

**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)
_____)

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 ("right holder"). The transfer changed the nature of use of 276 acres of irrigation use to commercial and stockwater use for a dairy, add two new wells, and combine rights into a 990 acre permissible place of use.
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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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 original 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 right holder through his attorney Dana L. Hofstetter, asked the Department to rescind the transfer approval allowing the right 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 right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the February 25, 2005 transfer approval.

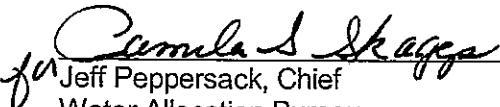
ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 71619 approved on February 25, 2005 is **RESCINDED** and that the right shall revert to irrigation use as licensed subject to recommendations in the Snake River Basin Adjudication.

Dated this 12th day of November, 2010.

SUPPORT DATA

IN FILE # 63-3182


for Jeff Peppersack, Chief
Water Allocation Bureau