

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90266**

This is to certify that: **BRENT CROWTHER**
3853 W MOUNTAIN VIEW DR
REXBURG, ID 83440

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>
35-13944	WR/DECREED	8/4/1979	0.460 cfs	195.3 af	N/A	56.4	GROUND WATER
35-13946	WR/DECREED	2/24/1953	0.400 cfs	90.4 af	22.6	56.4	GROUND WATER
35-13948	WR/DECREED	6/7/1957	0.190 cfs	40.4 af	10.1	56.4	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>
35-13944	YES	YES	YES	NO	NO	NO
35-13946	YES	YES	YES	NO	NO	NO
35-13948	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13944	22-14748	0.020 cfs	7.0 af	2.0	16.0	35-13944	0.440 cfs	186.8 af	N/A	54.4
35-13946	22-14749	0.010 cfs	2.8 af	0.8	16.0	35-13946	0.390 cfs	87.2 af	21.8	54.4
35-13948	22-14750	0.010 cfs	1.4 af	0.4	16.0	35-13948	0.180 cfs	38.8 af	9.7	54.4
COMBINED TOTALS		0.040 cfs	7.0 af	2.0	16.0		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 8th day of April, 2026


Water Resources Program Manager

Transfer No. 90266

**Support Data
In File # 35-13944**

WATER RIGHT NO. 35-13944
As Modified by Transfer No. 90266

In accordance with the approval of Transfer No. 90266, Water Right No. 35-13944 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 8/4/1979

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	0.440 cfs	186.8 af
			0.440 cfs	186.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENW	Sec 24 Twp 01S Rge 34E BINGHAM County
GROUND WATER	SESESW	Sec 24 Twp 01S Rge 34E BINGHAM 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	
01S	34E	24					15.0	5.0		32.6		1.8							54.4

POU Total Acres: 54.4

CONDITIONS OF APPROVAL

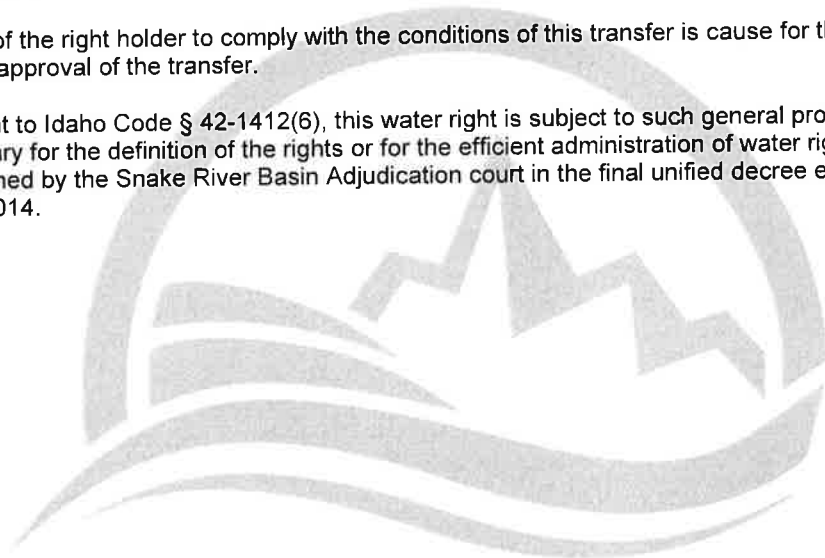
1. Rights 35-13944, 35-13946 and 35-13948 when combined shall not exceed a total annual maximum diversion volume of 217.6 af at the field headgate, and the irrigation of 54.4 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 90054, 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. 90266

WATER RIGHT NO. 35-13944
As Modified by Transfer No. 90266

CONDITIONS OF APPROVAL

5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 22-14748
As Modified by Transfer No. 90266

In accordance with the approval of Transfer No. 90266, Water Right No. 22-14748 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 8/4/1979

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	0.020 cfs	7.0 af
			0.020 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 06N Rge 39E MADISON 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	39E	21	2.1			13.9													16.0

Right Acre Limit: 2.0
 POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.0 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14748, 22-14749 and 22-14750 when combined shall not exceed a total annual maximum diversion volume of 7.0 af at the field headgate, and the irrigation of 2.0 acres.
3. Rights 22-14748, 22-14749, and 22-14750 are limited to the irrigation of a specific 2.0 acres within the 16 acre place of use authorized by this right in a single irrigation season. The specific 2.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.0 acres to be irrigated within the 16 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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. 100.

Transfer No. 90266

WATER RIGHT NO. 22-14748
As Modified by Transfer No. 90266

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. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 35-13946
As Modified by Transfer No. 90266

In accordance with the approval of Transfer No. 90266, Water Right No. 35-13946 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 2/24/1953

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	0.390 cfs	87.2 af
			0.390 cfs	87.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENW	Sec 24 Twp 01S Rge 34E BINGHAM County
GROUND WATER	SESESW	Sec 24 Twp 01S Rge 34E BINGHAM 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	
01S	34E	24					15.0	5.0		32.6			1.8						54.4

Right Acre Limit: 21.8

POU Total Acres: 54.4

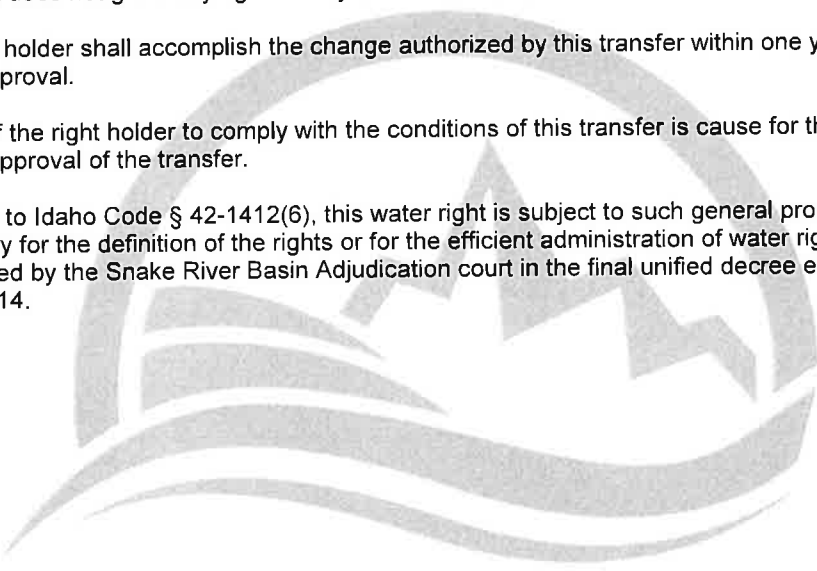
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 21.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13944, 35-13946 and 35-13948 when combined shall not exceed a total annual maximum diversion volume of 217.6 af at the field headgate, and the irrigation of 54.4 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. Prior to the diversion and use of water under Transfer approval 90054, 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. 90266

WATER RIGHT NO. 35-13946
As Modified by Transfer No. 90266

CONDITIONS OF APPROVAL

5. 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.
 6. 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.
 7. This right does not grant any right-of-way or easement across the land of another.
 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. 22-14749**As Modified by Transfer No. 90266**

In accordance with the approval of Transfer No. 90266, Water Right No. 22-14749 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 2/24/1953

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	0.010 cfs	2.8 af
			0.010 cfs	2.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 06N Rge 39E MADISON 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	39E	21	2.1			13.9													16.0

Right Acre Limit: 0.8

POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.8 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14748, 22-14749 and 22-14750 when combined shall not exceed a total annual maximum diversion volume of 7.0 af at the field headgate, and the irrigation of 2.0 acres.
3. Rights 22-14748, 22-14749, and 22-14750 are limited to the irrigation of a specific 2.0 acres within the 16 acre place of use authorized by this right in a single irrigation season. The specific 2.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.0 acres to be irrigated within the 16 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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. 100.

Transfer No. 90266

WATER RIGHT NO. 22-14749

As Modified by Transfer No. 90266

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. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 35-13948**As Modified by Transfer No. 90266**

In accordance with the approval of Transfer No. 90266, Water Right No. 35-13948 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
PO BOX 40
RIRIE, ID 83443-0040

Priority Date: 6/7/1957

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 11/01	0.180 cfs	38.8 af
			0.180 cfs	38.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENW	Sec 24 Twp 01S Rge 34E	BINGHAM County
GROUND WATER	SESESW	Sec 24 Twp 01S Rge 34E	BINGHAM 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	
01S	34E	24					15.0	5.0		32.6		1.8							54.4

Right Acre Limit: 9.7
POU Total Acres: 54.4

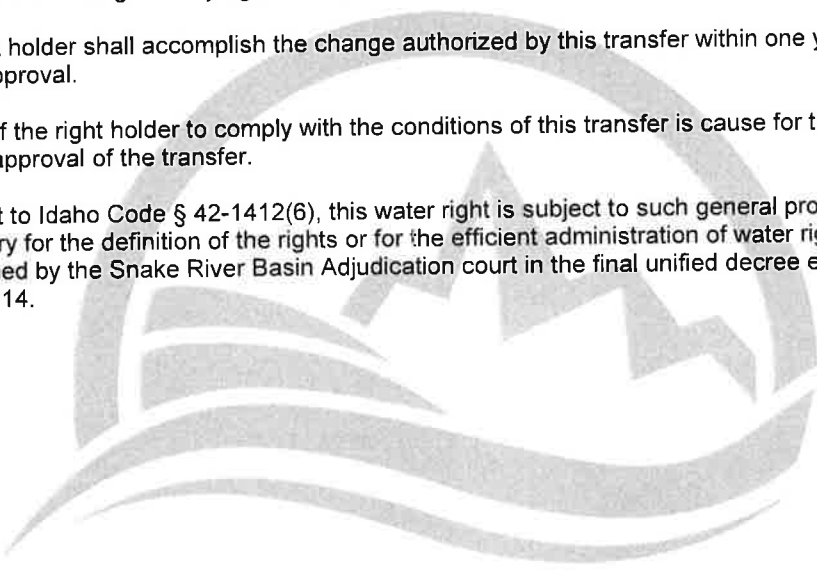
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.7 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13944, 35-13946 and 35-13948 when combined shall not exceed a total annual maximum diversion volume of 217.6 af at the field headgate, and the irrigation of 54.4 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. Prior to the diversion and use of water under Transfer approval 90054, 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. 90266

WATER RIGHT NO. 35-13948
As Modified by Transfer No. 90266

CONDITIONS OF APPROVAL

5. 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.
 6. 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.
 7. This right does not grant any right-of-way or easement across the land of another.
 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. 22-14750
As Modified by Transfer No. 90266

In accordance with the approval of Transfer No. 90266, Water Right No. 22-14750 is now described as follows:

Right Holder: FOSTER LAND AND CATTLE
 PO BOX 40
 RIRIE, ID 83443-0040

Priority Date: 6/7/1957

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 11/01	0.010 cfs 0.010 cfs	1.4 af 1.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 06N Rge 39E MADISON 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	39E	21	2.1			13.9													16.0

Right Acre Limit: 0.4
 POU Total Acres: 16.0

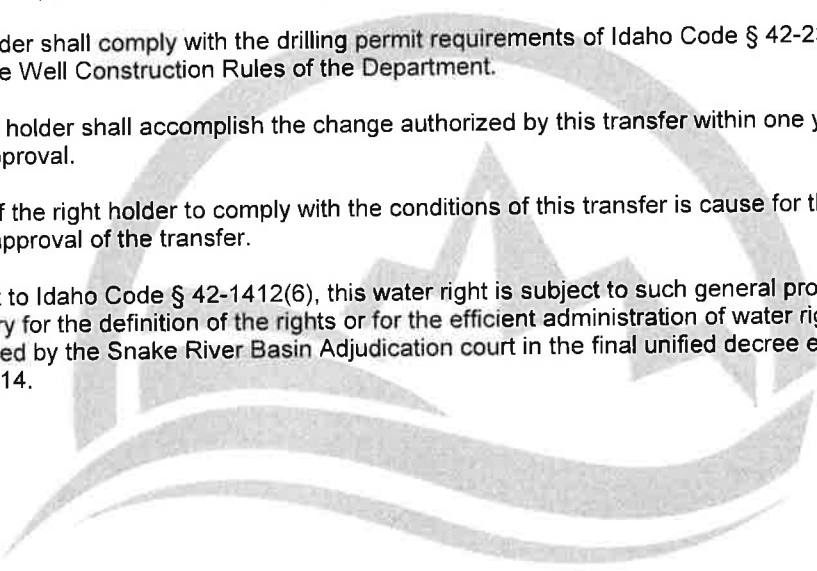
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.4 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14748, 22-14749 and 22-14750 when combined shall not exceed a total annual maximum diversion volume of 7.0 af at the field headgate, and the irrigation of 2.0 acres.
3. Rights 22-14748, 22-14749, and 22-14750 are limited to the irrigation of a specific 2.0 acres within the 16 acre place of use authorized by this right in a single irrigation season. The specific 2.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.0 acres to be irrigated within the 16 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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. 100.

Transfer No. 90266

WATER RIGHT NO. 22-14750
As Modified by Transfer No. 90266

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. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
 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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
 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.
- 

Attachment to Transfer Approval 90266

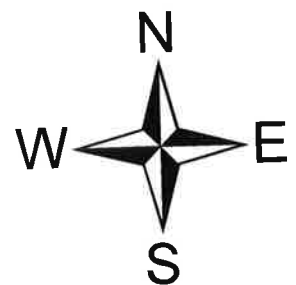
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 50 100 200 Feet



Date: 4/8/2026



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

April 08, 2026

BRENT CROWTHER
3853 W MOUNTAIN VIEW DR
REXBURG ID 83440

Re: Transfer No: 90266
Water Right No(s): 22-14748, 22-14749, 22-14750, 35-13944, 35-13946,
35-13948

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:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

FOSTER LAND AND CATTLE
PO BOX 40
RIRIE ID 83443-0040

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.: 90266

**Water Right No(s).: 22-14748, 22-14749, 22-14750, 35-13944, 35-13946,
35-13948**

**BRENT CROWTHER
3853 W MOUNTAIN VIEW DR
REXBURG ID 83440**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552**

**FOSTER LAND AND CATTLE
PO BOX 40
RIRIE ID 83443-0040**



**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.