

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

**IN THE MATTER OF APPLICATION FOR)
TRANSFER #73817 IN THE NAME OF) AMENDED TRANSFER APPROVAL
JMM DRY CREEK LLC) PRELIMINARY ORDER
_____)**

FINDINGS OF FACT

1. On December 30, 2008, the Idaho Department of Water Resources (IDWR) issued a preliminary order for approval of Transfer #73817 in the name of JMM Dry Creek LLC.
2. On January 9, 2009, Terry Scanlan of SPF Water Engineering filed a Petition for Reconsideration of the preliminary order. The petition argued the condition of approval that described a total 392 cumulative irrigated acres was in error and should read 404 acres.

CONCLUSIONS OF LAW

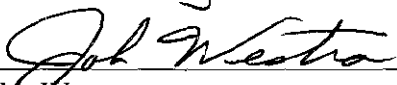
1. Pursuant to Idaho Code § 67-5243 (3) A party may file a petition for reconsideration of the order to IDWR within 14 days of the service date of the order. IDWR will act on a petition for reconsideration within 21 days of its receipt.
2. The petition for reconsideration was submitted to IDWR within the required parameters of IC 67-5243 (3). The condition of approval describing the cumulative irrigated acreage was in error and should be corrected to read 404 acres.

ORDER

IT IS HEREBY ORDERED that Transfer Approval #73817 in the name of JMM Dry Creek LLC be **AMENDED**. Condition of Approval #7 on 63-17454, 63-2535, 63-4086B, & #63-7123; condition #9 on 63-4023B; and condition #5 on associated 63-32266 shall read:

Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate and the irrigation of 404 acres in a single irrigation season.

Dated this 21st day of January, 2009



John Westra
Manager, Western Regional Office

**TRANSFER AMENDMENT
PRELIMINARY ORDER**

CERTIFICATE OF SERVICE

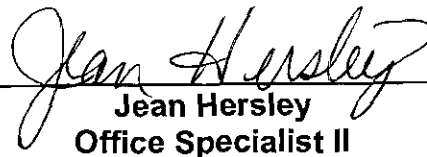
I hereby certify that on Jan. 22, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing ORDER to the person (s) listed below:

RE: Amended Transfer Approval Order

**JMM Dry Creek
C/O Land Baron Investments
5275 S Durango Dr
Las Vegas, NV 89113**

**Charles L Honsinger
Ringert Clark Chartered
PO Box 2773
Boise, ID 83701-2773**

**SPF Water Engineering LLC
C/O Terry Scanlan
300 E Mallard Dr, STE 350
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**Jean Hersley
Office Specialist II**