

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23858

Priority: November 22, 2019

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.3 AF

It is hereby certified that:

SHAUN DAVID HOOVER 56 RIVER RANCH RD GARDEN VALLEY ID 83622-5052

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 22, 2019, and has submitted Proof of Beneficial Use on November 18, 2021. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		0.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER NE¼ SW¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23									X	X							

Conditions of Approval

1. This right authorizes total annual storage volume of 0.3 acre-feet, 0.2 acre-feet to be used for the initial filling and 0.1 acre-feet for the replacement of losses caused by evaporation.
2. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

SCANNED

MAY 26 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23858

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of May, 2023.



SCOTT STORMS
Water Rights Supervisor

SCANNED

MAY 26 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-23858

Priority: November 22, 2019

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.5 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-23858

SHAUN DAVID HOOVER 56 RIVER RANCH RD GARDEN VALLEY ID 83622-5052

requests the permit be changed as follows:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER NE¼ SW¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23									X	X							

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 24 day of MAY, 20 23.


(Signature)

SCANNED

MAY 26 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-23858

FOR DEPARTMENT USE ONLY

Preliminary check by ✓ Fee = \$100 Received by DM # W051260 Date 5.24.2023

ACTION OF THE DEPARTMENT OF WATER RESOURCES

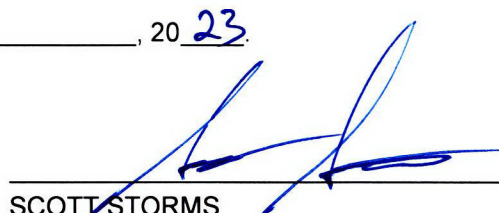
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-23858 with the following:

Conditions of Approval

1. This right authorizes total annual storage volume of 0.5 acre-feet, 0.2 acre-feet to be used for the initial filling and 0.3 acre-feet for the replacement of losses caused by seepage and evaporation.
2. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 25th day of May, 20 23.



SCOTT STORMS
Water Rights Supervisor

SCANNED
MAY 26 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23858

This map depicts the DIVERSION TO STORAGE & AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04E



0 0.035 0.07 0.14 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots


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MAY 26 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23858
Exam Date: 05/04/2023

1. Current Owner:
SHAUN DAVID HOOVER 56 RIVER RANCH RD GARDEN VALLEY ID 83622-5052
2. Accompanied by: Shaun Hoover
Phone No: 530-949-4665
Address:
Relationship to permit Holder:

3. SOURCE:
GROUND WATER

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER NE¼ SW¼, Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Method of Determination: Groundwater well; GPS at 44° 10' 52.88" N, 115° 57' 10.45" W

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23									X	X							

Method of Determination: Field photos and aerial photography used to verify aesthetic use site.

3. Delivery System Diagram Attached (required). Indicate all major components and distances between components.
x Indicate weir size/pipe as applicable.
- Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
x
- N/A Aerial Photo Attached (required for irrigation of 10+ acres).
- x Photo of Diversion and System Attached

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4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
0086944	Franklin	1.5	unknown	Franklin 25SDQP	1.5hp

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: The submersible pump and conveyance system did not provide suitable circumstances to measure diversion rates.

E. FLOW CALCULATIONS

 X Additional Computation Sheets Attached

Measured Method: Pump and motor specification information for well provided by the applicant was used to estimate the capacity of the system for diversion to storage. Using the theoretical horsepower equation worksheet and friction head loss calculator, the maximum pump performance at approximately 147' total head and 1.5hp yields 18 gpm (0.04 cfs) capacity.

Theoretical Diversion to Storage Use = 0.04 cfs

Permitted Diversion to Storage Rate = 0.04 cfs

License Recommendation 0.04 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses:

Aesthetic Storage: Using the submitted Pond Loss Calculation Spreadsheet, GIS tracing and measurement tools, information collected at the field exam, and depth approximations the following theoretical calculations were determined:

Surface area (GIS): 0.6 acres

Average pond depth: 3.2 feet

Losses: 0.1 AF Pond Evaporation + 0.0 AF Seepage (pond is lined with bentonite) = 0.1 AF

Pond Capacity: 0.192 AF

0.192 AF Pond Capacity + 0.1 AF Losses = 0.3 AF

Theoretical Aesthetic Storage Volume 0.3 AF

Permitted Aesthetic Storage Volume 0.5 AF

License Recommendation 0.3 AF

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G. NARRATIVE/REMARKS/COMMENTS

A field exam was conducted on 05/04/23 by Sr. Water Right Agent Laura McSherry and was accompanied by Mr. Shaun Hoover. Shaun Hoover is the current owner and original applicant. The permit was issued on February 11, 2020, and proof of beneficial use was submitted on November 18, 2021.

The point of diversion (POD) location was confirmed at a groundwater well in the NESW of Sec 23, T10N, R04E and differs from the location described by the permit. The well is installed with a 1.5hp Franklin motor and a Franklin 25DSQP – 1.5hp pump which diverts water entirely underground using 1.25" PVC pipe to the bottom of a bentonite lined pond and as a surface aerator pipe. An amendment is required to correct the legal description of the POD.

The permit authorizes year-round appropriation of 0.5 AF for aesthetic storage within NWSW and NESW of Sec 23, T10N, R04E. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the POU area, or aesthetic pond. No amendment required to correct the legal description of the POU.

Pump and motor information was provided by the applicant. Using well system specifications for the motor and pump with likely discharge pressure range of 20-40 psi, 147 ft of head, and assuming 70% efficiency, a theoretical flow rate of 0.04 cfs was calculated which is the permitted diversion to storage rate. Volume calculations for aesthetic use was calculated as 0.3 AF. The recommended licensed flow rate for diversion to storage use is 0.04 cfs and the maximum volume for aesthetic use is 0.3 AF.

Condition 103 replaced condition 121 per department standards. Condition 046 was removed as construction of the well is complete. Condition 221 was added. Condition 219 was carried on to the license and updated to reflect the reduction in seepage loss due to the pond being lined.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

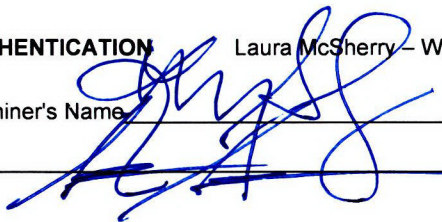
<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		0.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	

Totals: 0.04 CFS 0.3 AF

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

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MAY 26 2023

I. **AUTHENTICATION**  Laura McSherry – Water Resource Agent. Sr.

Field Examiner's Name _____ Date 05.25.23

Reviewer _____ Date 5/25/23

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MAY 26 2023

DELIVERY SYSTEM DIAGRAM

Water Right No. 65-23858





WATER
FEATURE

BENTONITE
POND

1.25"
PVC

POD

THEORETICAL HORSEPOWER EQUATION WORKSHEET

Water Right No.: 65-23858
 Examiner: Laura M
 Date of Field Exam: 5/4/2023

Diversion to Storage

	OPTION 1	OPTION 2	OPTION 3	
P/D No.:				
PUMP HORSEPOWER	1.5	1.5	1.5	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	147	147	147	
DISCHARGE PRESSURE	20	30	40	
FRICTION	0.4	0.4	0.4	
RATE OF FLOW (cfs)	0.05	0.04	0.04	AVE
(gpm)	21.4	19.1	17.3	0.04

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency

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Friction Head Loss Calculator Hazen-Williams Method

[Read Me](#)

$$h_f = \frac{10.44(L)(Q)^{1.85}}{(C)^{1.85} d^{4.8655}}$$

Required Input

L = 165 feet (length of pipe)
Q = 85 gpm (flow rate)
d = 5.25 inches (inside diameter of pipe)

Select Pipe Material Type

steel, welded and seamless ▼

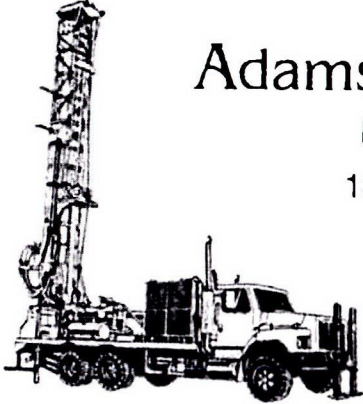
C = 100 unitless (Hazen-Williams Roughness Coeff.)

Output

$h_f = 0.40$ feet (frictional head loss)
or
 $h_f = 0.17$ psi (frictional head loss)

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MAY 26 2023



Adamson Pump & Drilling, Inc.

Pumps • *Dave Adamson* • Wells

1320 Smith Avenue • Nampa, ID 83651

208-466-6439 • Fax 208-466-0008

Date: 9/24/19

Name: Roger - Travco Construction	Address: Hoover Residence - Lot 18 Blk 1 - Crouch
Phone: 208-941-2571	Email: travcoconstruction@yahoo.com
Legal Description: T: 10N R: 4E S: 23 NESW Fax:	

Water Well:

Mobilization & Demobilization - \$500 if completed depth is less than 60'
 Feet 250 @ \$ 40.00 Drill & drive 6" casing

Drive Shoe

Stainless Steel Screen: 10'

Well Cap:

Bentonite Surface Seal

Bentonite Deep Seal

Drill Permit

Misc. Supplies

Total Water Well

Estimated

\$	1,500.00
\$	10,000.00
\$	75.00
\$	1,600.00
\$	75.00
\$	1,500.00
\$	500.00
\$	100.00
\$	100.00
Total Water Well:	\$ 15,450.00

Pump: Franklin 25SDQP-1.5HP QuickPAK

Fire Suppression: None

Motor: Franklin

Warranty: 5 Years - Pump/Motor

Controller: Variable Speed

3 Years - Controls

G.P.M. 25 approx.

H.P. 1.5

Underwater Splice

Drop Pipe 100 \$ 1.70 1-1/4" Schedule 120 PVC

Water Line* 100 \$ 1.10 1-1/4" #160 Poly

Pump Cable 110 \$ 1.70 # 10-3 w/ground

Underground Cable 120 \$ 2.90 # 10-3 w/ground in conduit

Pitless Adaptor 1-1/4" Brass

Pressure Tank H2PL22 - 22 Gallon Pressure Tank

Fittings With Sprinkler Hook-up

Bury Hydrant Boshart Lead Free

Casing Size: 6"

Well Depth: 250'

Static Water:

* Excludes trenching for water line

\$	2,643.00
\$	75.00
\$	12.50
\$	170.00
\$	110.00
\$	187.00
\$	348.00
\$	100.00
\$	400.00
\$	500.00
\$	110.00
\$	4,655.50
\$	2,000.00
\$	65.00
\$	250.00
\$	65.00
\$	65.00
\$	274.83
Total Pump System:	\$ 7,375.33
Well & Pump Total:	\$ 22,825.33

Notes:

Please ask about our Water Right Treatment Systems. We take a water sample (no charge) and customize a water treatment system based on your water analysis. If you would like your water tested for bacteria there will be an additional charge.

Estimate good for 30 days

Parts (taxable)

Labor

Winch Truck

Mileage

Plumbing Permit

Electrical Permit

Misc. Supplies

Due to yearly price increase pump/motor price void after 12/31/19 - call for new quote.

Please Note: Well depth and material quantities are estimated. Billing will reflect actual quantities installed.

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65

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

1. WELL TAG NO. D 0086944
Drilling Permit No. 895777

Water right or injection well # _____

2. OWNER: Rodger Taylor

Name _____

Address 6901 Bogart Ln

City Boise State ID Zip 83714

3. WELL LOCATION:

Twp. 10 North ☒ or South ☐ Rge. 4 East ☒ or West ☐

Sec. 23 1/4 SE 1/4 SW 1/4

Gov't Lot _____ County Boise

Lat. 44 ° 10 ' 8720 (Deg. and Decimal minutes)

Long. 115 ° 57 ' 1680 (Deg. and Decimal minutes)

Address of Well Site 56 River Ranch RD

City Garden Valley

Lot 1 Blk. 18 Sub. Name River Ranch

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method/procedure
<u>3/4 chip</u>	<u>0</u>	<u>58</u>	<u>1500 lbs</u>	<u>10' overburden</u>

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
<u>6</u>	<u>+2</u>	<u>78</u>	<u>2SD</u>	<u>Steel</u>	☒	☐	☐	☒
<u>4.5</u>	<u>25</u>	<u>145</u>	<u>SDR17</u>	<u>PVC</u>	☒	☐	☒	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 78

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____

Manufactured screen ☒ Y ☐ N Type Certa loc

Method of installation Set with Mainline

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
<u>145</u>	<u>165</u>	<u>020</u>	<u>NA</u>	<u>4.5</u>	<u>PVC</u>	<u>SDR17</u>

Length of Headpipe 0 Length of Tailpipe 0

Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method
—				
—				

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 85 Static water level (ft) 18

Water temp. (°F) 50 Bottom hole temp. (°F) NA

Describe access port Well cap

Well test:	Test method:
Drawdown (feet)	Pump
Discharge or yield (gpm)	Seal
Test duration (minutes)	Air
<u>147</u>	☐
<u>05</u>	☐
<u>30</u>	☒
	Flowing artesian
	☐

Water quality test or comments: Iron 1.2 At Hardness 2

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water
				Y N
<u>10</u>	<u>0</u>	<u>5</u>	<u>top soil</u>	
<u>10</u>	<u>5</u>	<u>20</u>	<u>Brown clay</u>	
<u>10</u>	<u>20</u>	<u>40</u>	<u>Brown clay</u>	
<u>10</u>	<u>40</u>	<u>58</u>	<u>Brown clay w/ gravel</u>	
<u>6</u>	<u>58</u>	<u>70</u>	<u>Brown clay</u>	
<u>6</u>	<u>70</u>	<u>78</u>	<u>Hard Brown Clay</u>	
<u>6</u>	<u>78</u>	<u>165</u>	<u>Cemented Granite Sand</u>	☒

RECEIVED

OCT 06 2020

WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable): 165
Date Started: 9-10-2020 Date Completed: 9-21-2020

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Hydro Drilling Co. Co. No. 789

*Principal Driller [Signature] Date 10-5-20

*Driller [Signature] Date 10-5-20

*Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

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Fig. 1 – Location of the point of diversion and aesthetic pond. Located in the NESW and NWSW QQ behind domestic residence. View looking NW.



Fig. 2 – Location of the well, motor, and submersible pump.

GPS'd at:

44° 10' 52.88" N

115° 57' 10.45" W

SCANNER

MAY 26 2023



Fig. 3 – Point of Diversion - well.
Submerged Franklin 25SDQP-1.5hp
pump & Franklin 1.5hp motor. View
looking slightly NE.



Fig. 4 – 12" steel pipe wellhead,
tag no. 0086944. Well
construction 2019.

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MAY 26 2023



Fig. 5 – Aesthetic pond lined with bentonite. Surface aerator pipe - 1.25" PVC in background. View looking NW.

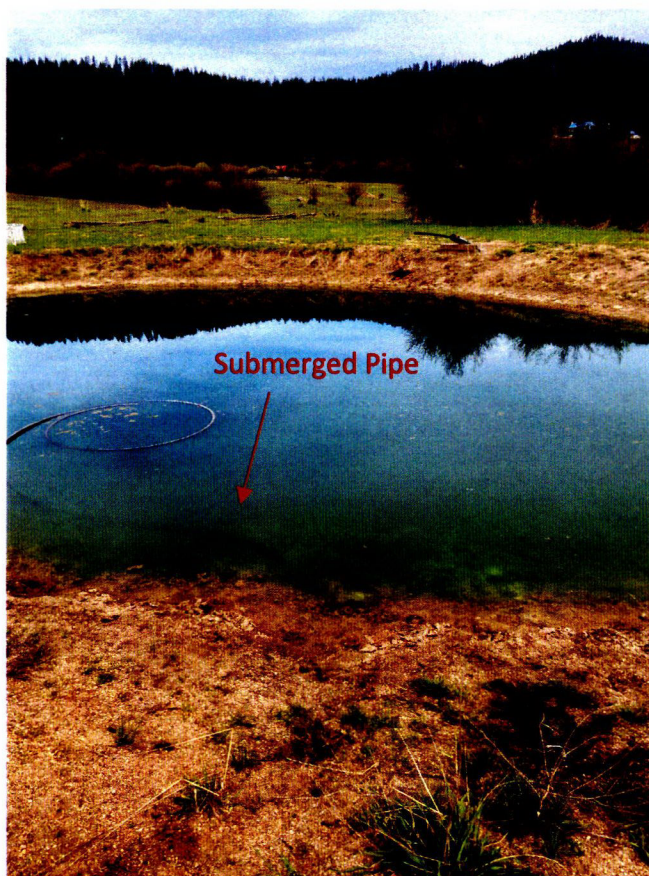


Fig. 6 – Submerged mainline pipe - 1.25" PVC. View looking NW.

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MAY 26 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 26, 2023

SHAUN DAVID HOOVER
56 RIVER RANCH RD
GARDEN VALLEY ID 83622-5052

RE: License No. 65-23858

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,


Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED

MAY 26 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023, I served a true and correct copy of Water Right License No. 65-23858 by U.S. Mail, postage prepaid, to the following:

SHAUN DAVID HOOVER
56 RIVER RANCH RD
GARDEN VALLEY ID 83622-5052



Lynne Evans
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **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(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 Water Resource 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 service date 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.