

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

IN THE MATTER OF TRANSFER NO.)
76133 IN THE NAME OF WYNN DEWSNUP)
FAMILY REVOCABLE TRUST)
_____)

**PRELIMINARY ORDER
TO RESCIND APPROVAL**

FINDINGS OF FACT

1. On July 20, 2010, the Department of Water Resources ("Department") approved Application for Transfer No. 76133 ("transfer") submitted in the name of Wynn Dewsnap Family Revocable Trust ("original right holder"). The transfer changed the nature of use of 206 acres of irrigation to stockwater and commercial use for a proposed dairy facility to be built in the SE, Section 18 and NE Section 19 all in T15S, R27E, B.M. The transfer modified rights 43-13659, 43-13661 and 43-13656 to the commercial and stockwater uses for the proposed dairy, limiting these rights to a combined total of 4 cfs and 700.4 afa to be diverted from four existing and one new well to be drilled.

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 five years 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 May 14, 2013, the Department processed a Notice of Change in Water Right Ownership to reflect the change in ownership of Rights 43-13656, 43-13659, and 43-13661 to Pinnacle Great Plains Operating Co. LLC.

4. On June 12, 2013, the current right holder, Pinnacle Great Plains Operating Co. LLC. through their representative Greg Sullivan with Brockway Engineering asked the Department to rescind the transfer approval allowing the rights to revert back to the irrigation use and non-ownership elements authorized before the transfer was approved. The request explained that the new owners do not intend to construct the dairy.

5. Pinnacle Great Plains Operating Co. LLC. has filed a new transfer pending before the Department to incorporate Rights 43-13656, 43-13659, and 43-13661 as irrigation rights in a proposed PPU and modified diversion system.

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 20, 2010 approval of Transfer No. 76133.

Order Rescinding Transfer Approval

SUPPORT DATA

IN FILE #

43-2386A

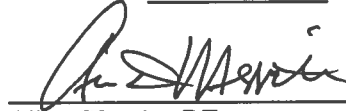
SCANNED

JUN 14 2013

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 76133 approved on July 20, 2010 is **RESCINDED** and that Rights 43-13656, 43-13659, and 43-13661 shall revert to irrigation use with points of diversion and place of use described prior to approval of Transfer No. 76133.

Dated this 13th day of June, 2013.



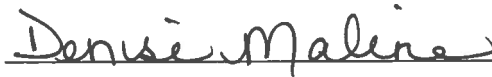
Allen Merritt, PE
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER TO RESCIND APPROVAL** to the person(s) listed below:

PINNACLE GREAT PLAINS OPERATING COMPANY LLC
10333 N MERIDIAN ST, STE 425
INDIANAPOLIS, IN 46290

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

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

Denise Maline
Administrative Assistant