

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

IN THE MATTER OF TRANSFER NO.)
3990 OF WATER RIGHT NO. 63-3603)
IN THE NAME OF TERTELING TRUST NO. 7)
_____)

**PRELIMINARY ORDER
RESCINDING A TRANSFER
APPROVAL**

This matter having come before the Department of Water Resources ("Department") as a result of a water right transfer application, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On October 5, 1992, the Department approved Application for Transfer No. 3990 ("transfer") submitted in the name of Terteling Trust No. 7 ("applicant"). The transfer authorized an additional point(s) of diversion under water right no. 63-3603.
2. The transfer was approved with conditions, including the following:

The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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. On September 29, 1993 the applicant submitted a request to the Department to extend the time provided to accomplish the transfer.
4. On October 4, 1993, the Department granted an extension of time to accomplish the transfer to October 5, 1994.
5. On June 18, 2010, T-7, LLC, the successor in interest to Terteling Trust No. 7, together with the Terteling Company, Inc., the owner of water right no. 63-3603 as recommended in the Snake River Basin Adjudication, filed a Petition to Rescind Transfer with the Department. The petition asked the Department to rescind the approval of the transfer because the proposed new point(s) of diversion was never constructed and because the existing points of diversion listed by the applicant erroneously failed to include all existing points of diversion.

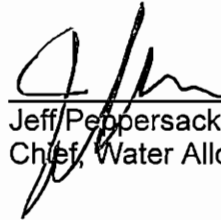
CONCLUSIONS OF LAW

1. The transfer to add point(s) of diversion was not accomplished as required in the condition approving the transfer.
2. The Department should rescind approval of the transfer as requested in the Petition to Rescind Transfer.

ORDER

IT IS THEREFORE HEREBY ORDERED that the approval for Transfer No. 3990, approved on October 5, 1992, is **RESCINDED** and that right 63-3603 shall revert to the right as it existed prior to the transfer approval.

Dated this 22nd day of June, 2010.



Jeff Peppersack, P.E.
Chief, Water Allocation Bureau