

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89022**

This is to certify that: COLLEEN HUFFAKER
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-14869	WR/DECREED	6/1/1903	0.200 cfs	N/A	N/A	9.7	BIG LOST RIVER
34-14870	WR/DECREED	7/21/1886	0.120 cfs	N/A	5.7	9.7	BIG LOST RIVER
34-14871	WR/DECREED	9/29/1966	0.160 cfs	N/A	8.0	9.7	GROUND WATER
34-14872	WR/DECREED	5/20/1984	0.020 cfs	N/A	1.7	9.7	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>
34-14869	YES	NO	YES	NO	NO	NO
34-14870	YES	NO	YES	NO	NO	NO
34-14871	YES	YES	YES	NO	NO	NO
34-14872	YES	YES	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>
34-14869	34-14945	0.180 cfs	N/A	N/A	8.5	34-14869	0.020 cfs	N/A	N/A	1.2
34-14870	34-14946	0.110 cfs	N/A	5.0	8.5	34-14870	0.010 cfs	N/A	0.7	1.2
34-14871	34-14947	0.140 cfs	N/A	7.0	8.5	34-14871	0.020 cfs	N/A	1.0	1.2
34-14872	34-14948	0.020 cfs	N/A	1.5	8.5	34-14872	0.010 cfs	N/A	0.2	1.2
COMBINED TOTALS		0.250 cfs	N/A	8.5	8.5		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 26th day of September, 2024.


Regional Manager

Transfer No. 89022

**Support Data
In File # 34-14869**

WATER RIGHT NO. 34-14869

As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14869 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 6/1/1903

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.020 cfs

0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

SENWNW

Sec 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11															1.2		1.2

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.03 cfs and the irrigation of 1.2 acres.
2. Water is delivered through Upper Burnett Ditch.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

Transfer No. 89022

WATER RIGHT NO. 34-14945

As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14945 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 6/1/1903

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.180 cfs

0.180 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

SENWNW

Sec 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11												1.2			7.3		8.5

POU Total Acres: 8.5

CONDITIONS OF APPROVAL

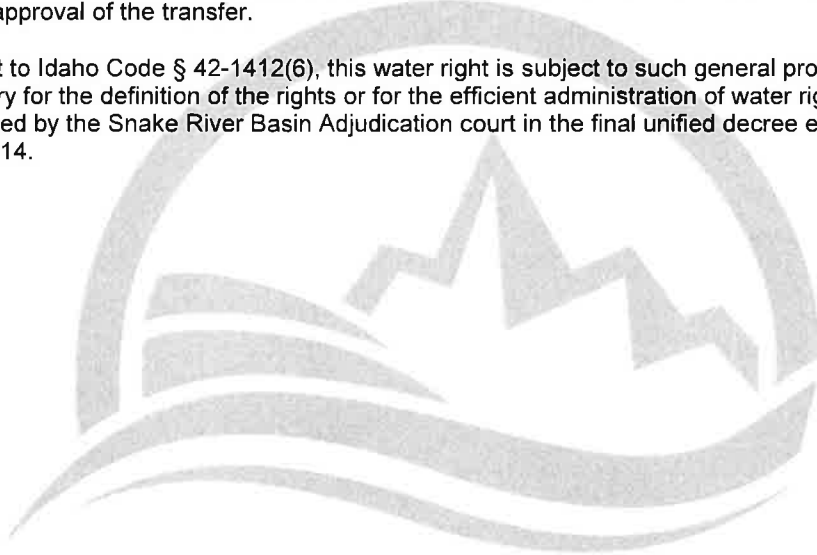
1. Rights 34-14945, 34-14946, 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.25 cfs and the irrigation of 8.5 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Water is delivered through Upper Burnett Ditch.

Transfer No. 89022

WATER RIGHT NO. 34-14945
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 34-14870

As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14870 is now described as follows:

Right Holder: DALE HUFFAKER AND
COLLEEN HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 7/21/1886

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.010 cfs

0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

SENWNW

Sec 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11															1.2		1.2

Right Acre Limit: 0.7

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.7 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.03 cfs and the irrigation of 1.2 acres.
3. Water is delivered through Upper Burnett Ditch.
4. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.

WATER RIGHT NO. 34-14870
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).



WATER RIGHT NO. 34-14946

As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14946 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 7/21/1886

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.110 cfs

0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

SENWNW

Sec 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11												1.2			7.3		8.5

Right Acre Limit: 5.0

POU Total Acres: 8.5

CONDITIONS OF APPROVAL

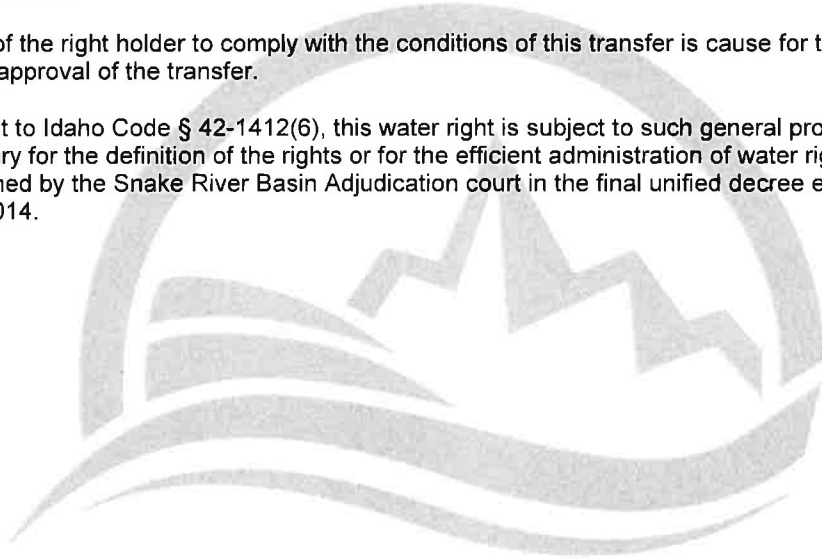
1. This right is limited to the irrigation of 5.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14945, 34-14946, 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.25 cfs and the irrigation of 8.5 acres.
3. Use of water under this right may 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. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89022

WATER RIGHT NO. 34-14946
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Upper Burnett Ditch.
8. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 34-14871**As Modified by Transfer No. 89022**

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14871 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 9/29/1966

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.020 cfs

0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENWSW

Sec 11 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11																1.2	1.2

Right Acre Limit: 1.0

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.02 cfs, a total annual maximum diversion volume of 4.2 af at the field headgate, and the irrigation of 1.2 acres.
3. Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.03 cfs and the irrigation of 1.2 acres.
4. Right No. 34-14872 is an enlargement of this right pursuant to Idaho Code § 42-1426.
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.

Transfer No. 89022

WATER RIGHT NO. 34-14871
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).



WATER RIGHT NO. 34-14947
As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14947 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 9/29/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.140 cfs
			0.140 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 11 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11												1.2			7.3		8.5

Right Acre Limit: 7.0
POU Total Acres: 8.5

CONDITIONS OF APPROVAL

1. Diversion under this right is limited to 0.002 cfs
2. This right is limited to the irrigation of 7.0 acres within the authorized place of use in a single irrigation season.
3. Rights 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.14 cfs, a total annual maximum diversion volume of 29.7 af at the field headgate, and the irrigation of 8.5 acres.
4. Rights 34-14945, 34-14946, 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.25 cfs and the irrigation of 8.5 acres.
5. Use of water under this right may 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. 34.

Transfer No. 89022

WATER RIGHT NO. 34-14947

As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 89022, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Right No. 34-14948 is an enlargement of this right pursuant to Idaho Code § 42-1426.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-14872

As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14872 is now described as follows:

Right Holder: COLLEEN HUFFAKER AND
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 5/20/1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.010 cfs 0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENWSW Sec 11 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11															1.2		1.2

Right Acre Limit: 0.2

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.2 acres within the place of use described above in a single irrigation season.
2. Rights 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.02 cfs, a total annual maximum diversion volume of 4.2 af at the field headgate, and the irrigation of 1.2 acres.
3. Rights 34-14869, 34-14870, 34-14871 and 34-14872 when combined shall not exceed a total diversion rate of 0.03 cfs and the irrigation of 1.2 acres.
4. This right is based upon an enlargement of Right No. 34-14871 pursuant to Idaho Code § 42-1426.
5. 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 Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.

Transfer No. 89022

WATER RIGHT NO. 34-14872
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).



WATER RIGHT NO. 34-14948
As Modified by Transfer No. 89022

In accordance with the approval of Transfer No. 89022, Water Right No. 34-14948 is now described as follows:

Right Holder: COLLEEN HUFFAKER
DALE HUFFAKER
5660 W 4920 N
MACKAY, ID 83251-4422

Priority Date: 5/20/1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.020 cfs 0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 11 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11												1.2			7.3		8.5

Right Acre Limit: 1.5
POU Total Acres: 8.5

CONDITIONS OF APPROVAL

1. Diversion under this right is limited to 0.018 cfs.
2. This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
3. Rights 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.14 cfs, a total annual maximum diversion volume of 29.7 af at the field headgate, and the irrigation of 8.5 acres.
4. Rights 34-14945, 34-14946, 34-14947 and 34-14948 when combined shall not exceed a total diversion rate of 0.25 cfs and the irrigation of 8.5 acres.
5. Use of water under this right may 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. 34.

Transfer No. 89022

WATER RIGHT NO. 34-14948

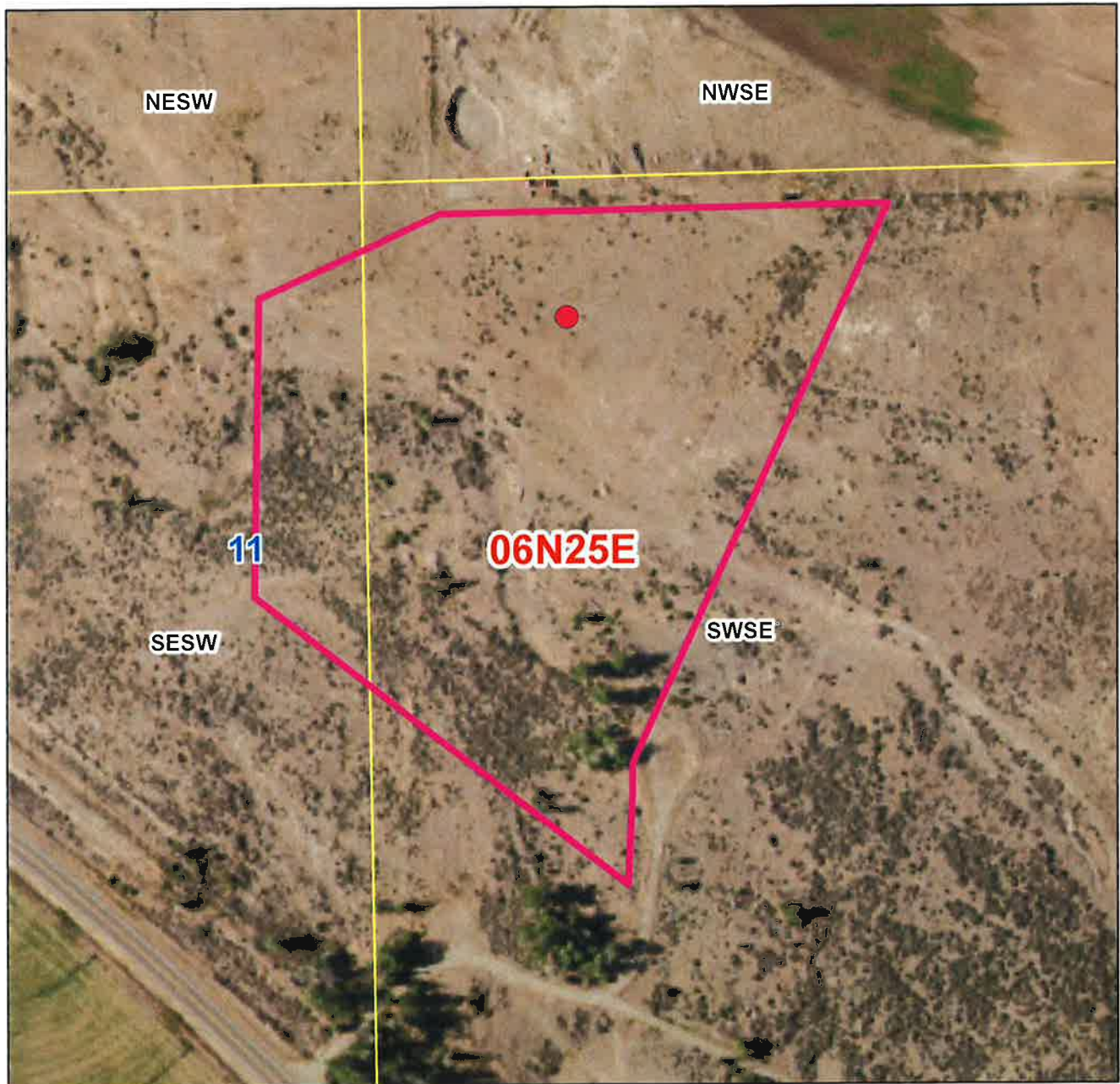
As Modified by Transfer No. 89022

CONDITIONS OF APPROVAL

6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 89022, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. 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 Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
11. This right is based upon an enlargement of Right No. 34-14947 pursuant to Idaho Code § 42-1426.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 89022

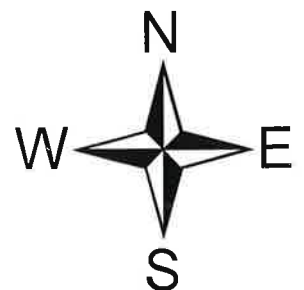
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

-  WR POD
-  WR POU
-  Township/Range
-  Sections
-  QQ

0 125 250 500 Feet



Date: 9/26/2024

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89022

Water Right No(s): 34-14869, 34-14870, 34-14871, 34-14872

**COLLEEN HUFFAKER
DALE HUFFAKER
5660 W 4920 N
MACKAY ID 83251-4422**



**Christina Henman
Administrative Assistant**



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 26, 2024

COLLEEN HUFFAKER
DALE HUFFAKER
5660 W 4920 N
MACKAY ID 83251-4422

Re: Transfer No: 89022
Water Right No(s): 34-14869, 34-14870, 34-14871, 34-14872

Transfer Approval Notice

Dear Water Right Holder:

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 home page 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.

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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

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.