

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

**IN THE MATTER OF TRANSFER)
NO. 76165 IN THE NAME OF)
MONTGOMERY TRUST)
_____)**

**PRELIMINARY ORDER
CORRECTING TRANSFER APPROVAL**

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

FINDINGS OF FACT

1. On September 30, 2010, IDWR approved Application for Transfer No. 76165 (transfer) changing the points of diversion for water right nos. 65-23295 and 65-23297.
2. The approved transfer incorrectly identified rights 65-23295 and 65-23297 in one of the conditions of approval as follows:

Rights 65-23265 & 65-23267 when combined shall not exceed a total diversion rate of 0.75 cfs and the irrigation of 37.3 acres in a single irrigation season.

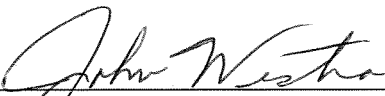
CONCLUSIONS OF LAW

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 incorrectly lists rights 65-23265 and 65-23267 instead of 65-23295 and 65-23297 in a condition of approval.
3. IDWR should correct the condition to show the correct right numbers.

ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 76165 is CORRECTED by changing the condition of approval to show right nos. 65-23295 and 65-23297.

Dated this 6th day of April, 2011.

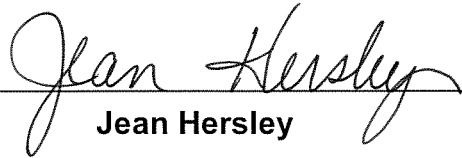


John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

**MONTGOMERY TRUST
SJ MONTGOMERY TRUSTEE
RP MONTGOMERY TRUSTEE
11800 N HWY 52
HORSESHOE BEND ID 83629**



**Jean Hersley
Office Specialist II**