

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER)
NO. 73641 IN THE NAME OF)
ANDERLAND LLC)

**PRELIMINARY ORDER
RESCINDING TRANSFER**

FINDINGS OF FACT

1. On July 21, 2008 the Department of Water Resources ("Department") approved Application for Transfer No. 73641 ("transfer") submitted in the name of Anderland LLC. The transfer changed the nature of use and period of use of a 30.9 acre portion of right 45-7107 from irrigation use to commercial and stockwater use for a dairy expansion and modified the authorized points of diversion for transferred portion of right 45-7107. The transfer also changed the place of use and added a diversion point to rights 45-13394 and 45-13396.

2. The transfer approval included conditions as follows:

- The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer

3. On June 23, 2016, Anderland LLC asked the Department to rescind the transfer approval allowing the rights to revert back to the use as authorized before the transfer was approved. The request explained that the transfer changes have not been accomplished.

CONCLUSIONS OF LAW

1. The Department is authorized to issue Preliminary Orders changing a prior approval.

2. The current right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the July 21, 2008 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 73641 approved on July 21, 2008, be **RESCINDED** and that rights 45-7107, 45-13394, and 45-13396 shall revert to the uses authorized prior to the transfer as described in the Snake River Basin Adjudication Order of partial Decree for each right prior to the transfer

Dated this 10TH day of March, 2017.

SUPPORT DATA

IN FILE # 45-7107



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2017, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER RESCINDING TRANSFER** to the person(s) listed below:

RE: Transfer No. 73641 (Rescinded)

Water Right No(s). 45-7107, 45-14066, 45-14067, 45-13394, 45-13396

**ANDERLAND LLC
ALAN H ANDERSEN
NORMA J ANDERSEN
488 RIVERSIDE DR
BURLEY ID 83318**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**