31-7176, 31-11609 and 31-11724 are also diverted through the point of diversion described above.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of 4.06 acres in a single irrigation season.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. Right 31-11611 is an enlargement of Right 31-11609 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69341

This is to certify that: HELEN F ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448
(208) 356-3533

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
31-2353C	WR/Decreed	03/20/1956	2.17 cfs	700 af		200.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

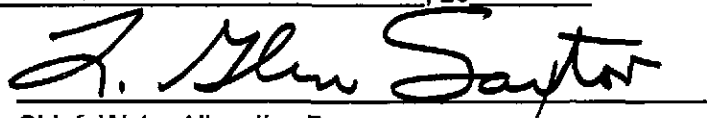
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-2353C	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-2353C	31-11725	1.7 cfs	549.5 af	N/A	157.0	31-11724	0.47 cfs	150.5 af	N/A	43.0
TOTALS		1.57 cfs		200	157		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

69341

WATER RIGHT NO. 31-11724
As Modified by Transfer No. 69341

In accordance with the approval of Transfer No. 69341, Water Right No. 31-11724 is now described as follows.

Right Holder: HELEN F ASHCRAFT
 2983 E 2000 N
 SUGAR CITY ID 83448

And

BOYD B ASHCRAFT SHELTER TRUST
 LINDEN FIELDING TTE
 1195 E 1100 N
 SHELLEY ID 83274

Priority Date: March 20, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.47 CFS	150.5 AF
		0.47 CFS	150.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 36E 5	7.0																7.0
07N 36E 32															36.0		36.0

Total Acres: 43

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002


 Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

WATER RIGHT NO. 31-11725
As Modified by Transfer No. 69341

In accordance with the approval of Transfer No. 69341, Water Right No. 31-11725 is now described as follows.

Right Holder: BOYD B ASHCRAFT And
 HELEN F ASHCRAFT
 2983 E 2000 N
 SUGAR CITY ID 83448

Priority Date: March 20, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	1.70 CFS	549.5 AF
		1.70 CFS	549.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENE Sec. 5 Twp 06N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 36E 5	40.0	39.0	38.0	38.0													155.0
	L1	L2															
07N 36E 32															1.0	1.0	2.0

Total Acres: 157

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of October, 2002

J. Glen Saxton

MICROFILMED

Chief, Water Allocation Bureau

OCT 15 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 27, 2003

HELEN F ASHCRAFT
BOYD B ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448

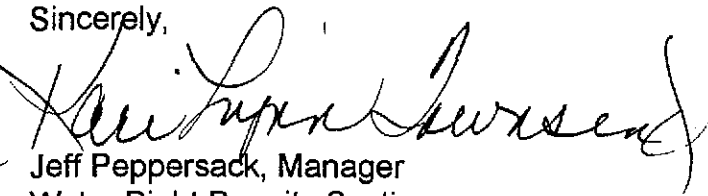
RE: Preliminary Order in the Matter of Application for Transfer 69342

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,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

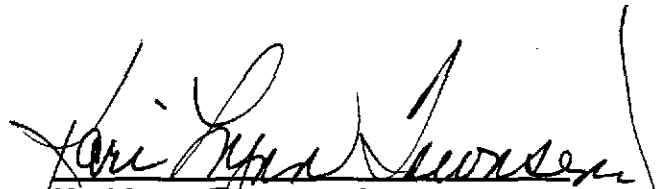
MAR 17 2003

CERTIFICATE OF SERVICE

I hereby certify that on **February 27, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Transfer 69342

**HELEN F ASHCRAFT
BOYD B ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAR 17 2003**

**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).

MICROFILMED
MAR 17 2003

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.

MEMORANDUM

TO: FILE 31-11724

FROM: VAULT

RE: TRANSFER # 69342

DATE: 10.2.02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-0776

MICROFILMED
OCT 15 2002

MEMORANDUM

TO: FILE 31-11724
FROM: VAULT
RE: TRANSFER # 69341
DATE: 10.2.02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-02353C

MICROFILMED

OCT 15 2002