

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

IN THE MATTER OF TRANSFER NO. 79478)
IN THE NAME OF SUN VALLEY TRUST)
_____)

**PRELIMINARY ORDER
CORRECTING
TRANSFER APPROVAL**

This matter having come before the Department of Water Resources ("Department") as a result of an application for transfer of water rights, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On May 15, 2015, the Department approved Application for Transfer No. 79478 ("transfer") changing the points of diversion and place of use for water right nos. 37-8414 and 37-8760.
2. On June 3, 2015, the Department issued a corrected application approval for Transfer No. 79478. This corrected application approval specifically corrected an error in the priority date for water right 37-8414.
3. Both the May 15, 2015 approved transfer and the June 3, 2015 corrected transfer approval incorrectly identified a total combined acre limit for rights 37-8414 and 37-8760 in condition of approval number 2 for right 37-8414 as follows:

Rights 37-8414 and 37-8760 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 20.0 af at the field headgate, and the irrigation of 4.5 acres.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe conditions of approval as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The transfer approval incorrectly lists a total combined acre limit for rights 37-8414 and 37-8760 in condition of approval number 2 for right 37-8414
4. The Department should correct the condition to show the correct combined acre limit.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 79478 is **CORRECTED** by changing condition of approval number 2 as follows:

Rights 37-8414 and 37-8760 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 20.0 af at the field headgate, and the irrigation of 5.5 acres.

Dated this 2nd day of September, 2016.



COREY SKINNER
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing *Preliminary Order Correcting Transfer Approval* to the person(s) listed below:

Re: Transfer No.: 79478
Water Right No(s): 37-8414, 37-8760

SUN VALLEY TRUST
LILY REEVES TRUSTEE
C/O HOWARD ALTMAN
PO BOX 5623
BEVERLY HILLS CA 90209-5623

LILY REEVES TTE OF THE SUN VALLEY TRUST U/D/T 1/8/99
C/O GRANT TANI BARASH & ALTMAN
9100 WILSHIRE BLVD, STE 1000W
BEVERLY HILLS CA 90212

BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301

KEVIN LAKEY WATER MASTER
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352

via e-mail



Denise Maline
Administrative Assistant