

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90098**

This is to certify that: **F JAMES WHITTAKER**
PO BOX 240
LEADORE, ID 83464-0240

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>
74-1136	WR/DECREED	6/28/1912	2.000 cfs	N/A	102.6	686.0	LEFT FORK LEE CREEK
74-15788	WR/DECREED	12/31/1982	1.970 cfs	N/A	378.0	686.0	STROUD CREEK
74-369	WR/DECREED	5/12/1883	2.400 cfs	N/A	275.4	686.0	LEFT FORK LEE CREEK

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>
74-338B	WR/DECREED	11/1/1887	3.200 cfs	N/A	128.9	724.0	BIG EIGHTMILE CREEK
74-349	WR/DECREED	7/6/1916	2.000 cfs	N/A	72.7	724.0	BIG EIGHTMILE CREEK
74-1105	WR/DECREED	3/25/1918	4.000 cfs	N/A	197.0	724.0	BIG EIGHTMILE CREEK

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>
74-1136	NO	YES	NO	NO	NO	NO
74-15788	NO	YES	NO	NO	NO	NO
74-369	NO	YES	NO	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>
74-1136	74-1136	2.000 cfs	N/A	102.6	686.0	N/A	N/A	N/A	N/A	N/A
74-15788	74-15788	1.970 cfs	N/A	308.0	686.0	N/A	N/A	N/A	N/A	N/A
74-369	74-369	2.400 cfs	N/A	275.4	686.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.400 cfs	N/A	686.0	686.0		N/A	N/A	N/A	N/A

**Support Data
In File # 74-369**

Transfer No. 90098

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 90098

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 8th day of April, 2026


Water Resources Program Manager



Transfer No. 90098

Support Data
In File # 74-369

WATER RIGHT NO. 74-369**As Modified by Transfer No. 90098**

In accordance with the approval of Transfer No. 90098, Water Right No. 74-369 is now described as follows:

Right Holder: F JAMES WHITTAKER AND/OR
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 5/12/1883

Source: LEFT FORK LEE CREEK

Tributary: LEE CREEK

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

2,400 cfs

2,400 cfs

LOCATION OF POINT(S) OF DIVERSION

LEFT FORK LEE CREEK L4 (SWSW) Sec 31 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	36.0	14.0					197.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0	40.0	39.0	17.0	403.0
16N	25E	32					38.0	36.0											74.0
16N	25E	33						12.0											12.0

Right Acre Limit: 275.4

POU Total Acres: 686.0

CONDITIONS OF APPROVAL

1. When the flow of water in Lee Creek is insufficient to supply all rights under the 5-12-1883 date of priority, right 74-369 and right 74-370 shall not be pro-rated with any rights on Lee Creek with that priority date.

When the flow in the Left Fork of Lee Creek falls below amounts decreed in rights 74-369 and 74-370, the two rights shall be pro-rated according to the respective amounts of water decreed.

2. This right is limited to the irrigation of 275.4 acres within the authorized place of use in a single irrigation season.
3. Rights 74-369, 74-1136, and 74-15788 when combined shall not exceed a total diversion rate of 4.40 cfs and the irrigation of 686 acres.
4. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.

Transfer No. 90098

WATER RIGHT NO. 74-369

As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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. 74Z.
7. 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).
8. Right No. 74-15788 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. Source of water is also known as Stroud Creek.
10. This right does not grant any right-of-way or easement across the land of another.
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. 74-1136**As Modified by Transfer No. 90098**

In accordance with the approval of Transfer No. 90098, Water Right No. 74-1136 is now described as follows:

Right Holder: F JAMES WHITTAKER AND/OR
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 6/28/1912

Source: LEFT FORK LEE CREEK

Tributary: LEE CREEK

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
2,000 cfs
2,000 cfs

LOCATION OF POINT(S) OF DIVERSION

LEFT FORK LEE CREEK L4 (SWSW) Sec 31 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	36.0	14.0					197.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0	40.0	39.0	17.0	403.0
16N	25E	32					38.0	36.0											74.0
16N	25E	33						12.0											12.0

Right Acre Limit: 102.6

POU Total Acres: 686.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 102.6 acres within the authorized place of use in a single irrigation season.
2. Rights 74-369, 74-1136, and 74-15788 when combined shall not exceed a total diversion rate of 4.40 cfs and the irrigation of 686 acres.
3. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 90098

WATER RIGHT NO. 74-1136
As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

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. 74Z.
6. 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).
7. Right No. 74-15788 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Source of water is also known as Stroud Creek.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 74-15788**As Modified by Transfer No. 90098**

In accordance with the approval of Transfer No. 90098, Water Right No. 74-15788 is now described as follows:

Right Holder: F JAMES WHITTAKER AND/OR
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 12/31/1982

Source: STROUD CREEK

Tributary: LEE CREEK

BENEFICIAL USE
IRRIGATION

From 03/15
To 11/15

Diversion Rate
1.970 cfs
1.970 cfs

LOCATION OF POINT(S) OF DIVERSION

STROUD CREEK L4 (SWSW) Sec 31 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	36.0	14.0					197.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0	40.0	39.0	17.0	403.0
16N	25E	32					38.0	36.0											74.0
16N	25E	33						12.0											12.0

Right Acre Limit: 308.0

POU Total Acres: 686.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 308 acres within the place of use described for this right.
2. Rights 74-369, 74-1136, and 74-15788 when combined shall not exceed a total diversion rate of 4.40 cfs and the irrigation of 686 acres.
3. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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. 74Z.

Transfer No. 90098

WATER RIGHT NO. 74-15788
As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

6. 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).
7. Source of water is also known as Left Fork Lee Creek.
8. This right is based upon an enlargement of Right Nos. 74-369 and 74-1136 pursuant to Section 42-1426, Idaho Code.
9. 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 Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. This right does not grant any right-of-way or easement across the land of another.
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. 74-338B**As Modified by Transfer No. 90098**

In accordance with the approval of Transfer No. 90098, Water Right No. 74-338B is now described as follows:

Right Holder: PAULA J WHITTAKER AND/OR
F JAMES WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 11/1/1887

Source: BIG EIGHTMILE CREEK **Tributary:** LEMHI RIVER

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 3/15 to 11/15 3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG EIGHTMILE CREEK L10 (NWSE) Sec 5 Twp 15N Rge 25E LEMHI County
BIG EIGHTMILE CREEK NWSW Sec 33 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	38.0	14.0					199.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0				404.0
16N	25E	32	16.0				38.0	36.0											90.0
16N	25E	33						31.0											31.0

Right Acre Limit: 128.9

POU Total Acres: 724.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 128.9 acres within the place of use described above in a single irrigation season.
2. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.
3. Right Nos. 74-349, 74-1105, and 74-15787 are also diverted through points of diversion described above.
4. Right No. 74-15787 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Transfer No. 90098

WATER RIGHT NO. 74-338B
As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

6. 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. 74-349**As Modified by Transfer No. 90098**

In accordance with the approval of Transfer No. 90098, Water Right No. 74-349 is now described as follows:

Right Holder: PAULA J WHITTAKER AND
F JAMES WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 7/6/1916

Source: BIG EIGHTMILE CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	2.000 cfs 2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG EIGHTMILE CREEK	L10 (NWSE)	Sec 5 Twp 15N Rge 25E LEMHI County
BIG EIGHTMILE CREEK	NWSW	Sec 33 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	38.0	14.0					199.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0	39.0	18.0		404.0
16N	25E	32	16.0				38.0	36.0											90.0
16N	25E	33						31.0											31.0

Right Acre Limit: 72.7
POU Total Acres: 724.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 72.7 acres within the place of use described above in a single irrigation season.
2. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Right No. 74-15787 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. Right Nos. 74-338B, 74-1105, and 74-15787 are also diverted through the points of diversion described above.

Transfer No. 90098

WATER RIGHT NO. 74-349
As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

6. 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. 74-1105

As Modified by Transfer No. 90098

In accordance with the approval of Transfer No. 90098, Water Right No. 74-1105 is now described as follows:

Right Holder: F JAMES WHITTAKER AND/OR
PAULA J WHITTAKER
PO BOX 240
LEADORE, ID 83464-0240

Priority Date: 3/25/1918

Source: BIG EIGHTMILE CREEK **Tributary:** LEMHI RIVER

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 3/15 to 11/15 4.000 cfs
4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG EIGHTMILE CREEK L10 (NWSE) Sec 5 Twp 15N Rge 25E LEMHI County
BIG EIGHTMILE CREEK NWSW Sec 33 Twp 16N Rge 25E LEMHI 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	
16N	25E	28							40.0	35.0	32.0	40.0	38.0	14.0					199.0
16N	25E	29			40.0	40.0			34.0	40.0	40.0	18.0	15.0	40.0	40.0	40.0	39.0	18.0	404.0
16N	25E	32	16.0				38.0	36.0											90.0
16N	25E	33						31.0											31.0

Right Acre Limit: 197.0

POU Total Acres: 724.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 197 acres within the place of use described above in a single irrigation season.
2. Rights 74-349, 74-338B, 74-1105, 74-15787, 74-15788, 74-157, 74-369 and 74-1136 when combined shall not exceed the irrigation of 724 acres.
3. The total instantaneous diversion of water from all points of diversion shall not exceed 4.0 cfs under right 74-1105
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 90098

WATER RIGHT NO. 74-1105

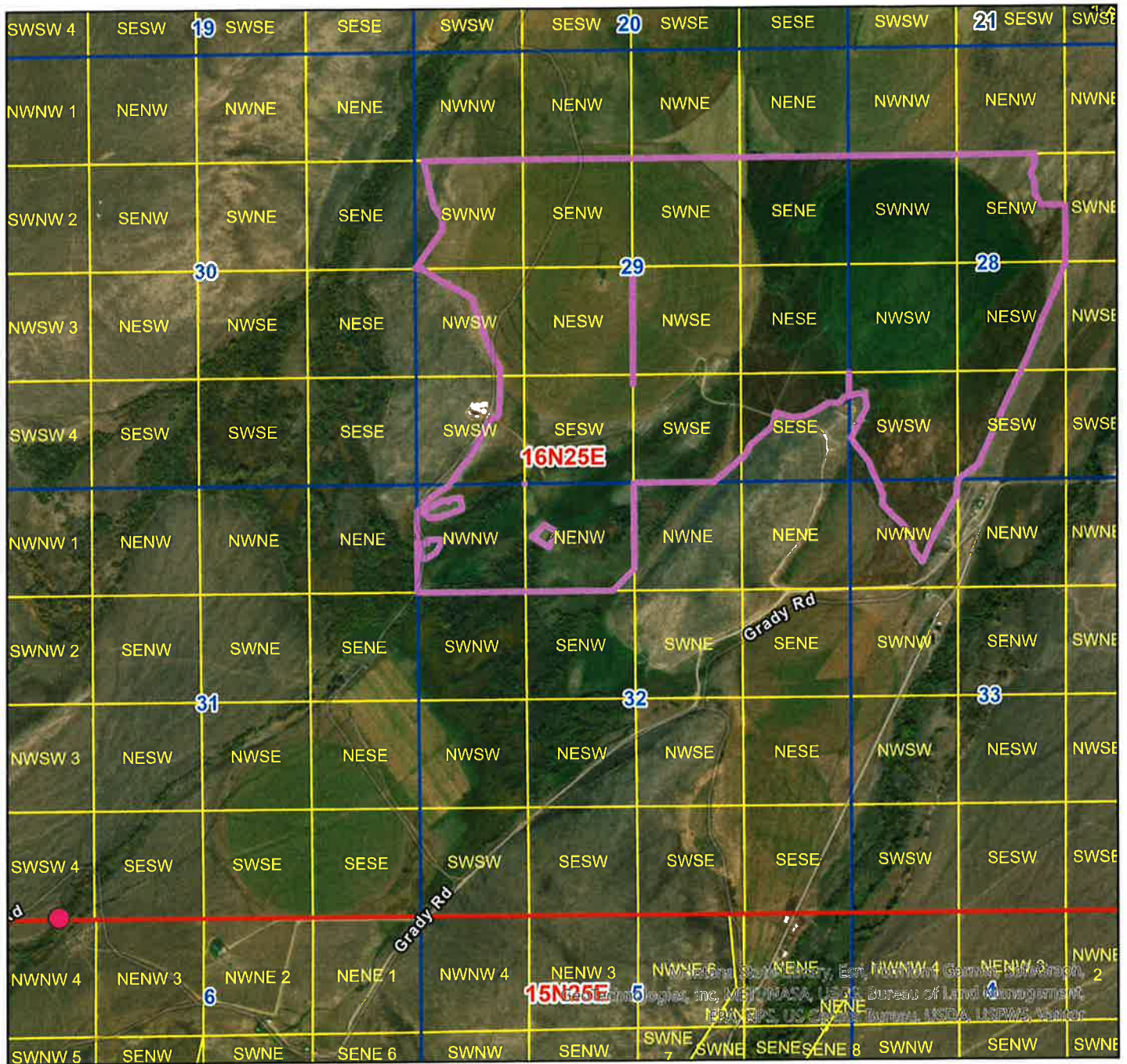
As Modified by Transfer No. 90098

CONDITIONS OF APPROVAL

5. Use of water under this right will 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. 74Z
6. The right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The point of diversion located at NWSE, Sec 5, T15N, R25E is located within H.E.S. Lot 146.
8. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. Right No. 74-15787 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. Right Nos. 74-338B, 74-349, and 74-15787 are also diverted through the points of diversion described above.
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.

Attachment to Transfer Approval 90266

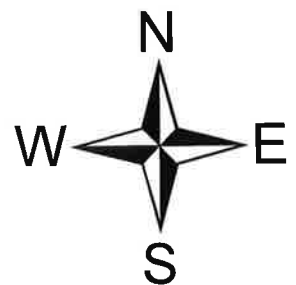
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 1,250 2,500 5,000 Feet



Date: 4/8/2026



April 08, 2026

F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464-0240

Re: Transfer No: 90098
Water Right No(s): 74-338B , 74-349, 74-369, 74-1105, 74-1136, 74-15788

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:

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83402

PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464-0240

DAVID R TOMCHAK
167 GRADY RD
LEADORE ID 83464-5041

CERTIFICATE OF SERVICE

I hereby certify that on April 08, 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.: 90098

Water Right No(s): 74-338B , 74-349, 74-369, 74-1105, 74-1136, 74-15788

**F JAMES WHITTAKER
PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464-0240**

**ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83402**

**DAVID R TOMCHAK
167 GRADY RD
LEADORE ID 83464-5041**



**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 issue a written order disposing of the 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 of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, 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 necessary, 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 final written brief 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 the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

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.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

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 proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.