

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89453**

This is to certify that: **BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715**

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>
33-14886	WR/DECREED	11/8/1948	1.560 cfs	N/A	N/A	147.0	GROUND WATER
33-2044A	WR/DECREED	4/3/1948	1.600 cfs	N/A	80.0	235.0	GROUND WATER
33-2047	WR/DECREED	8/27/1948	0.860 cfs	N/A	200.0	235.0	GROUND WATER
33-2048B	WR/DECREED	11/8/1948	0.280 cfs	N/A	20.0	235.0	GROUND WATER
33-2055	WR/DECREED	1/22/1949	6.000 cfs	N/A	N/A	306.0	GROUND WATER
33-2077	WR/DECREED	10/13/1955	2.200 cfs	N/A	110.0	235.0	GROUND WATER
33-2078	WR/DECREED	11/14/1955	1.660 cfs	N/A	140.0	154.0	GROUND WATER
33-2100	WR/DECREED	4/3/1961	1.550 cfs	N/A	N/A	154.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
33-14882	WR/DECREED	5/1/1880	0.350 cfs	N/A	38.0	139.1	GROUND WATER
33-14884	WR/DECREED	9/23/1965	0.040 cfs	N/A	38.0	139.1	GROUND WATER
33-14888	WR/DECREED	3/2/1961	0.600 cfs	N/A	38.0	139.1	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>
33-14886	YES	YES	YES	YES	NO	NO
33-2044A	NO	YES	YES	NO	NO	NO
33-2047	NO	YES	YES	NO	NO	NO
33-2048B	NO	YES	YES	NO	NO	NO
33-2055	YES	YES	YES	NO	NO	NO
33-2077	NO	YES	YES	NO	NO	NO
33-2078	YES	YES	YES	YES	NO	NO
33-2100	YES	YES	YES	YES	NO	NO

Transfer No. 89453

**Support Data
In File # 33-2044A**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89453**

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>
33-14886	33-15097	0.140 cfs	N/A	7.9	262.7	33-14886	1.420 cfs	N/A	N/A	139.1
33-2044A	33-2044A	1.600 cfs	N/A	80.0	262.7	N/A	N/A	N/A	N/A	N/A
33-2047	33-2047	0.860 cfs	N/A	200.0	262.7	N/A	N/A	N/A	N/A	N/A
33-2048B	33-2048B	0.280 cfs	N/A	20.0	262.7	N/A	N/A	N/A	N/A	N/A
33-2055	33-15092	0.180 cfs	32.3 af	9.3	262.7	33-2055	5.820 cfs	1038.7 af	N/A	296.7
33-2077	33-2077	2.200 cfs	N/A	110.0	262.7	N/A	N/A	N/A	N/A	N/A
33-2078	33-15093	0.110 cfs	N/A	9.5	262.7	33-2078	1.550 cfs	N/A	130.5	143.5
33-2100	33-15094	0.110 cfs	N/A	10.5	262.7	33-2100	1.440 cfs	N/A	N/A	143.5
COMBINED TOTALS		5.230 cfs	N/A	262.7	262.7		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 21st day of May, 2025.



Regional Manager

Transfer No. 89453

**Support Data
In File # 33-2044A**

WATER RIGHT NO. 33-2048B**As Modified by Transfer No. 89453**

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2048B is now described as follows:

Right Holder: BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 11/8/1948

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.280 cfs

0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E	BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 20.0

POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2077, 33-2048B, and 33-2047 when combined shall not exceed a total diversion rate of 4.70 cfs, a total annual maximum diversion volume of 822.5 af at the field headgate, and the irrigation of 235 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-2048B
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
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. 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. 33.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-2044A
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2044A is now described as follows:

Right Holder: BRIAN S HARRELL
 ILENE HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 4/3/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	1.600 cfs
			1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 80.0

POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2077, 33-2048B, and 33-2047 when combined shall not exceed a total diversion rate of 4.70 cfs, a total annual maximum diversion volume of 822.5 af at the field headgate, and the irrigation of 235 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-2044A
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
6. 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. 33.
7. 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.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-2047
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2047 is now described as follows:

Right Holder: BRIAN S HARRELL
 ILENE HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 8/27/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	0.860 cfs 0.860 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E	BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 200.0
 POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2077, 33-2048B, and 33-2047 when combined shall not exceed a total diversion rate of 4.70 cfs, a total annual maximum diversion volume of 822.5 af at the field headgate, and the irrigation of 235 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-2047
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
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. 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. 33.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-2077
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2077 is now described as follows:

Right Holder: BRIAN S HARRELL
 ILENE HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 10/13/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	2.200 cfs 2.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 110.0

POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2077, 33-2048B, and 33-2047 when combined shall not exceed a total diversion rate of 4.70 cfs, a total annual maximum diversion volume of 822.5 af at the field headgate, and the irrigation of 235 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-2077
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
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. 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. 33.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-2055

As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2055 is now described as follows:

Right Holder: BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 1/22/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	5.820 cfs	1038.7 af
			5.820 cfs	1038.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNENW	Sec 20 Twp 06N Rge 29E BUTTE County
GROUND WATER	SWNWNW	Sec 20 Twp 06N Rge 29E BUTTE 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	29E	20	34.2	39.0	39.0	39.0	35.0	32.5	39.0	39.0									296.7

POU Total Acres: 296.7

CONDITIONS OF APPROVAL

1. 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. 33-15092
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-15092 is now described as follows:

Right Holder: ILENE HARRELL
 BRIAN S HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 1/22/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.180 cfs	32.3 af
			0.180 cfs	32.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 9.3
 POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.3 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 89453, 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.

Transfer No. 89453

WATER RIGHT NO. 33-15092
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. 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.
6. 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. 33.
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 place of use.
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. 33-2078

As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2078 is now described as follows:

Right Holder: BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 11/14/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	1.550 cfs
			1.550 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 28 Twp 06N Rge 29E BUTTE 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	29E	28					36.3	35.2	35.5	36.5									143.5

Right Acre Limit: 130.5

POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 130.5 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2078 and 33-2100 when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 502.3 af at the field headgate, and the irrigation of 143.5 acres.
3. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
4. 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. 89453

WATER RIGHT NO. 33-15093
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-15093 is now described as follows:

Right Holder: ILENE HARRELL
 BRIAN S HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 11/14/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	0.110 cfs 0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 9.5
 POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-15093 and 35-15094 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 36.8 af at the field headgate, and the irrigation of 10.5 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-15093
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
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. 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. 33.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-2100

As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-2100 is now described as follows:

Right Holder: BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 4/3/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	1.440 cfs
			1.440 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 28 Twp 06N Rge 29E BUTTE 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	29E	28					36.3	35.2	35.5	36.5									143.5

POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. Rights 33-2078 and 33-2100 when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 502.3 af at the field headgate, and the irrigation of 143.5 acres.
2. Right No. 33-2078 is also diverted through the point of diversion described above.
3. 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. 33-15094
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-15094 is now described as follows:

Right Holder: ILENE HARRELL
BRIAN S HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 4/3/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	0.110 cfs 0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E	BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 10.5
POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-15093 and 35-15094 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 36.8 af at the field headgate, and the irrigation of 10.5 acres.
3. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
4. 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.

Transfer No. 89453

WATER RIGHT NO. 33-15094
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89453, 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.
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. 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. 33.
8. 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 place of use.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. 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. 33-14886
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-14886 is now described as follows:

Right Holder: BRIAN S HARRELL
 ILENE HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 11/8/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.420 cfs
			1.420 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENESW Sec 20 Twp 06N Rge 29E BUTTE 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	29E	20									40.0	34.3	30.8	34.0					139.1

POU Total Acres: 139.1

CONDITIONS OF APPROVAL

1. Rights 33-14882, 33-14884, 33-14886, and 33-14888 when combined shall not exceed a total diversion rate of 2.408 cfs, a total annual maximum diversion volume of 486.9 af at the field headgate, and the irrigation of 139.1 acres.
2. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
3. 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. 33-15097**As Modified by Transfer No. 89453**

In accordance with the approval of Transfer No. 89453, Water Right No. 33-15097 is now described as follows:

Right Holder: ILENE HARRELL
BRIAN S HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 11/8/1948

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.140 cfs

0.140 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSESW	Sec 22 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NENW	Sec 27 Twp 06N Rge 29E	BUTTE County
GROUND WATER	NWNWNW	Sec 27 Twp 06N Rge 29E	BUTTE 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	29E	27	34.0	34.0	32.0	33.0	35.0	32.0	30.0	32.7									262.7

Right Acre Limit: 7.9

POU Total Acres: 262.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.9 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2044A, 33-2047, 33-2048B, 33-2077, 33-15092, 33-15093, 33-15094, and 33-15097 when combined shall not exceed a total diversion rate of 5.23 cfs and the irrigation of 262.7 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 89453, 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.

Transfer No. 89453

WATER RIGHT NO. 33-15097
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

5. 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.
6. 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. 33.
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 place of use.
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. 33-14882
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-14882 is now described as follows:

Right Holder: BRIAN S HARRELL
 ILENE HARRELL
 3848 N 1700 W
 HOWE, ID 83244-8715

Priority Date: 5/1/1880

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.350 cfs 0.350 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENESW Sec 20 Twp 06N Rge 29E BUTTE 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	29E	20									40.0	34.3	30.8	34.0					139.1

Right Acre Limit: 38.0
 POU Total Acres: 139.1

CONDITIONS OF APPROVAL

1. Rights 33-14882, 33-14884, 33-14886, and 33-14888 when combined shall not exceed a total diversion rate of 2.408 cfs, a total annual maximum diversion volume of 486.9 af at the field headgate, and the irrigation of 139.1 acres.
2. The following rights are also diverted through the point of diversion described above: 33-14883, 33-14884, 33-14885, 33-14886, 33-14887, 33-14888 and 33-14889.
3. 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. 33-14884

As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-14884 is now described as follows:

Right Holder: BRIAN S HARRELL
ILENE HARRELL
3848 N 1700 W
HOWE, ID 83244-8715

Priority Date: 9/23/1965

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.040 cfs
0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENESW Sec 20 Twp 06N Rge 29E BUTTE 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	29E	20									40.0	34.3	30.8	34.0					139.1

Right Acre Limit: 38.0

POU Total Acres: 139.1

CONDITIONS OF APPROVAL

1. This right is limited to a total diversion rate 0.035 cfs.
2. This right is limited to the irrigation of 38 acres within the authorized place of use in a single irrigation season.
3. Rights 33-14882, 33-14884, 33-14886, and 33-14888 when combined shall not exceed a total diversion rate of 2.408 cfs, a total annual maximum diversion volume of 486.9 af at the field headgate, and the irrigation of 139.1 acres.
4. 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).
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.

Transfer No. 89453

WATER RIGHT NO. 33-14884
As Modified by Transfer No. 89453

CONDITIONS OF APPROVAL

6. The following rights are also diverted through the point of diversion described above: 33-14882, 33-14883, 33-14885, 33-14886, 33-14887, 33-14888 and 33-14889.



WATER RIGHT NO. 33-14888
As Modified by Transfer No. 89453

In accordance with the approval of Transfer No. 89453, Water Right No. 33-14888 is now described as follows:

Right Holder: BRIAN S HARRELL
CAROLYN J HARRELL
1622 W 3800 N
HOWE, ID 83244-8710

Priority Date: 3/2/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.600 cfs
			0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENESW Sec 20 Twp 06N Rge 29E BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	29E	20									40.0	34.3	30.8	34.0					139.1

Right Acre Limit:	38.0
POU Total Acres:	139.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38 acres within the authorized place of use in a single irrigation season.
2. Rights 33-14882, 33-14884, 33-14886, and 33-14888 when combined shall not exceed a total diversion rate of 2.408 cfs, a total annual maximum diversion volume of 486.9 af at the field headgate, and the irrigation of 139.1 acres.
3. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
5. The following rights are also diverted through the point of diversion described above: 33-14882, 33-14883, 33-14884, 33-14885, 33-14886, 33-14887 and 33-14889.

Transfer No. 89453

WATER RIGHT NO. 33-14888
As Modified by Transfer No. 89453

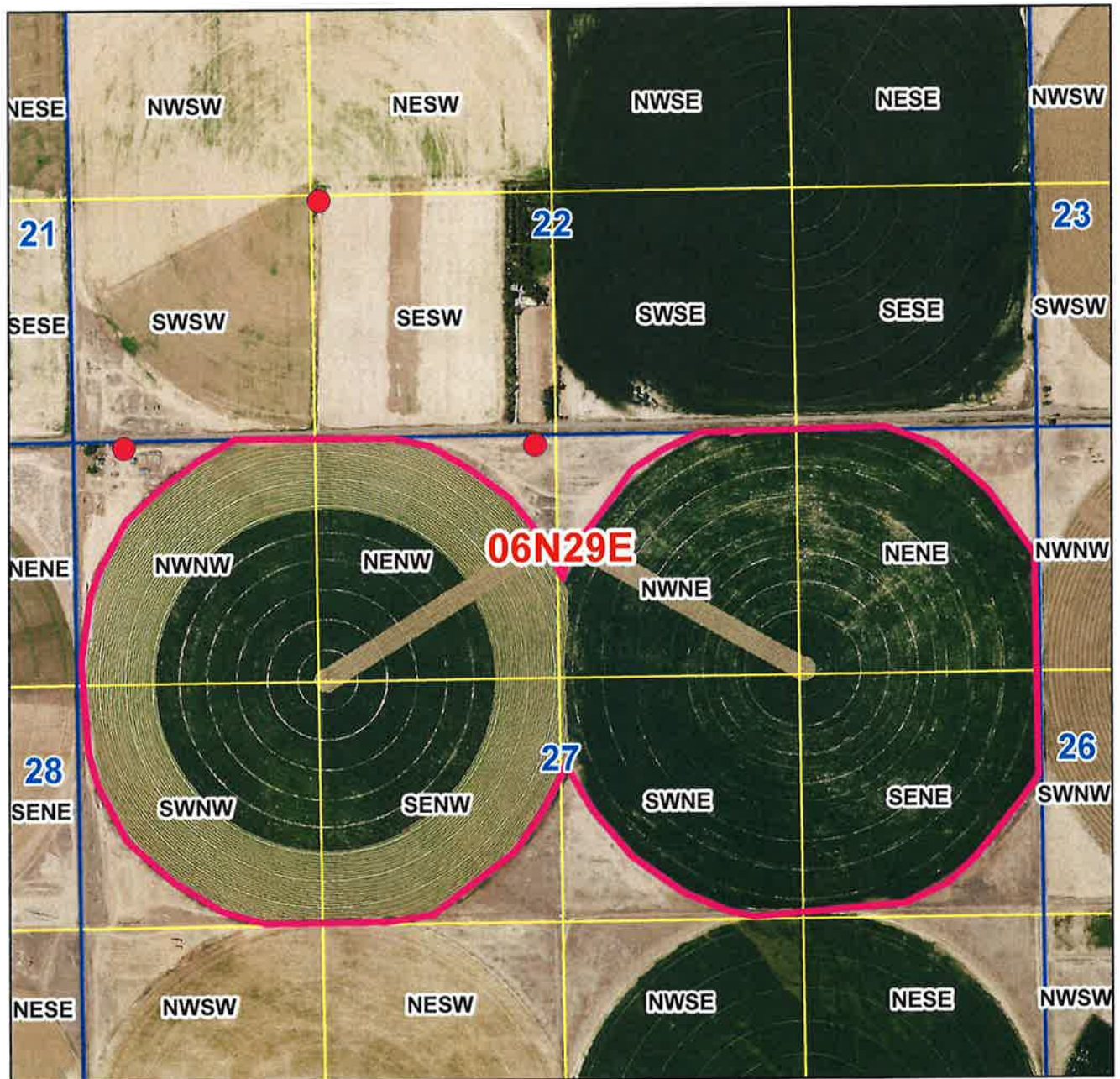
CONDITIONS OF APPROVAL

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).



Attachment to Transfer Approval 89453

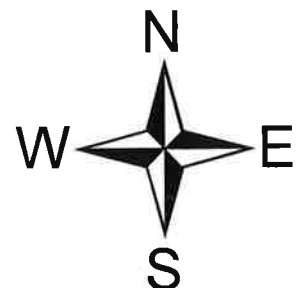
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 500 1,000 2,000 Feet



Date: 5/21/2025



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

May 21, 2025

ILENE HARRELL
BRIAN S HARRELL
3848 N 1700 W
HOWE ID 83244-8715

Re: Transfer No: 89453
Water Right No(s): 33-2044A , 33-2047, 33-2048B , 33-2055, 33-2077, 33-2078,
33-2100, 33-14882, 33-14884, 33-14886, 33-14888, 33-15092, 33-15093,
33-15094, 33-15097

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:

MICHELLE MORTIMER
25 N 2ND E ST.
REXBURG ID 83440

CGB AGRI FINANCIAL SERVICES INC
2209 RIVER RD
LOUISVILLE KY 40206-1009

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025 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.: 89453

Water Right No(s): 33-2044A , 33-2047, 33-2048B , 33-2055, 33-2077, 33-2078, 33-2100, 33-14882, 33-14884, 33-14886, 33-14888, 33-15092, 33-15093, 33-15094, 33-15097

**ILENE HARRELL
BRIAN S HARRELL
3848 N 1700 W
HOWE ID 83244-8715**

**MICHELLE MORTIMER
25 N 2ND E ST.
REXBURG ID 83440**

**CGB AGRI FINANCIAL SERVICES INC
2209 RIVER RD
LOUISVILLE KY 40206-1009**



**Christina Henman
Administrative Assistant**

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.