

So 11/18/03

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DEC - 3 2003

Department of Water Resources

Ident. No. 15-7252

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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Department of Water Resources
Eastern Region

1. Name: HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252
(208)766-2580

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER
ONEIDA County

SW1/4NE1/4

Sec. 21, Twp 16S, Rge 36E, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.30 CFS	
STOCKWATER	01/01 to 12/31	0.04 CFS	

5. Total quantity to be appropriated is: 2.30 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL/PUMP TO PIVOT/STOCKTROUGHES

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 14 inches;
Proposed depth of well is 250 feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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	
16S 36E 21			40.0										20.0	40.0	40.0	40.0	180.0

Total Acres: 180

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S 36E 21			X										X	X	X	X	

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing. *Howell Family Trust*

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing. *Howell Family Trust*

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Norman L. Howell Trust
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. E029228

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Ident. No. 15-7252

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Date: _____

Received by: _____

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Department of Resources
Eastern District

ARTICLE VII

Perpetuities Savings Clause

In any event, and anything to the contrary herein contained notwithstanding, the trusts created in this agreement shall terminate upon the day next preceding the expiration of twenty-one (21) years after the death of the Undersigned and their issue now living, in the event these trusts shall not have previously terminated in accordance with the terms hereof. In the event of termination of these trusts as provided for in this paragraph, the Trustee shall distribute the Trust Estate as it shall then be constituted, together with any new income, to the beneficiaries then entitled to the income from the Trust Estate in the same proportions in which they are entitled to such income.

ARTICLE VIII

Trustees

A. The following people will act as Trustees in the following order of succession:

First: The Undersigned, NORMAN L. HOWELL and HELEN E. HOWELL, together.

Second: The survivor of the Undersigned, as Trustee of the Marital Trust; and NORMAN R. HOWELL (Son with a 50% Share and Executor for the Successor Trustees), BRENT J. HOWELL (Son with a 25% Share), and TODD C. HOWELL (Son with a 25% Share), children of the Undersigned, as Trustees of the Family Trust.

Third: At the death of the survivor of the Undersigned, NORMAN R. HOWELL (Son with a 50% Share and Executor for the Successor Trustees), BRENT J. HOWELL (Son with a 25% Share), and TODD C. HOWELL (Son with a 25% Share), children of the Undersigned, or the survivor of them, shall serve jointly as Trustees; provided, however, that NORMAN R. HOWELL (Son with a 50% Share and Executor for the Successor Trustees), BRENT J. HOWELL (Son with a 25%

Share), and TODD C. HOWELL (Son with a 25% Share), has then attained age eighteen (18).

Fourth: A Trustee chosen by a majority of the beneficiaries, with a parent or legal guardian voting for minor beneficiaries; provided, however, that the issue of any deceased child shall have collectively only one vote.

B. Whenever more than two trustees are designated to act concurrently, a majority of the Trustees, whether individual or corporate, shall have the power to make any decision, undertake any action, or execute any documents affecting the Trusts created herein, but the dissenting or nonassenting Trustees shall not be responsible for any action taken by the majority pursuant to such decision. Before or after the death of the first of the Undersigned to die, if only two individual Trustees are in office, they must act unanimously; provided, however, the Trustees may form joint savings, checking or investment accounts that require only one Trustees signature to effect transactions for such an account. If any individual and a corporate Trustee are in office, the determination of the individual Trustee shall be binding.

C. Any Trustee may from time to time delegate to one or more of the remaining Trustees any powers, duties, or discretions. Every such delegation shall be made by a writing delivered to the delegate or delegates, and shall remain effective for the time therein specified or until earlier revocation by a writing similarly

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Ident. No. 15-7252

8330⁰⁰

1. Name of Applicant Houall Family Trust Phone 1-208-766-2580
Mailing address 10875 S 2nd E NA 2121 ID 83252
2. Source of water supply SW which is a tributary of _____
3. Location of point of diversion is Township T16S Range 36 Sec. 21 in the SW 4E 1/4, ONEIDA County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | |
|--|------------------|---|
| Amount <u>2.30</u>
(cfs or acre-feet per annum) | for <u>IRR</u> | purposes from <u>4/01</u> to <u>10/31</u> (both dates inclusive) |
| Amount <u>0.04</u>
(cfs or acre-feet per annum) | for <u>stock</u> | purposes from <u>01/01</u> to <u>12/31</u> (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ (both dates inclusive) |
5. Total quantity to be appropriated is (a) 2.30 CFS cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source WELL/PUMP TO PIVOT / STOCKWATER TROUGH
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 14" inches; proposed depth of well is 250' feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? no; Drilling firm none
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. 300 cattle

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Department of Water Resources
Eastern Region

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
X 1145	36	21			40										20	40	40	40	

Total number of acres to be irrigated 150

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? claimant

b. Who owns the land to be irrigated or place of use? claimant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

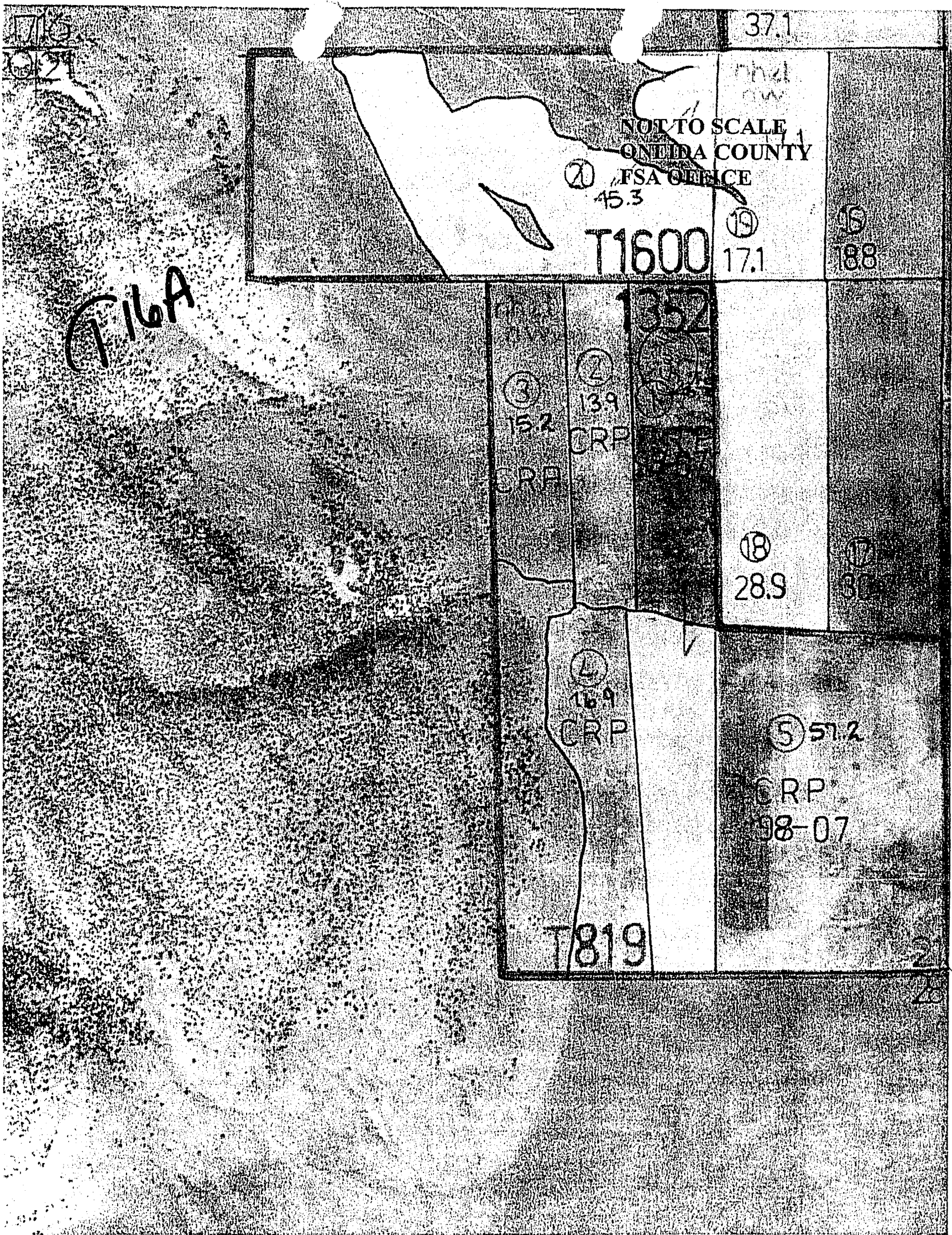
12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James Howard Family Trust
Signature of Applicant (and title, if applicable)

Received by DC Date 9/23/2003 Time 12:30 Preliminary check by DC
Fee \$ 330 Receipted by DC # E029228 Date 9/23/2003
Publication prepared by SC Date 10/2 & 10/9/03 Published in Idaho Enterprise
Publication approved SC Date 11/12/03



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07252

Priority: September 23, 2003

Maximum Diversion Rate: 2.30 CFS

This is to certify, that HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	2.30 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, Twp 16S, Rge 36E, B.M., ONEIDA 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	
16S 36E 21			40.0										20.0	40.0	40.0	40.0	180.0

Total Acres: 180

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S 36E 21			X										X	X	X	X	

CONDITIONS OF APPROVAL

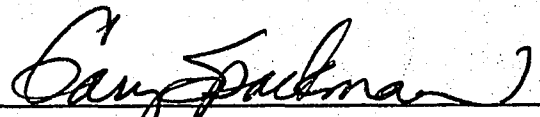
1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Stockwater use is for 300 range cattle.

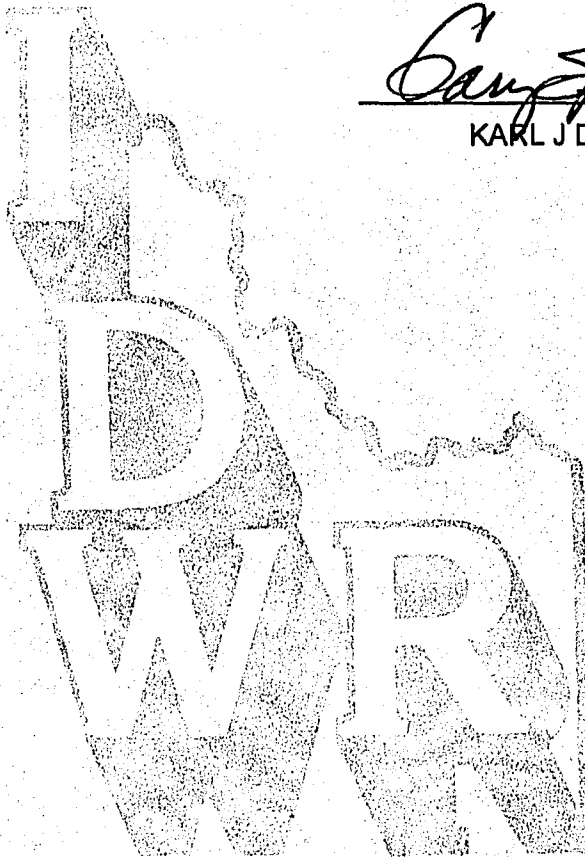
Page 2

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 15-07252

7. After specific notification by the Department, the right holder shall install a suitable measuring device 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of December, 20 03.


KARL J DREHER, Director





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2003

Legal Notice Department
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY ID 83252

RE: Application for Permit No. 15-7252

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 20, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
9/24/03
zc

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

15-7252

HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252

Point(s) of Diversion: SWNE S21 T16S R36E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION	04/01 To 10/31 2.3 CFS
Use: STOCKWATER	01/01 To 12/31 0.04 CFS
Total Diversion:	2.3 CFS

Date Filed: 09/23/2003

Place Of Use: IRRIGATION and STOCKWATER

T16S R36E S21 SWNE NESE NWSE SWSE SESE

Number of Acres 180

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 20, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 2 and 9, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
September 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252

RE: Application for Permit No 15-7252

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

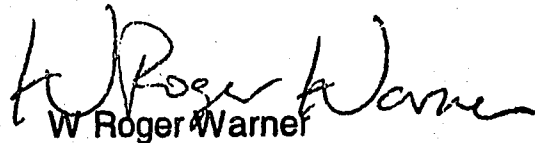
A legal notice of the application has been prepared and is scheduled for publication in the Idaho Enterprise on October 2 and 9, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,


W. Roger Warner
Water Right Supervisor

WRW:sc

3061
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF ONEIDA)

Kristine D. Smith, being duly sworn, deposes and says: that she is the publisher of *The Idaho Enterprise*, a weekly newspaper published at Malad City, in the county of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad City, that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 27 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 10-2, 2003, and ending with the issue of 10-9, 2003.

Kristine D. Smith
STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 6 day of NOV. in the year of 2003
before me, Susan J. Wittman,
a Notary Public, personally appeared Kristine D. Smith,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that she executed the same.

Susan J. Wittman
Notary Public of Idaho
Residing at Malad
My commission expires: 2-9-2006

NOTICE

The following application(s) have been filled to appropriate the public waters of the State of Idaho:

15-7252

HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252

Point(s) of Diversion: SWNE S21
T16S R36E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/
31 2.3 CFS

Use: STOCKWATER 01/01 To
12/31 0.04 CFS

Total Diversion: 2.3 CFS

Date Filed: 09/23/2003

Place Of Use: IRRIGATION and
STOCKWATER

T16S R36E S21 SWNE NESE
NWSE SWSE SESE

Number of Acres 180

Permits will be subject to all prior
water rights. Protests may be
submitted based on the criteria
of Sec 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900
N Skyline Dr Ste A, Idaho Falls
ID 83402 together with a protest
fee of \$25.00 for each applica-
tion on or before October 20,
2003. The protestant must also
send a copy of the protest to the
applicant.

KARL J DREHER, Director
Published on October 2 and 9,
2003

L. #3061 10/2-10/9/03-2T

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Department of Water Resources
Eastern Region

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Department of Water Resources

MEMORANDUM

DATE: November 21, 2003

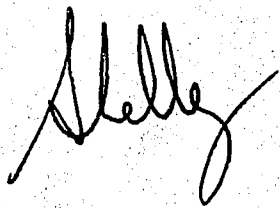
TO: Dave Carlson

FROM: Shelley W. Keen

RE: Signature of applicant

Dave,

Thanks for offering to take another look at this application. It looks to me like the signature ought to be by a trustee, and the file should contain some documentation indicating who is authorized to sign for the trust.



See Water Appropriation Rule 35.03.b.xiii.



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

December 12, 2003

HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252

RE: Permit No. 15-7252

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

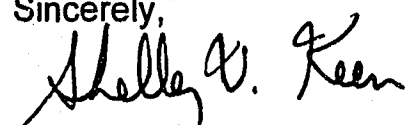
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

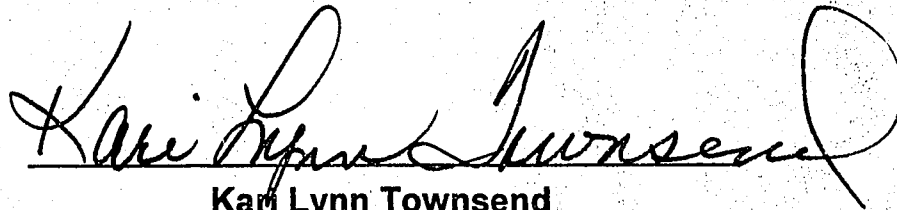
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 15-7252

**HOWELL FAMILY TRUST
10875 S 300 W
MALAD CITY ID 83252**


**Kari Lynn Townsend
Secretary**

**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.