

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.	)	
79020 AND 79390 IN THE NAME OF	)	PRELIMINARY ORDER
J7 LLC	)	CORRECTING
_____	)	TRANSFER APPROVALS

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

FINDINGS OF FACT

1. Water rights 43-2229, 43-11201, 43-11200 and 43-2298E were partially decreed June 28, 2002 for irrigation of a combined total of 376 acres. These rights when combined are limited to no more than 0.02 cfs per acre. Water right 43-11200 from ground water is an expansion of right 43-2298E from ground water pursuant to Section 42-1416B, Idaho Code. Water right 43-11200 is for irrigation of 116 acres of expansion acres. Water right 43-2298E is for irrigation of 260 acres. Water rights 43-2298E and 43-11200 when combined are limited to 3.00 cfs and a maximum annual diversion volume of 1040 acre feet for the irrigation of 376 acres. Water right 43-2229 from Raft River is limited to irrigation of 80 acres within the 376 acres. Water right 43-11201 from Raft River and Clear Creek is limited to 376 acres.
2. The rights referenced above were included in proposed Transfer No. 74479 filed 1/23/2008 which was later withdrawn. During this process the water right record in the database was corrupted.
3. The rights referenced above were included in Transfer No. 79020 approved on April 1, 2014 and also included in Transfer No. 79390 approved on September 15, 2014. Both transfers list Water Right 43-11200 as limited to 103 expansion acres and both transfers limit the rights referenced above as limited to a combined total of 363 acres in error.

CONCLUSIONS OF LAW

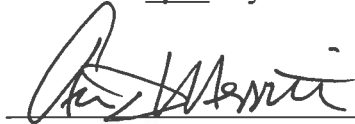
1. Conditions of approval listed above on the transfer approvals for water right nos. 43-11200, 43-11201, 43-2229 and 43-2298E contain clerical errors regarding the number of acres allowed within their described places of use. The correct acre limitation for right 43-11200 is 116 acres and the combined acreage limit for rights 43-2229, 43-11201, 43-11200 and 43-2298E is 336.

2. The transfer approvals should accurately describe each established water right as changed by the transfer pursuant to Idaho Code § 42-222.
3. The Department should correct the conditions on the transfer approval to conform to the original partial decrees of the above referenced rights noting that some conditions are augmented to reflect the approval of the purpose of the transfers.
4. The Department should incorporate all needed corrections to the water right records by correcting the most recent transfer approval.

ORDER

IT IS HEREBY ORDERED that the Department's order approving transfer no. 79390, dated September 15, 2014 is **SUPERSEDED** by the corrected transfer approval issued in conjunction with this order.

Dated this 7th day of October, 2014.

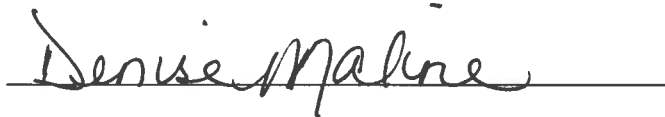
A handwritten signature in black ink, appearing to read "Allen Merritt", is written over a horizontal line.

Allen Merritt, PE
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER CORRECTING TRANSFER APPROVAL** to the person(s) listed below:

J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

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

Denise Maline
Administrative Assistant