

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
70330 IN THE NAME OF WESTERN)
TRUCK STOPS INC)
_____)

**PRELIMINARY ORDER CORRECTING
TRANSFER APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On May 16, 2003, the Department approved Application for Transfer No. 70330 (transfer) changing the place of use and adding points of diversion for water right nos. 63-7571 and 63-10372.
2. The approved transfer incorrectly identified rights 63-7571 and 63-10372 in one of the conditions of approval as follows:

The total instantaneous diversion of water from all points of diversion under rights **61**-7571 and **61**-10372 shall not exceed 0.02 cfs, nor total combined annual volume of 20.7 af.

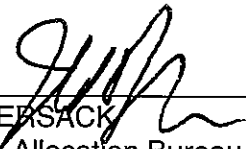
CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The transfer approval incorrectly lists rights **61**-7571 and **61**-10372 instead of **63**-7571 and **63**-10372 in a condition of approval.
3. The Department should correct the condition to show the correct right numbers.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 70330 is **CORRECTED** by changing the condition of approval to show right nos. 63-7571 and 63-10372.

Dated this 12th day of February, 2009.



JEFF PEPPERSACK
Chief, Water Allocation Bureau