



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 26, 2004

Kent Foster
HOLDEN KIDWELL
PO Box 50130
Idaho Falls ID 83405-0130

Michael C. Creamer
GIVENS PURSLEY
PO Box 2720
Boise, ID 83701

RE: In The Matter Of Application for Transfer Nos. 4221, 4222, 4223, 4224, 4225, 4226, and 4227 in the name of Sagewillow, Inc.

Gentlemen:

The Department of Water Resources (department) has issued the accompanying order as a **"final order"** pursuant to section 67-5246 or 67-5247, Idaho Code. Enclosed is an informational sheet that explains how to respond to final orders.

If you have any questions, please call me at (208) 327-7910.

Sincerely,

Victoria Wigle
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of July 2004, I served a true and correct copy of the AMENDED FINAL ORDER by delivering the same to the following by the method indicated below, addressed as follows:

Kent W. Foster, Esq.
Holden Kidwell Hahn & Crapo PLLC
330 Shoup Ave.
P.O. Box 50130
Idaho Falls, ID 83405-0130

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Michael C. Creamer
Givens Pursley & Huntley
PO Box 2720
Boise, ID 83701

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

**EXPLANATORY INFORMATION
TO ACCOMPANY A
FINAL ORDER**

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) 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.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, 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 67-5243(4) Idaho Code.

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 a) of the service date of the final order, b) 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.