

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

IN THE MATTER OF TRANSFER NO.)
71099 IN THE NAME OF CANNON)
SHELLEY PROPERTY LIMITED)
PARTNERSHIP)
_____)

**PRELIMINARY ORDER
RESCINDING TRANSFER
APPROVAL**

FINDINGS OF FACT

1. On June 9, 2004, the Department of Water Resources ("Department") approved Application for Transfer No. 71099 ("transfer") submitted in the name of Cannon Shelley Property Limited Partnership ("right holder"). The transfer changed the nature and period of use, and changed/added a point of diversion for a portion of water right no. 35-2452, splitting the water right into two parts. The changed part was numbered 35-13502 and the remaining part was numbered 35-13501.
2. The transfer approval included condition nos. 7 and 8 as follows:
 7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. On June 28, 2005, the right holder asked the Department to cancel the transfer approval allowing the changed right to revert back to the use and locations authorized before the transfer was approved. The right holder described that the reason for the request is that they have not and will not be able to utilize the water right as changed by the transfer approval.

CONCLUSIONS OF LAW

1. The right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the June 9, 2004 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 71099 approved on June 9, 2004 is **RESCINDED** and that the water right nos. 35-13501 and 35-13502 revert back to water right 35-2452 as authorized prior to the transfer approval.

Dated this 14th day of July, 2005.



Gary Spackman, Chief
Water Allocation Bureau