

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

IN THE MATTER OF TRANSFER NO.)
73338 IN THE NAME OF WEBB BASIN)
REAL ESTATE LLC)

**PRELIMINARY ORDER
RESCINDING TRANSFER**

FINDINGS OF FACT

1. On July 12, 2007, the Department of Water Resources ("Department") approved Application for Transfer No. 73338 ("transfer") submitted in the name of Webb Basin Real Estate LLC ("right holder"). The transfer changed the nature of use of 75.8 acres of irrigation to stockwater and commercial use for a proposed dairy facility.

2. The transfer approval included condition numbers 1 and 2 as follows:

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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 December 21, 2015, the current right holder, Webb Basin Real Estate LLC asked the Department to rescind the transfer approval allowing Rights No. 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A to revert back to the irrigation use as authorized before the transfer was approved. The request explained that the transfer changes have not been accomplished and no dairy or new wells were developed.

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 July 12, 2007 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 73338 approved on July 12, 2007 is **RESCINDED** and that the rights shall revert to irrigation use and points of diversion described in the Snake River Basin Adjudication Order of Partial Decrees for rights 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A..

Dated this 22nd day of December, 2015.



ALLEN D. MERRITT
Southern Region Manager

SUPPORT DATA

IN FILE # 43-2567B

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Transfer No. 73338 (Rescinded)

**Water Right No(s). 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052,
43-7088A**

**WEBB BASIN REAL ESTATE LLC
406 N HISAW LN
AMERICAN FALLS ID 83211**

**WEBB BASIN REAL ESTATE LLC
C/O SPRING FARMS
427 N HISAW LN
AMERICAN FALLS ID 83211**



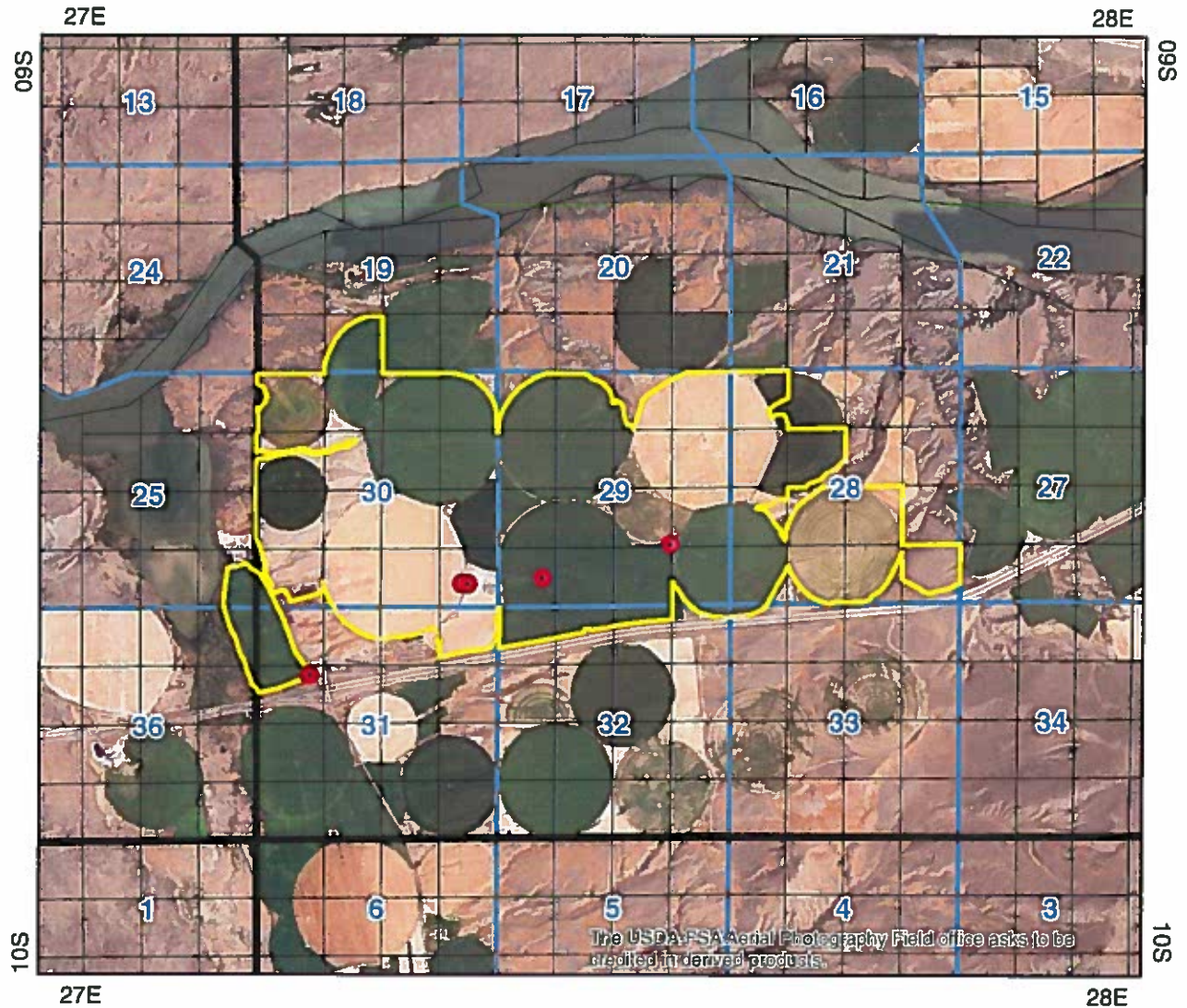
**Denise Maline
Administrative Assistant**

State of Idaho
Department of Water Resources

Attachment to Transfer 73338 RESCISSION

Rights: 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A

This map depicts the IRRIGATION place of use boundary for this water right at the time of the transfer rescission and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.5 1 2 Miles

