

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

IN THE MATTER OF TRANSFER NO.)  
71619 IN THE NAME OF BASIN AND )  
RANGE RESOURCE CO LLC )  
\_\_\_\_\_ )

**2<sup>ND</sup> AMENDED PRELIMINARY ORDER**

**FINDINGS OF FACT**

1. On February 25, 2005, the Department of Water Resources ("Department") approved Application for Transfer No. 71619 ("transfer") submitted in the name of Jim Scarrow. The transfer changed the nature of use of irrigation use to commercial and stockwater use for a dairy, added two new wells, and combined rights into a permissible place of use for irrigation.

2. The transfer approval included condition numbers 1 and 2 on all rights as follows:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

3. The Department has granted several extensions of time to complete transfer, from both the prior right holder and the current right holder, Basin and Range Resource Co., LLC, extending the completion date to February 25, 2013.

4. On November 5, 2010, the current right holder through its attorney Dana L. Hofstetter, asked the Department to rescind the transfer approval allowing the rights to revert back to irrigation use 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 current right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the February 25, 2005 transfer approval.

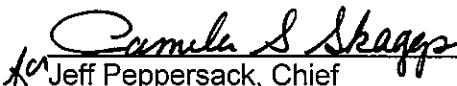
**ORDER**

IT IS THEREFORE HEREBY ORDERED that Transfer No. 71619 approved on February 25, 2005 is **RESCINDED** and that the rights shall revert to the uses authorized prior to the transfer. This order does not preclude the opportunity for review and determination of the elements of these water rights in the ongoing Snake River Basin Adjudication.

Dated this 10<sup>th</sup> day of December, 2010.

SUPPORT DATA

IN FILE # 63-3182

  
for Jeff Peppersack, Chief  
Water Allocation Bureau