

BEFORE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                 |                                     |
|---------------------------------|-------------------------------------|
| IN THE MATTER OF TRANSFER NO. ) |                                     |
| 5027 IN THE NAME OF PHYLLIS E ) | <b>PRELIMINARY ORDER CORRECTING</b> |
| WRIGHT )                        | <b>TRANSFER APPROVAL</b>            |
| _____ )                         |                                     |

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 February 11, 1997, Phyllis E. Wright (applicant) submitted application for transfer no. 5027 (transfer) to the Department to change points of diversion for a portion of decreed water right nos. 27-23D, 27-27A and 27-37A for irrigation of 70 acres.
2. On November 16, 1998 the Department approved the transfer to change the points of diversion and renumbered the water rights to show the portions owned by the applicant. The portions of the water rights owned by the applicant were renumbered to 27-23F (split from 27-23D), 27-27D (split from 27-27A) and 27-37D (split from 27-37A).
3. The transfer approval included condition of approval no. 8 as follows:
  8. Rights 27-00023F, 27-00027D and 27-00037D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 35.0 acres.

CONCLUSIONS OF LAW

1. Condition no. 8 of the transfer approval contains a clerical error regarding the combined limit of acres allowed for irrigation under the water rights. The total number of acres allowed under the water rights when used in combination should be 70 acres instead of 35 acres.
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 condition no. 8 of the transfer approval to show a combined limit of 70 acres allowed for irrigation under the water rights.

ORDER

IT IS HEREBY ORDERED that condition of approval no 8 of the transfer approval for Transfer No. 5027 is **CORRECTED** as follows:

8. Rights 27-00023F, 27-00027D and 27-00037D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 70 0 acres.

Dated this 9<sup>th</sup> day of March, 2005.



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GARY SPACKMAN  
Chief, Water Allocation Bureau