

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

IN THE MATTER OF TRANSFER)
NO. 78352 IN THE NAME OF)
SOUTH VIEW DAIRY LLC)
_____)

**PRELIMINARY ORDER
RESCINDING TRANSFER**

FINDINGS OF FACT

1. On May 30, 2013, the Department of Water Resources ("Department") issued a Final Order approving Application for Transfer No. 78352 ("transfer") submitted in the name of Big Sky Farms Limited Partnership and assigned to South View Dairy LLC ("right holder"). The transfer changed the nature of use of a portion of Right 36-2373 defined as 87.7 acres of irrigation to stockwater and commercial use for a proposed cattle feed lot. The transfer also combined Rights 36-15056 and 36-15057 for stockwater and domestic uses with the transferred portion of 36-2373 in a common system diverting ground water from three existing wells and two proposed new wells.

2. The transfer approval included conditions as follows:

- The right holder shall accomplish the change authorized by this transfer within one year 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 February 23, 2016, the right holder asked the Department to rescind the transfer approval allowing Right No. 36-2373 to revert back to irrigation use and with Rights 36-15056 and 36-15057 revert back to non-ownership elements 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 right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the May 30, 2013 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 78352 approved on May 30, 2013, is **RESCINDED** and that Right Nos. 36-2373, 36-15056 and 36-15057 shall revert to non-ownership elements described in the Snake River Basin Adjudication Order of Partial Decree for each right prior to the transfer.

Dated this 24th day of February, 2016.



PAMELA S. SKAGGS
Water Rights Supervisor