

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89546**

This is to certify that: **FARMLAND RESERVE INC**
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

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>
35-14896	WR/DECREED	3/23/1981	0.400 cfs	103.2 af	N/A	25.8	GROUND WATER
35-14903	WR/DECREED	12/2/1969	0.260 cfs	55.7 af	N/A	15.9	GROUND WATER
35-14904	WR/DECREED	2/23/1966	0.260 cfs	65.8 af	N/A	18.8	GROUND WATER
35-14905	WR/DECREED	3/29/1963	0.150 cfs	36.8 af	N/A	10.5	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>
35-7969	WR/DECREED	3/23/1981	4.450 cfs	1144.8 af		286.2	GROUND WATER
29-2472	WR/DECREED	3/29/1963	2.080 cfs	516.2 af		147.5	GROUND WATER
29-2520A	WR/DECREED	2/23/1966	1.890 cfs	478.5 af		136.7	GROUND WATER
29-7042	WR/DECREED	12/2/1969	2.330 cfs	494.3 af		141.1	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>
35-14896	NO	YES	YES	NO	NO	NO
35-14903	NO	YES	YES	NO	NO	NO
35-14904	NO	YES	YES	NO	NO	NO
35-14905	NO	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>
35-14896	35-14896	0.400 cfs	103.2 af	25.8	71.0	N/A	N/A	N/A	N/A	N/A
35-14903	35-14903	0.260 cfs	55.7 af	15.9	71.0	N/A	N/A	N/A	N/A	N/A
35-14904	35-14904	0.260 cfs	65.8 af	18.8	71.0	N/A	N/A	N/A	N/A	N/A
35-14905	35-14905	0.150 cfs	36.8 af	10.5	71.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.070 cfs	261.5 af	71.0	71.0		N/A	N/A	N/A	N/A

Transfer No. 89546

**Support Data
In File # 29-2472**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 89546

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 17th day of February, 2026.


James Cefalo



Transfer No. 89546

Support Data
In File # 29-2472

WATER RIGHT NO. 35-14896
As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 35-14896 is now described as follows:

Right Holder: FARMLAND RESERVE INC
 60 E SOUTH TEMPLE STE 1600
 SALT LAKE CTY, UT 84111-1029

Priority Date: 3/23/1981

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 11/01	0.400 cfs	103.2 af
			0.400 cfs	103.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 07S Rge 28E POWER 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	
07S	28E	12	12.0		29.0	30.0													71.0
Right Acre Limit:			25.8																
POU Total Acres:			71.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14896, 35-14903, 35-14904 and 35-14905 when combined shall not exceed a total diversion rate of 1.07 cfs, a total annual maximum diversion volume of 261.5 af at the field headgate, and the irrigation of 71.0 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. 120.
4. 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.

WATER RIGHT NO. 35-14896
As Modified by Transfer No. 89546

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89546, 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. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-14903
As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 35-14903 is now described as follows:

Right Holder: FARMLAND RESERVE INC
 60 E SOUTH TEMPLE STE 1600
 SALT LAKE CTY, UT 84111-1029

Priority Date: 12/2/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/01	0.260 cfs	55.7 af
			0.260 cfs	55.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 07S Rge 28E POWER 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	
07S	28E	12	12.0		29.0	30.0													71.0
Right Acre Limit:			15.9																
POU Total Acres:			71.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14896, 35-14903, 35-14904 and 35-14905 when combined shall not exceed a total diversion rate of 1.07 cfs, a total annual maximum diversion volume of 261.5 af at the field headgate, and the irrigation of 71.0 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. 120.
4. 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.

WATER RIGHT NO. 35-14903
As Modified by Transfer No. 89546

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89546, 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. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-14904

As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 35-14904 is now described as follows:

Right Holder: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

Priority Date: 2/23/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.260 cfs	65.8 af
			0.260 cfs	65.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 07S Rge 28E POWER 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	
07S	28E	12	12.0		29.0	30.0													71.0
Right Acre Limit:			18.8																
POU Total Acres:			71.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14896, 35-14903, 35-14904 and 35-14905 when combined shall not exceed a total diversion rate of 1.07 cfs, a total annual maximum diversion volume of 261.5 af at the field headgate, and the irrigation of 71.0 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. 120.
4. 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.

Transfer No. 89546

WATER RIGHT NO. 35-14904
As Modified by Transfer No. 89546

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89546, 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. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-14905

As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 35-14905 is now described as follows:

Right Holder: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

Priority Date: 3/29/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.150 cfs	36.8 af
			0.150 cfs	36.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 07S Rge 28E POWER 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	
07S	28E	12	12.0		29.0	30.0													71.0

Right Acre Limit: 10.5
POU Total Acres: 71.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14896, 35-14903, 35-14904 and 35-14905 when combined shall not exceed a total diversion rate of 1.07 cfs, a total annual maximum diversion volume of 261.5 af at the field headgate, and the irrigation of 71.0 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. 120.
4. 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.

WATER RIGHT NO. 35-14905
As Modified by Transfer No. 89546

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 89546, 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. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-7969
As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 35-7969 is now described as follows:

Right Holder: FARMLAND RESERVE INC
 60 E SOUTH TEMPLE STE 1600
 SALT LAKE CTY, UT 84111-1029

Priority Date: 3/23/1981

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 11/01	4.450 cfs	1144.8 af
			4.450 cfs	1144.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNESE Sec 12 Twp 06S Rge 29E POWER 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	
06S	29E	12	38.0	39.0	40.0	39.0									31.0	30.0	31.2	38.0	286.2

POU Total Acres: 286.2

CONDITIONS OF APPROVAL

- 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. 29-2472

As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 29-2472 is now described as follows:

Right Holder: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

Priority Date: 3/29/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.080 cfs	516.2 af
			2.080 cfs	516.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNESW Sec 7 Twp 06S Rge 33E POWER 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	
06S	33E	7									35.7	31.8	40.0	40.0					147.5

POU Total Acres: 147.5

CONDITIONS OF APPROVAL

- 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. 29-2520A
As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 29-2520A is now described as follows:

Right Holder: FARMLAND RESERVE INC
 60 E SOUTH TEMPLE STE 1600
 SALT LAKE CTY, UT 84111-1029

Priority Date: 2/23/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.890 cfs	478.5 af
			1.890 cfs	478.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENE Sec 7 Twp 06S Rge 33E POWER 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	
06S	33E	7													33.5	37.0	32.6	33.6	136.7

POU Total Acres: 136.7

CONDITIONS OF APPROVAL

- 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. 29-7042
As Modified by Transfer No. 89546

In accordance with the approval of Transfer No. 89546, Water Right No. 29-7042 is now described as follows:

Right Holder: FARMLAND RESERVE INC
 60 E SOUTH TEMPLE STE 1600
 SALT LAKE CTY, UT 84111-1029

Priority Date: 12/2/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/01	2.330 cfs	494.3 af
			2.330 cfs	494.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENW Sec 7 Twp 06S Rge 33E POWER 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	
06S	33E	7					36.2	35.7	34.8	34.4									141.1

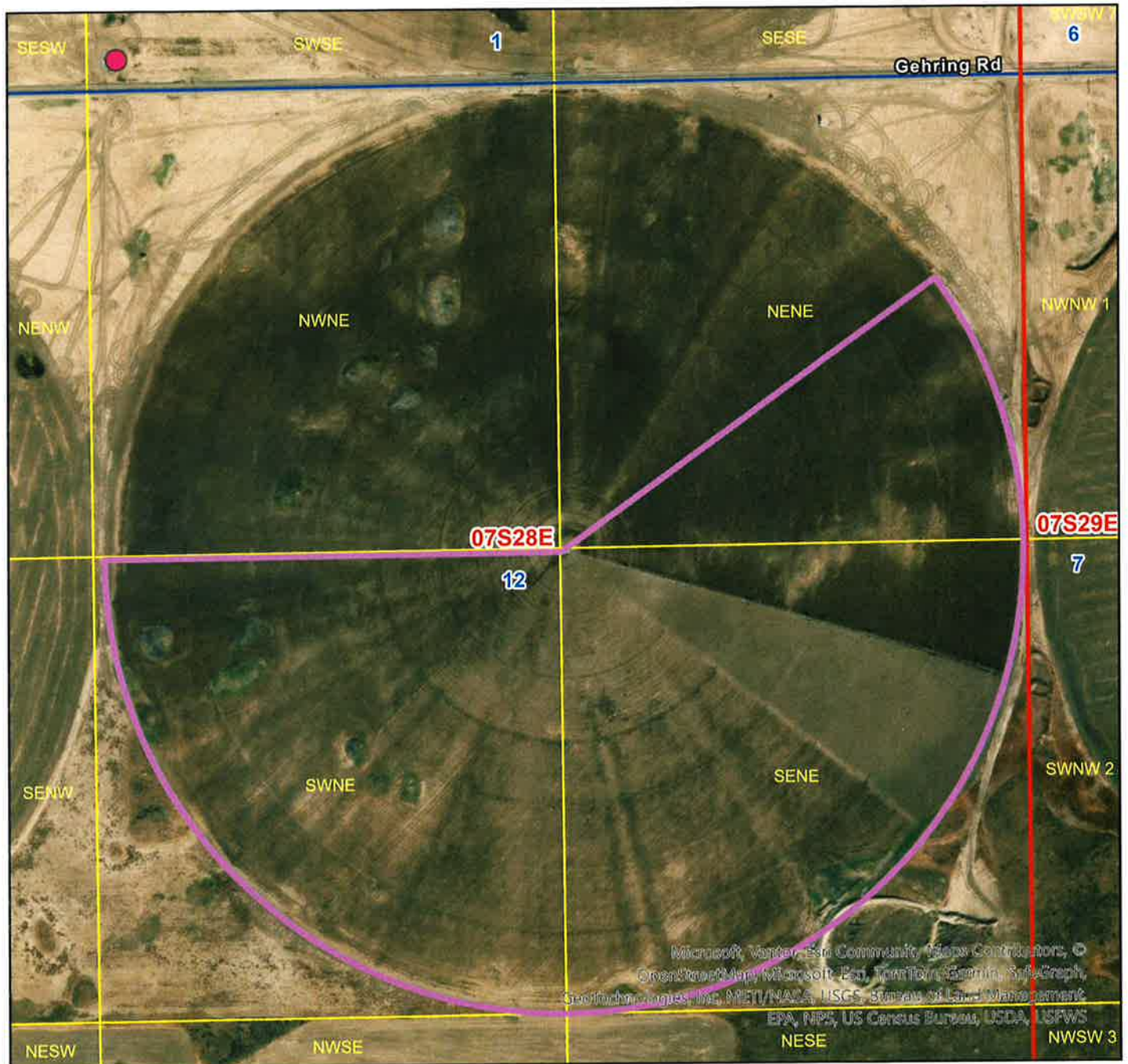
POU Total Acres: 141.1

CONDITIONS OF APPROVAL

- 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 89546

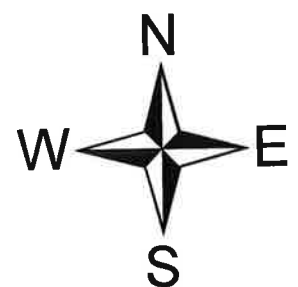
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 2/17/2026



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

February 17, 2026

FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY UT 84111-1029

Re: Transfer No: 89546
Water Right No(s): 29-2472, 29-2520A , 29-7042, 35-7969, 35-14896, 35-14903,
35-14904, 35-14905

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:

GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2026 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.: 89546

**Water Right No(s).: 29-2472, 29-2520A , 29-7042, 35-7969, 35-14896, 35-14903,
35-14904, 35-14905**

**FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY UT 84111-1029**

**GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

The accompanying document is a "**Preliminary Order**" issued by the Idaho Department of Water Resources ("Department") pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer 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.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days of the presiding officer to act on a petition for reconsideration of this preliminary order, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is to be heard, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

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 Idaho Code § 42-1701A(3). A written petition to the Director contesting the preliminary order and requesting a hearing must be filed with the Department

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the director for review of the preliminary order.

by any aggrieved person **within fifteen (15) days after service of this preliminary order.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.