

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

**IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 75263 IN THE NAME OF) 2ND TRANSFER AMENDMENT
CITY OF BOISE PUBLIC WORKS DEPT.) PRELIMINARY ORDER
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FINDINGS OF FACT

1. On September 21, 2009 the Idaho Department of Water Resources (IDWR) issued a preliminary order for the approval of Transfer No. 75263 in the name of City of Boise Public Works Department.
2. On October 1, 2009, IDWR issued a preliminary order amending approved Transfer No. 75263. The amendment was to correct combined flow rate limits for all (17) water rights listed in the transfer.
3. A post review of approved Transfer No. 75263 found prior conditions of approval for 5 rights combined limits and 12 rights combined limits were omitted in the transfer approval.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right and conditions of approval as changed by the transfer pursuant to Idaho Code 42-222.
2. Approved Transfer No. 75263 should be amended to include omitted combined limits for 5 rights and the combined limits for 12 rights.

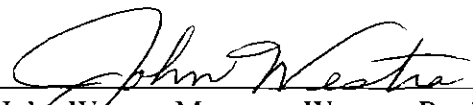
ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 75263 in the name of City of Boise Public Works Dept. be AMENDED to add the following **CONDITIONS OF APPROVAL:**

Rights 63-3013, 63-3014, 63-7047, 63-7055A, and 63-8435 when combined shall not exceed a total diversion rate of 13.54 cfs.

Rights 63-7005B, 63-7042B, 63-7053, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B 63-7755B, 63-8130B, 63-9243, and 63-9359 when combined shall not exceed a total diversion rate of 37.53 cfs and a total annual maximum diversion volume of 10222.6 af at the field head gate for the irrigation of 2268 acres. stockwater, and domestic uses.

Dated this 14 day of January, 2010


John Westra, Manager, Western Regional Office

**TRANSFER AMENDMENT
PRELIMINARY ORDER**