

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

IN THE MATTER OF TRANSFER NO.)
73927 IN THE NAME OF GLEN AND)
RHEA VANDER WOUDE)
_____)

PRELIMINARY ORDER

FINDINGS OF FACT

1. On April 23, 2008, the Department of Water Resources ("Department") approved Application for Transfer No. 73927 ("transfer") submitted in the name of Glen and Rhea Vander Woude ("right holder"). The transfer changed the nature of use of 55 acres of irrigation to stockwater and commercial use for a proposed dairy facility and added a second point of diversion located in the SESE, Section 20, T01S, R01W, B.M. to Water Right No. 63-7270B.

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 February 28, 2012, the Department processed a Notice of Change in Water Right Ownership to reflect the change in ownership of Right No. 63-7270B to Snake River Dairies, L.L.C.

3. On April 18, 2012, the current right holder, Snake River Dairies, L.L.C through their attorney Dylan B. Lawrence asked the Department to rescind the transfer approval allowing Right No. 63-7270B to revert back to the irrigation use and non-ownership elements authorized before the transfer was approved. The request explained that the transfer changes have not been accomplished.

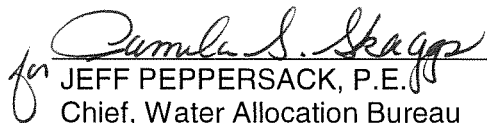
CONCLUSIONS OF LAW

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 April 23, 2008 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 73927 approved on April 23, 2008 is **RESCINDED** and that the right shall revert to irrigation use and point of diversion described in the Snake River Basin Adjudication Order of Partial Decree issued April 11, 2007 for Right No. 63-7270B.

Dated this 20th day of April, 2012.


for JEFF PEPPERSACK, P.E.
Chief, Water Allocation Bureau