

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)	
70680 IN THE NAME OF CHALLIS)	PRELIMINARY ORDER CORRECTING
CREEK CATTLE COMPANY, LLC)	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 makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 24, 2006, transfer no. 70680 (transfer) was approved as a preliminary order in the name of Challis Creek Cattle Company, LLC. The transfer changed the place of use and/or points of diversion of portions of water rights 72-4Q, 72-32B, 72-2044, and 72-10483 identifying these changed portions as water rights 72-16633, 72-16635, 72-16637, and 72-16639 for Challis Creek Cattle Company, LLC.
2. The transfer approval identified the place of use of water rights 72-16633, 72-16635, 72-16637, and 72-16639 with 17 acres within the SWNW of Section 16 (T14N, R19E). Examination of the map and deeds that accompanied transfer no. 70680 indicates that these 17 acres should have been identified within the SENW of Section 16 (T14N, R19E).

CONCLUSIONS OF LAW

1. The described place of use on the transfer approval for water right nos. 72-16633, 72-16635, 72-16637, and 72-16639 contains a clerical error regarding the location of 17 acres within the SWNW of Section 16 (T14N, R19E). The correct location of these 17 acres is within the SENW of Section 16 (T14N, R19E).
2. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, *Idaho Code*.
3. The Department should correct the place of use on the transfer approval to show the correct location of the currently incorrectly described 17 acres and issue an amended transfer approval with the corrected place of use for water right nos. 72-16633, 72-16635, 72-16637, and 72-16639.

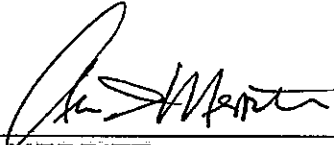
ORDER

4. IT IS HEREBY ORDERED that the place of use on the transfer approval for water right nos. 72-16633, 72-16635, 72-16637, and 72-16639 is **CORRECTED** as follows:

1. 17 acres of the authorized place of use is no longer identified as being located within the SWNW of Section 16 (T14N, R19E).
2. 17 acres of the authorized place of use is now identified as being located within the SENW of Section 16 (T14N, R19E).

IT IS FURTHER HEREBY ORDERED that the Department's order approving transfer no. 70680, dated April 24, 2006 is **SUPERSEDED** by the amended transfer approval issued in conjunction with this order.

Dated this 17th day of April, 2009.



ALLEN D. MERRITT
Manager, IDWR Southern Region