

BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                 |                                     |
|---------------------------------|-------------------------------------|
| IN THE MATTER OF TRANSFER NO. ) |                                     |
| 72526 IN THE NAME OF CHALLIS )  | <b>PRELIMINARY ORDER CORRECTING</b> |
| CREEK CATTLE COMPANY, LLC )     | <b>TRANSFER APPROVAL</b>            |
| OR STEPHEN G OR LYNDELLA A )    |                                     |
| BAUCHMAN )                      |                                     |
| _____ )                         |                                     |

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. 72526 (transfer) was approved as a preliminary order in the name of Challis Creek Cattle Company, LLC or Stephen G or Lyndella A Bauchman. The transfer changed the place of use, points of diversion, and added points of diversion for water right 72-2149B.
2. The transfer approval identified the place of use of water right 72-2149B with 17 acres within the SWNW of Section 16 (T14N, R19E). Examination of the map and deeds that accompanied transfer no. 72526 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 no. 72-2149B 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 no. 72-2149B.

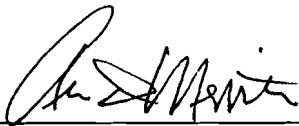
ORDER

4. IT IS HEREBY ORDERED that the place of use on the transfer approval for water right no. 72-2149B 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. 72526, dated April 24, 2006 is **SUPERSEDED** by the amended transfer approval issued in conjunction with this order.

Dated this 17<sup>th</sup> day of April, 2009.



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ALLEN D. MERRITT  
Manager, IDWR Southern Region