

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 78405)
IN THE NAME OF DANIEL C BAKER AND)
DARRELL JAMES BAKER)
_____)

**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 August 27, 2013, the Department approved Application for Transfer No. 78405 (transfer) splitting, changing point of diversion, and the place of use of the split portions of water rights 36-13065A, 36-2453A, 36-2467, 36-2668 and 36-7699.
2. The approved transfer incorrectly identified the location of the point of diversion under resulting Right 36-16966 as follows: **SWSESE**, Section 9, Township 08S, Range 26E.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The transfer approval includes a clerical error incorrectly listing the legal description of the point of diversion for Right 36-16966 as **SWSESE**, Section 9, Township 08S, Range 26E instead of the correct location of **SWSESW**, Section 9, Township 08S, Range 26E.
3. The Department should correct the transfer approval to show the correct legal description of the point of diversion for Right 36-16966 as identified above.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 78405 is **CORRECTED** by changing the legal description of the point of diversion for Right 36-16966 to SWSESW, Section 9, Township 08S, Range 26E.

Dated this 9th day of September, 2013.



ALLEN MERRITT
Southern Region Manager

CERTIFICATE OF SERVICE

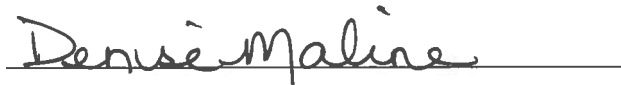
I hereby certify that on this 9th day of September, 2013, I mailed a true and correct copy, of the foregoing **PRELIMINARY ORDER CORRECTING TRANSFER APPROVAL** to the person(s) listed below:

DARRELL JAMES BAKER
533 E 240 LANE N
RUPERT ID 83350

DANIEL C BAKER
933 SANDY GLEN
BURLEY ID 83318

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

BUREAU OF LAND MANAGEMENT
ATTN: FRED PRICE, IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

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

Denise Maline
Administrative Assistant