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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68553

This is to certify that: WILLIAM J SWANSON TRUST
125 GRADUATE DR
KETCHUM ID 83340
(208)726-5201

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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-934	AJC/Decreed	11/01/1917	1.60 cfs	N/A	N/A	80.0	SILVER CREEK
37-2683	AJC/License	08/23/1961	3.00 cfs	469 af	N/A	157.0	GROUND WATER
37-7349	WR/License	03/07/1974	1.60 cfs	N/A	82.0	232.0	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>
37-934	NO	NO	NO	NO	NO	NO
37-2683	NO	NO	YES	YES	NO	NO
37-7349	NO	NO	YES	YES	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>
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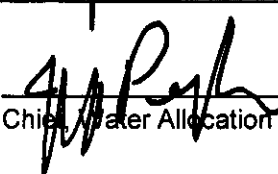
37-2683	37-2683B	1.12 cfs	175.7 af	58.8	152.0	37-2683A	1.88 cfs	293.3 af	N/A	98.2
37-7349	37-7349B	0.43 cfs	77.0 af	22.0	152.0	37-7349A	1.17 cfs	N/A	60.0	169.9

COMBINED

TOTALS		1.24 cfs	217.7 af	62.2	152.0		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 18 day of July, 2003

For  Chief Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED

JUL 28 2003

WATER RIGHT NO. 37-934
As Modified by Transfer No. 68553

In accordance with the approval of Transfer No. 68553, Water Right No. 37-934 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 125 GRADUATE DR
 KETCHUM ID 83340

Priority Date: November 01, 1917

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK SWNENE Sec. 27 Twp 01S Rge 20E BLAINE 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	
01S 20E 22																11.0	11.0
01S 20E 26							38.0										38.0
01S 20E 27	31.0																31.0

Total Acres: 80

CONDITIONS OF APPROVAL

- Right 37-934 shall be considered abandoned and/or forfeited through approval of Transfer 68553.

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 18 day of July, 20 03


 For Chief, Water Allocation Bureau

MICROFILMED SCANNED
 SEP 03 2003 JUL 28 2003

WATER RIGHT NO. 37-2683A
As Modified by Transfer No. 68553

In accordance with the approval of Transfer No. 68553, Water Right No. 37-2683A is now described as follows.

Right Holder: DON MC FARLAND And
 CAROL C MC FARLAND
 PO BOX 268
 EDEN ID 83325

Priority Date: August 23, 1961

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	1.88 CFS	293.3 AF
			1.88 CFS	293.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
GROUND WATER	SWSWSE	Sec. 22 Twp 01S	Rge 20E	BLAINE County
GROUND WATER (Injection)	NENESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
GROUND WATER (Rediversion)	SWNENE	Sec. 22 Twp 01S	Rge 20E	BLAINE 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	
01S 20E 22													6.0	30.0	4.0	29.0	69.0
01S 20E 26							14.1										14.1
01S 20E 27	15.1																15.1

Total Acres: 98.2

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. Measuring devices of a type approved by this Department shall be installed and maintained at each point of diversion and rediversion for measurement into and out of Silver Creek.
3. If the well is drilled deeper than 100 feet, the surface seal must consist of cement or bentonite clay grout and extend from land surface to a depth of not less than 75 feet below land surface, or 5 feet into the next significant confining layer, whichever is greater.

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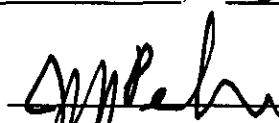
WATER RIGHT NO. 37-2683A
As Modified by Transfer No. 68553

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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 18 day of July, 2003


for Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED

JUL 20 2003

WATER RIGHT NO. 37-2683B
As Modified by Transfer No. 68553

In accordance with the approval of Transfer No. 68553, Water Right No. 37-2683B is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 125 GRADUATE DR
 KETCHUM ID 83340

Priority Date: August 23, 1961

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	1.12 CFS	175.7 AF
			1.12 CFS	175.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
GROUND WATER (Injection)	NESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
GROUND WATER (Rediversion)	SESW	Sec. 26 Twp 01S	Rge 20E	BLAINE County
GROUND WATER (Rediversion)	NENE	Sec. 27 Twp 01S	Rge 20E	BLAINE 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	
01S 20E 26					7.0	24.0	20.0	5.0					26.0	14.0	7.0	12.0	115.0
01S 20E 27	15.0			22.0													37.0

Total Acres: 152

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 58.8 acres within the place of use described above in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for the authorized ground water point of diversion, point of injection into Silver Creek, and points of rediversion from Silver Creek. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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SCANNED
 JUL 28 2003

WATER RIGHT NO. 37-2683B
As Modified by Transfer No. 68553

CONDITIONS OF APPROVAL

4. The total instantaneous diversion of water from all points of diversion from Silver Creek under Rights 37-2683B and 37-7349B shall not exceed 1.24 cfs, nor total combined annual volume of 217.7 af, for the irrigation of 62.2 acres.
5. Rediversion of ground water from Silver Creek under Rights 37-2683B & 37-7349B shall not exceed the amount of ground water actually diverted from the authorized well and injected into Silver Creek.
6. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 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.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 18 day of July, 2003

For  _____
Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED

JUL 28 2003

WATER RIGHT NO. 37-7349A
As Modified by Transfer No. 68553

In accordance with the approval of Transfer No. 68553, Water Right No. 37-7349A is now described as follows.

Right Holder: M DON MC FARLAND And
 CAROL L MC FARLAND
 PO BOX 268
 EDEN ID 83325-0268

Priority Date: March 07, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	1.17 CFS	
			1.17 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
GROUND WATER	NESW	Sec. 20 Twp 01S	Rge 20E	BLAINE County
(Injection)				
GROUND WATER	NENE	Sec. 27 Twp 01S	Rge 20E	BLAINE County
(Rediversion)				
GROUND WATER	NWNE	Sec. 27 Twp 01S	Rge 20E	BLAINE County
(Rediversion)				

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	
01S	20E	22			19.5	2.5									16.8	39.0	25.5	34.4	137.7
01S	20E	26						15.1											15.1
01S	20E	27	15.7	1.4															17.1

Total Acres: 169.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. This right when combined with Right 37-02683A and all other rights shall provide no more than .02 cfs per acre nor more than 210.0 afa for 60 acres within the place of use listed above.
3. Use of this right with Right 37-02683A is limited to a total combined annual diversion volume of 503.3 af and to the irrigation of a combined total of 158.2 acres in a single irrigation season.

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JUL 18 2003

WATER RIGHT NO. 37-7349A
As Modified by Transfer No. 68553

CONDITIONS OF APPROVAL

4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
5. Permanent measuring devices and lockable controlling works of a type acceptable to the Department shall be permanently installed in such a manner that the amount of groundwater injected into Silver Creek and the amount of water rediverted from Silver Creek can be measured.
6. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
7. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
8. Rights 37-02444 and 37-02683 are also diverted through the point of diversion described above.
9. Approval of this transfer does not confirm the validity of this water right.

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 18 day of July, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED

JUL 28 2003

WATER RIGHT NO. 37-7349B
As Modified by Transfer No. 68553

In accordance with the approval of Transfer No. 68553, Water Right No. 37-7349B is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
 125 GRADUATE DR
 KETCHUM ID 83340

Priority Date: March 07, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	0.43 CFS	77.0 AF
		0.43 CFS	77.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER (Injection)	NESW	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	SESW	Sec. 26 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	NENE	Sec. 27 Twp 01S Rge 20E BLAINE 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	
01S 20E 26					7.0	24.0	20.0	5.0					26.0	14.0	7.0	12.0	115.0
01S 20E 27	15.0			22.0													37.0

Total Acres: 152

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for the authorized ground water point of diversion, point of injection into Silver Creek, and points of rediversion from Silver Creek. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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SEP 03 2003

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JUL 28 2003

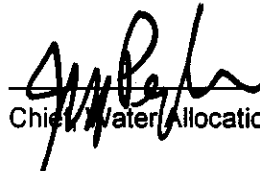
WATER RIGHT NO. 37-7349B
As Modified by Transfer No. 68553

CONDITIONS OF APPROVAL

4. The total instantaneous diversion of water from all points of rediversion from Silver Creek under Rights 37-2683B and 37-7349B shall not exceed 1.24 cfs, nor total combined annual volume of 217.7 af, for the irrigation of 62.2 acres.
5. Rediversion of ground water from Silver Creek under Rights 37-2683B & 37-7349B shall not exceed the amount of ground water actually diverted from the authorized well and injected into Silver Creek.
6. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 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.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
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.

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 18 day of July, 20 03


for _____
Chief, Water Allocation Bureau

MICROFILMED

SEP 03 2003

SCANNED

JUL 28 2003



RECEIVED

JUL 24 2003

Department of Water Resources

Fax Transmittal

(208) 736-8543

Fax (208) 736-8506

2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301

To: Kari Lynn / IDWR Boise	Fax Number: 208-327-7866
From: Heather Maxson	# pages (incl. cover): 3
Cc:	Date: July 24, 2003
Re: William Swanson	

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

Comments:

Kari Lynn:

Attached is a copy of the Power of Attorney and a letter authorizing the address change for William Swanson signed by Charles E. Brockway, acting as Power of Attorney.

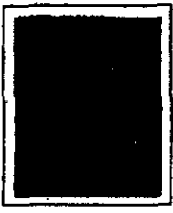
If you need any additional information, please feel free to call. Have a good day!

Cordially,
Heather Maxson

If all pages are not received, please call (208) 736-8543 or email hmaxson@mindspring.com

MICROFILMED

SEP 03 2003



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

July 24, 2003

Attn: Kari Lynn
Idaho Department of Water Resources - Boise
1301 N. Orchard
Boise, ID 83402

To Whom It May Concern:

I, Charles E. Brockway, authorize a change of address for William Swanson.
The new address is as follows:

William J. Swanson
P.O. Box 5129
Ketchum, ID 83340

If you have any questions regarding this matter, please call me at
(208) 736-8543. Thank you.

Sincerely,

Charles E. Brockway, P.E., Ph.D.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Database updated - Kari Lynn - 7-24-03

MICROFILMED
SEP 03 2003



MICROFILMED
SEP 03 2003

WR 37-73498 - (Xper 6.8553)
got address update from
Backway Ex8. Mail
resent - Kari Lynn
7.24.03

IDAHO DEPARTMENT OF WATER
RESOURCES

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

TO

WILLIAM J SWANSON TRUST
125 GRADUATE DR
KETCHUM ID 83340

JUL 24 2003

Department of Water Resources



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

July 21, 2003

WILLIAM J SWANSON TRUST
125 GRADUATE DR
KETCHUM ID 83340

CAROL L MC FARLAND
M DON MC FARLAND
PO BOX 268
EDEN ID 83325-0268

RE: Transfer No.: 68553 - Water Rights 37-934, 37-2683, 37-2683A/B, 37-7349,
37-7349A/B - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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SEP 03 2003

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: CHARLES E BROCKWAY

MICROFILMED
SEP 03 2003

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

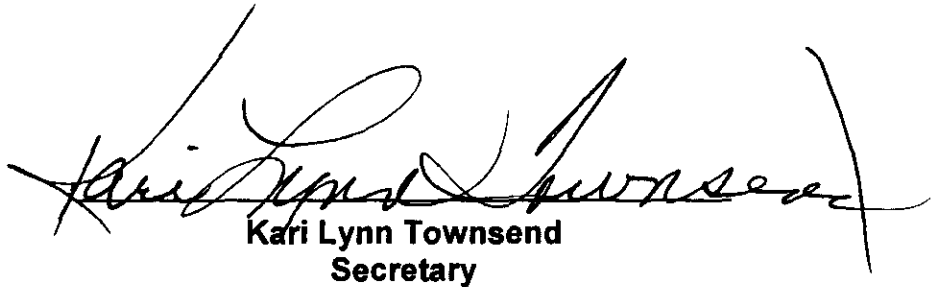
RE: TRANSFER NO. 68553

WATER RIGHTS 37-7349, 37-7349A/B, 37-2683, 37-2683A/B, 37-934

**CHARLES E BROCKWAY
2016 WASHINGTON N
TWIN FALLS ID 83301**

**WILLIAM J SWANSON TRUST
125 GRADUATE DR
KETCHUM ID 83340**

**M DON MC FARLAND
CAROL L MC FARLAND
PO BOX 268
EDEN ID 83325-0268**


Kari Lynn Townsend
Secretary

**MICROFILMED
SEP 03 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).

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.



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

July 21, 2003

LEE PETERSON
WATERMASTER
PO BOX T
SHOSHONE ID 83352

RE: TRANSFER OF WATER RIGHTS 37-934, 37-2683, 37-2683A/B,
37-7349, 37-7349A/B - (Transfer 68553)

Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 68553) in the names William J. Swanson Trust and M. Don and Carol L. McFarland.

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

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 03 2003