



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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 7, 2017

RE: In the Matter of Sylte's Petition for Declaratory Ruling Regarding Distribution of Water to Water Right 95-0734; Docket No. P-DR-2017-001

Dear Parties:

Yesterday's mailing of the *Order on Motions for Summary Judgment; Order Amending Instructions; Order Vacating Hearing Dates and Schedule* ("Order") included an information sheet identifying the Order as a preliminary order of the Department of Water Resources ("Department"). However, pursuant to Idaho Code § 67-5255(3) and Rule 402 of the Department's Rules of Procedure (IDAPA 37.01.01.402), the Order should have been identified as a final action of the agency. "The agency's decision on a petition for declaratory ruling on the applicability of any statute, rule, or order administered by the agency is a final agency action decided by order." IDAPA 37.01.01.402.01. Consequently, with this letter I have enclosed an information sheet titled *Explanatory Information to Accompany a Final Order* for your reference in connection with the Order.

Sincerely,

A handwritten signature in blue ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, sweeping 'S' at the beginning.

Shelley W. Keen
Hearing Officer

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, 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. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September 2017, I served a true and correct copy of the foregoing document on the parties listed below by their designated method of service as indicated.

Michael P. Lawrence
Jack W. Relf
Givens Pursley, LLP
mpl@givenspursley.com
jwr@givenspursley.com
(CONSENTED TO EMAIL SERVICE)

Representing:

Goodrich, Susan
Sylte, Gordon
Sylte, John
Sylte Ranch Limited Liability Company

Norman M. Semanko
Parsons Behle & Latimer
nsemanko@parsonsbehle.com
(CONSENTED TO EMAIL SERVICE)

Representing or Spokesperson for:

Alice, Mary A.
Anderson, Mary F
Anderson, Mary F et al
Andrews, Debra
Andrews, John
Bafus, Matthew A.
Benage, Charles and Ruth
Chetlain Jr., Arthur
Clarence & Kurt Geiger Families
Collins, Mary K./Bosch Properties
Cozzetto, Sandra
Crosby, Wes
Curb, James
DeVitis, Maureen
Ellis, Don
Ellis, Susan
Erickson, Scott

Freije, Joan
Hatrock, Amber
Herr, Barbara
Hilliard, Wendy & James
Hogan, Pat & Denise
Holmes, Steven & Elizabeth
Houkam, Leif
Jayne, Donald
Jayne, Douglas I & Bertha Mary
Kiefer, Terry
Knowles, Michael
Kremin, Adam
Kuhn, Robert
Lacroix, Rene
Lake-Ommen, Joan
Larry D & Janice A Faris Living Trust
LaLiberte, Terry
Miller, Patrick E.
Minatre, William H
Murray, Angela
Nipp, David R.
Nooney, John
Rodgers, Steve & Pam
Roth, Kimberli
Schafer, David & Lori
Schultz, Darwin R.
Seaburg, Molly
Sunday, Hal
TCRV LLC
Twin Echo Resort
Twin Lakes Improvement Assoc.
Upper Twin Lakes, LLC
Van Zandt, Rick & Corrinne
Weller, Gerald J.
Wilson, Bruce & Jamie
Ziuchkovski, Dave

Estate of Carmela G. Dempsey and
Curran D. Dempsey Disclaimer Trust
dempseymc@comcast.net
ccdempsey@hotmail.com
(CONSENTED TO EMAIL SERVICE)

COURTESY COPY TO:

Clark, Colby
30701 N. Clagstone Road
Athol, ID 83801

Finman, Paul
pfinman@lcfamps.com
(CONSENTED TO EMAIL SERVICE)

Twin Lakes/Rathdrum Creek FDC #17
William Gumm
wm.gumm@gmail.com
bahunsinger@yahoo.com
(CONSENTED TO EMAIL SERVICE)



Jean Hersley