



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

January 6, 2009

C. L. "BUTCH" OTTER  
Governor

Re: Order Requiring Measuring Devices and Head Gates in Water District 74

DAVID R. TUTHILL, JR.  
Director

Dear Water User,

The Idaho Department of Water Resources (IDWR or Department) has issued the enclosed preliminary order requiring installation of measuring devices and control works for certain diversions in Water District No. 74, Lemhi River and tributaries, prior to the 2010 irrigation season. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as explained in the enclosed information sheet.

This order requires users receiving the order to contact the Water District 74 watermaster with plans for measuring devices and control works on or before July 15, 2009. The order only applies to the control and measurement of water at the head of the main canals, ditches, or points of diversions from the Lemhi River or certain tributary sources listed in the order, not the points of re-diversion or laterals from those main ditches. Please refer to the enclosed document "*Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*" for information on types of measuring devices acceptable to IDWR. This document and other information on the topic are available on IDWR's Internet site at the following address:

[http://www.idwr.idaho.gov/water/districts/water\\_measurement.htm](http://www.idwr.idaho.gov/water/districts/water_measurement.htm)

If you have questions concerning this order, please contact the watermaster for Water District 74, Rick Sager, or contact either Bob Foster, IDWR Salmon Field Office (208-756-6644), or Tim Luke, IDWR Water Distribution, Boise (208-287-4959).

Respectfully,

A handwritten signature in black ink, appearing to read 'Tim Luke', written in a cursive style.

Tim Luke  
Water Distribution

Enclosures:

*Preliminary Order Requiring Controlling Works and Measuring Devices in Water District 74 (3 pages)*

*Explanatory Information to Accompany a Preliminary Order (2 pages)*

*IDWR Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices (4 pages)*

Cc: Rick Sager, Watermaster, Water District 74  
Bob Foster, IDWR, Salmon  
IDWR Eastern Region

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7<sup>th</sup> day of January, 2009, a true and correct copy of the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the in the United States mail, postage prepaid and properly addressed.

Document(s) Served: **IN THE MATTER OF REQUIRING MEASURING DEVICES AND CONTROLLING WORKS ON CERTAIN DIVERSIONS FROM THE LEMHI RIVER IN WATER DISTRICT NO. 74**

A handwritten signature in cursive script that reads "Christine Roberts". The signature is written in black ink and is positioned above a horizontal line.

Christine Roberts  
Technical Records Specialist  
Idaho Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF REQUIRING MEASURING	)	
	)	
DEVICES AND CONTROLLING WORKS ON	)	PRELIMINARY
	)	ORDER
CERTAIN DIVERSIONS FROM THE LEMHI RIVER	)	
	)	
IN WATER DISTRICT NO. 74	)	
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On December 5, 2008 the Idaho Department of Water Resources (“Department” or “IDWR”) received a letter from the Watermaster of Water District No. 74, the Lemhi River and tributaries, requesting IDWR to require installation of measuring devices for certain diversions on the Lemhi River. The watermaster stated in his December 5th letter that he manually measures diversions in the district using a current meter. The watermaster has developed stage-discharge rating tables for diversions on the Lemhi River using the fixed staff gages that are installed on diversion fish screens. A rating table relates the stage or water level of a ditch against the ditch flow or discharge. The watermaster has determined that rating tables for many of the diversions on the Lemhi River cannot be adequately maintained due to frequent staff gage shifts caused by moss and algae, and/or changes in the physical conditions of the ditch due to ongoing ditch maintenance or delivery of water to lateral ditches. The watermaster has prioritized a need for installation of standard measuring devices on the following Lemhi River ditches or diversions: L-17, L-18, L-19, L-23, L-29, L-31B, L-33, L-38, L-30A, L-42, L-45, L-47, L-35, L-45, L-47, L-49, L-50, L-52A, L-58A, L-58C, L-59, L-60, L-63, LBSC-1, LBSC-2, LBSC-3, LBSC-4, LBSC-4A, LBSC-5, and LBSC-6.

Section 42-701, Idaho Code, provides in pertinent part:

**42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS – PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN – MEASURING AND REPORTING OF DIVERSIONS – PENALTY FOR FAILURE TO COMPLY – REPORT FILING FEE.**

1. The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable head gates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such head gates, rating flumes or other measuring devices shall be approved by the department of water resources.

3. Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such head gates, controlling works, or measuring devices..., upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such head gates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

4. The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such head gates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

**ORDER**

**IT IS HEREBY ORDERED AS FOLLOWS:**

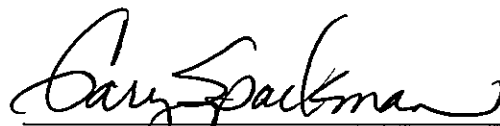
1. Prior to diverting water during the 2010 irrigation season, the water right owners or water users identified with each individual diversion listed in Attachment A of this order shall install a

measuring device and a functional, lockable controlling works of a type acceptable to the Department. The controlling works and measuring device for each point of diversion listed on Attachment A shall be installed at, or in reasonable proximity, to the point where water is diverted from the Lemhi River.

2. All water users diverting water from the Lemhi River at the points of diversion listed on Attachment A must contact the Water District 74 watermaster no later than July 15, 2009 regarding plans for installation of measuring devices and controlling works for the 2010 irrigation season. Plans shall be reviewed by the watermaster or the Department to determine whether proposed measuring devices and controlling works are of a type acceptable to the Department. If measuring devices and/or controlling works are already in place, contact the watermaster or provide a written description to either the watermaster or Department by July 15, 2009.

3. The watermaster shall shut off and refuse to deliver water to any diversion listed on Attachment A that does not have an adequate measuring device and/or lockable controlling works at any and all times during the 2010 irrigation season.

Dated this 5<sup>th</sup> day of January, 2008



GARY SPACKMAN.  
ADMINISTRATOR

## ATTACHMENT A

NAME	ADDRESS	CITY	STATE	ZIP	DIVERSION
ANDREWS, BILL	10 B & T ROAD	SALMON	ID	83467	L-23
ANGLIN, KELLY	P O BOX 56	TENDOY	ID	83468	L-31B, L33
BACKUS, GLYNN	P O BOX 5138	ETNA	WY	83118	L-42
BAGLEY, DARELL	14575 E LANGELL V RD	BONANZA	OR	97623	L-33
BEYELER, MERRILL	PO BOX 62	LEADORE	ID	83464	L-63
BRENNA, TED	P O BOX 1211	FORT BRAGG	CA	95437	L-42
CAYWOOD, JOE	P O BOX 3	TENDOY	ID	83468	L-33
COLLIVER, HOWARD A	P O BOX 7	TENDOY	ID	3468	L-33
THE NATURE CONSERVANCY	116 1st AVE, NORTH	HAILEY	ID	83333	L-52A, L58-A, LBSC-05
DASKALOS, SPIRO	1853 BOGEY WAY	HENDERSON	NV	89014	L-42
ELLSWORTH, LESLIE	PO BOX 5023	TWIN FALLS	ID	83303	L-58A, LBSC-05
FOLEY, JAMES	P O BOX 73	TENDOY	ID	83468	L-42
GERBO, RICK	P O BOX 1905	TRUCKEE	CA	96160	L-42
GODDARD, ROSS	P O BOX 11	TENDOY	ID	83468	L-29
HARRIS, JOHN	25 SHAMROCK LN	SALMON	ID	83467	L-23
HARTVIGSON, Z R	746 KING ST	DENVER	CO	80204	L-17
JONES, IVAN	1463 ELSIE DRIVE	MURRY	UT	84123	L-33
KENNEY CREEK RANCH	P O BOX 101	TENDOY	ID	83468	L-23
KIBBEE, JANET	3927 E 400 N	RIGBY	ID	83442	L-42
KNIGHT, ANDREW	PO BOX 71	LEMHI	ID	83465	L-38, L-42
LINGER, FLOYD	P.O. BOX 51	TENDOY	ID	83467	L-42
LOUDY, BILL	P O BOX 68	TENDOY	ID	83468	L-33
LYON, JAMES A	P O BOX 15	TENDOY	ID	83468	L-33
MACIESKI, IAS	3282 E 65th ST	IDAHO FALLS	ID	83406	L-23
MCFARLAND LIVESTOCK CO INC	P O BOX 50	LEMHI	ID	83465	L-49
MULKEY, BRUCE	25 MULKEY LANE	SALMON	ID	83467	L-17
POSTEL, MICHAEL	P O BOX 35	LEMHI	ID	83465	L-45
ROBISON, A RAND	502 N 4000 E	RIGBY	ID	83442	L-47
SAGER, BILL	61 RED ROCK STAGE RD	SALMON	ID	83467	L-17
SHINER RANCHES INC.	P O BOX 26	LEMHI	ID	83465	L-45
SIMS, RALPH	304 STATE ST	SALMON	ID	83467	L-18
SMITH, HEIDI	P O BOX 103	TENDOY	ID	83468	L-42
SMITH, JERRY	PO BOX 453	FIRTH	ID	83236	L-42
SNOOK, EDWARD	1205 HWY 28	SALMON	ID	83467	L-19
SNOOK, QUINTON	9 QUINTON LANE	SALMON	ID	83467	L-23
SNYDER, WILLIAM	P O BOX 49	LEMHI	ID	83465	L-49, L-50
STOKES, DEAN	19 N BARRACKS LANE	SALMON	ID	83467	L-23
STOUT, CLYDE	P O BOX 132	LEMHI	ID	83465	L-38
SWANSON, RODGER C	71 PRICE CREEK ROAD	SALMON	ID	83467	L-23
SWANSON, RODGER C	72 PRICE CREEK ROAD	SALMON	ID	83468	L-31B, L-33
TORLAI, GREG	P O BOX 135	HOLT	CA	95234	L-42
TYLER, KARL	PO BOX 16025	MISSOULA	MT	59803	L-58C, L-59, L-60, L-63
TYLER, KARL	PO BOX 16025	MISSOULA	MT	59803	LBSC-01, 02, 03, 04 LBSC-04A, LBSC-06
WEBB, JIM	P O BOX 706	SPRINGVILLE	CA	93265	L-18
WEISS, JAMES	P O BOX 62	WISDOM	MT	59761	L-33
WW LIMITED,	P O BOX 282	SALMON	ID	83467	L-31B
YANCEY, FRANKLIN	13577 SOUTH UNION RD	MANTECA	CA	95336	L-42

**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. 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 issuance 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.



**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES (IDWR)**

**MINIMUM ACCEPTABLE STANDARDS FOR  
OPEN CHANNEL AND CLOSED CONDUIT  
MEASURING DEVICES**

The source and means of diversion of water, whether surface or ground water, generally affects the selection of a measuring device. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices when required by IDWR are to be installed at or near the point of diversion from the public water source.

**Open Channel**

**I. SURFACE WATER DIVERSIONS**

The following discussion is applicable only to diversions from surface water sources. Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the IDWR.

**A. Standard Open Channel Measuring Devices**

All open channel surface water diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- contracted rectangular weir
- suppressed rectangular weir
- Cipolletti weir
- 90 degree V-notch weir
- Parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice
- ramped broad crested weir (or ramped flume)
- acoustic Doppler flow meter (ADFM)

Construction and installation of these devices should follow published guidelines. References are available upon request.

**B. Non-standard open channel devices: Rated Structures or Rated Sections**

IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter or a standard portable measuring device. Further restrictions and requirements are available from IDWR upon request.

## II. CLOSED CONDUIT MEASURING DEVICES

Closed conduit or pipe line diversions require installation of a flowmeter. There are many flowmeters on the market, with costs ranging from several hundred dollars to several thousand dollars. In general, the higher priced meters are more accurate and require less maintenance. Most meters on the market have an acceptable accuracy rating for IDWR's guidelines. However, some types and designs are much more prone to maintenance problems. Moving parts tend to wear when sand or silt is present, and moss often plugs small orifices and slows moving parts. No single flowmeter is best for every situation. We recommend that you visit with qualified dealers and discuss your needs with them.

### A. Flow Meter Specifications

Listed below are the flow meter requirements and specifications for full-flowing closed conduits or pipes. These specifications apply to all irrigation and non-irrigation water uses except domestic systems as defined in Section 42-111, Idaho Code. Water users may apply to IDWR for a variance to these specifications in accordance with Criteria for Request for Variance of measuring Device Requirements of Section II C. of this document

Meters shall be magnetic flow meters meeting the following minimum specifications:

- 1) Flow range of 0.1 to 33 feet per second (fps).
- 2) Listed manufacturer accuracy of  $\pm 0.5\%$  of flow rate from 1.6 to 33 feet per second (fps), and  $\pm 2\%$  of flow rate from 0.1 to 1.5 feet per second (fps).
- 3) The register or display unit shall:
  - a) Have a waterproof and tamperproof seal.
  - b) Have an LCD backlit display showing instantaneous flow rate and totalized volume.
  - c) Have a minimum of six (6) digits for flow rate.
  - d) Have a minimum of eight (8) digits for totalized volume display or a sufficient number of digits so that "rolling over" will not occur within two years operation, based on the maximum rate of flow and annual volume elements of the authorizing water rights. For totalizing data, IDWR recommends using the attached guidelines (see Table 1) for proper meter (totalizing units) selection for the intended use.
  - e) Have password or similar protection of all settings and data to protect against unauthorized change or accidental loss of data.
  - f) Contain a back up battery (according to manufacturers specifications) to prevent loss of data in the case of primary power failure.
  - g) The display unit must contain user programmable features that allow the selection of flow units. Available flow units must include, but are not limited to, gallons per minute (gpm) or cubic feet per second (cfs). The meter flow rate display must also allow decimal display formatting of up to three (3) places when using cubic feet per second units.
  - h) The volume totalizer display must contain user programmable features that allow the selection of volumetric units that must include but are not limited to, total gallons or acre feet. The meter must also allow decimal display formatting of up to four (4) places, and the application of unit multipliers ranging from .0001 to 10,000.

4) Signal Output when Data Logger is Required

*Data loggers are required only for magnetic flow meters installed as per conditions of approval for water right transfers in the Eastern Snake Plain Aquifer, or as may be required by specific water right conditions of approval in other locations.*

Scaled pulse frequency output (or pulse counting) is required for continuous recording of totalized volume data on data loggers. Output signals must be compatible with data logger inputs. Analog output signal for flow rate (usually 4-20mA) is also optional (most magnetic flow meters provide both analog and pulse frequency as standard output signals).

**B. Meter Installation and Diversion System Requirements**

Meters required under Section II A. above shall meet the following installation requirements:

- 1) The minimum and maximum system operating flows and pressures must be fully within the range of measurable flows and pressures identified in the meter specifications.
- 2) Pipes must be full flowing.
- 3) The installed flow rate accuracy of the installed magnetic flow meter must be  $\pm 5.0\%$  as compared to a second, standard flow meter. The installed flow rate accuracy for mechanical flow meters is  $\pm 10\%$  of rate of as compared to a second, standard flow meter.
- 4) Meters must be installed according to manufacturer's specifications. Most manufacturers' recommend that meters be installed a certain distance from turbulence-causing bends and fittings such as discharge heads, single elbows, and valves. Industry standards for such distances are listed below, but larger distances may be required if the turbulence is severe.
  - a. Magnetic flow meters require three (3) pipe diameters upstream of the meter and two (2) downstream.
  - b. Mechanical flow meters require ten (10) pipe diameters upstream of the meter and five (5) pipe diameters downstream.
- 5) Meter Certification: IDWR will certify the installed flow meter for accuracy using a second, standard flow meter. A location for measuring flow with a second standard meter must be provided as close to the installed meter as possible. A section of straight pipe with a minimum of 24 inches in length (for pipe diameters 16 inches and smaller) of unobstructed exposed pipe shall be provided for calibration purposes. The calibration section must be free of elbows, valves and other fittings, and must contain the same flows that are passing through the meter. The 24-inch certification section may be incorporated into the manufacturer's pipe requirements above or below the flow meter.

**C. Requests for Variance of Closed Conduit Measuring Device Requirements**

Owners of closed conduit diversions may request a variance of the standard magnetic flow meter requirements of section II A. above for the following reasons:

- a) An operable flow meter is already installed
- b) Installation and maintenance of the standard meter would be burdensome

If a meter is already installed, that meter may be used if the meter is field-tested by IDWR staff and/or the water district watermaster using a portable certified standard flow meter and upon a determination that the meter is installed properly and accurate to within  $\pm 10\%$  of actual rate of flow and volume. *IDWR or the water district watermaster should apply a calibration factor to flow meters whenever the calibration measurement is greater than  $\pm 1.0\%$ .*

If a user demonstrates that installation and maintenance of the standard meter would be burdensome, then IDWR may consider alternate measurement options including:

- a) Development of Power Consumption Coefficient to estimate water use volumes (generally acceptable for simple ground water irrigation diversion systems only)
- b) Installation of one or more time clocks or hour meters (requires periodic flow measurements and recording of hours of water use from meter or clock)
- c) Installation of an alternative flow meter as shown in Table 2 below.

Users considering making a variance request may contact IDWR or the local water master for further information.

**Table 1; Use for proper meter selection based on water right volume.**

Volume Acre Feet (AF)	Multiplier X gallons (gal)	Multiplier X Acre Feet (AF)
0-150	1, 10, 100	.0001, .001
150-1000	10, 100, 1000	.001, .01
>1000	100, 1000	.001, .01

**Table 2; Types of Measuring Devices for Closed Conduits**

Types	Pipe Sizes	Maintenance Required	Relative Purchase Price
Differential Head <ul style="list-style-type: none"> <li>• Orifice</li> <li>• Venturi</li> <li>• Annubar</li> </ul>	small to large	Low to high. Sand wears on sharp edges, and particles can plug small orifices and tubes.	low to medium
Force Velocity <ul style="list-style-type: none"> <li>• Turbine</li> <li>• Propeller</li> <li>• Impeller</li> </ul>	small to large	Typically moderate to high. Often problematic when exposed to sand or moss. Some cannot measure low velocities	low to medium
Ultrasonic or Acoustic Doppler	small to large	Low. Typically non-invasive with no moving parts to wear	high
Vortex	small to medium (about 12 to 14 inch maximum pipe diameter)	Low. Few or no moving parts to wear.	high

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## FINAL ORDER

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- (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

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