

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 72060)
IN THE NAME OF SEARLE BROTHERS)
LAND & LIVESTOCK LLC)
_____)

**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 February 13, 2006, the Department approved Application for Transfer No. 72060 (transfer) changing point of diversion, and the place, nature and period of use of water rights 36-16343, 36-16345, 36-16347 and 36-16349. The transferred rights were moved to Basin 45 and the rights renumbered.
2. The approved transfer incorrectly identified the location of the point of diversion under resulting Right 45-13988 as follows: SENWNW, Section 22, Township **08S**, Range **21E**.

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 45-13988 as SENWNW, Section 22, Township **08S**, Range **21E** instead of the correct location of SENWNW, Section 22, Township **11S**, Range **23E**.
3. The Department should correct the transfer approval to show the correct legal description of the point of diversion for Right 45-13988 as identified on the other transferred rights.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 72060 is **CORRECTED** by changing the legal description of the point of diversion for Right 45-13988 to SENWNW, Section 22, Township 11S, Range 23E.

Dated this 20th day of July, 2011.


PAMELA S. SKAGGS
Water Rights Supervisor

SUPPORT DATA
IN FILE # 36-16343