BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION FOR ORDER AUTHORIZING ADDITIONAL USE UNDER EXISTING PERMITS AND MORATORIUM ORDER FOR WATER RIGHTS 63-9138 & 63-9139 IN THE NAME OF THE CITY OF BOISE	**INTERLOCUTORY ORDER AUTHORIZING ADDITIONAL USE**

On January 18, 2011, the Idaho Department of Water Resources ("Department") issued an *Order Accepting Settlement in Part and Stay of Further Proceedings* accepting the August 25, 2010 *Second Stipulated Agreement for Settlement in Part of Petition and Stay of Further Proceedings* ("Agreement").[1] Pursuant to the Agreement, the Department met with the parties to this proceeding on March 7, 2016, to review the Department's annual summary report regarding monitoring data and the City of Boise's ("City") annual production and injection report, and to discuss the City's request to increase the production limit to 300 million gallons per year under water right permit nos. 63-9138 and 63-9139. The Department and parties also discussed and agreed on a deadline for submittal of proof of beneficial use for permit nos. 63-9138 and 63-9139, pursuant to Idaho Code § 42-204. Having considered the matter, the Department makes the following Order:

ORDER

IT IS HEREBY ORDERED that:

1. Based on the Agreement, the Department authorizes an increase in the production limit (diversion pumping) for use under water right permit nos. 63-9138 and 63-9139 in the name of the City of Boise to 300 million gallons per water year effective beginning in water year 2016.
2. Based on agreement of the parties, proof of application of water to beneficial use shall be submitted to the Department by the City on or before December 1, 2017 for permit nos.

[1] The First Amendment to the Agreement was accepted by the Department on February 27, 2014, to provide for changes in address for parties to the Agreement. The Second Amendment to the Agreement was accepted by the Department on April 3, 2014, to allow for increased production up to 290 million gallons per year for Water Year 2014 only.

63-9138 and 63-9139. The Department will send notice of the proof submittal date to the permit holder 60 days prior to December 1, 2017 pursuant to Idaho Code § 42-204.

3. This is an interlocutory order issued pursuant to IDAPA 37.01.01.710.

Dated this 24th day of March, 2016.

Jeff Peppersack, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2016, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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MOORE SMITH BUXTON & TURCKE CHTD
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C/O DANA HOFSTETTER
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