

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ID No. TP-63-347
RECEIVED

OCT 13 2020

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant City of Boise - Geothermal Phone (208) 949-7781
Mailing address 150 N. Capitol Blvd City Boise
State ID Zip 83701 Email jgunnerson@cityofboise.org

1. Source of water Geothermal tributary to NA
2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

| TWP | RGE | SEC | GOVT LOT | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|----------------|---------------------|
| 3N | 2E | 10 | | NE | NE | | Ada | State of Idaho | State GEOTHERMAL |
| | | | | | | | | | |

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☒

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

4. Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Temporary geothermal heating

- b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

- a. Maximum rate of diversion: _____ cfs; or 500 gpm.
b. Maximum daily volume: _____ AF; or 500,000 gallons.
c. Maximum volume over the duration of the request: _____ AF; or 1,600,000 gallons.

6. Duration of diversion: from TBD October 2020 (month-day) to TBD October 2021 (month-day).

7. Describe proposed diverting works: System Interconnection

8. a. Who owns the property at the requested point of diversion? State of Idaho
b. Who owns the facilities that will convey water to the place of use? State of Idaho and City of Boise
c. Who owns the land to be irrigated or place of use? City of Boise and privately owned buildings
d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Geothermal customer agreements, State-City interconnection agreement

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Signature of Applicant [Signature] City of Boise, Public Works Director 10/8/2020
Title, if any Date

Received by JRS Date 10-13-2020 Time 3:13 PM
\$50.00 fee received by JRS # C109362 Date 10-13-2020
Watermaster comments received? N/A Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

 A. The application for temporary approval should be denied because _____

✓ B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

This application is therefore hereby:

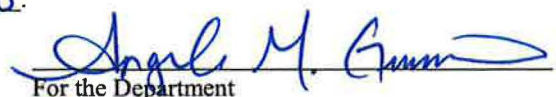
 A. DENIED

✓ B. APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 5.0 AF and a maximum diversion rate of 1.1 cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: See additional conditions attached.

12. This approval expires on NOVEMBER 13th, 2021.

Signed this 13th day of NOVEMBER, 2020.


For the Department

Approval Conditions Attachment for TP-63-347 City of Boise

12. The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
13. The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 63-347

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

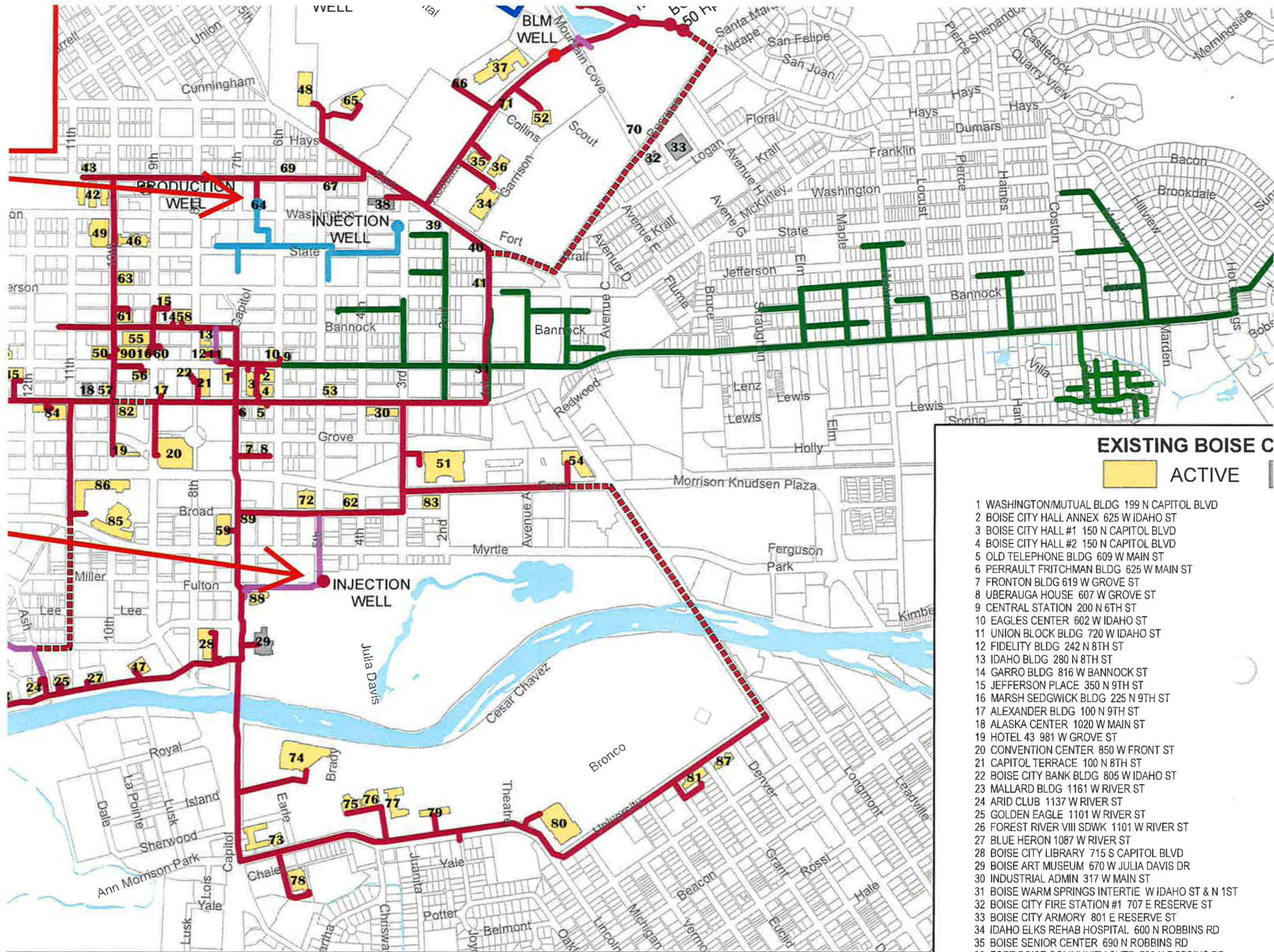
Location of points of diversion (POD):

| New POD? | Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or well/diversion tag # |
|------------------------------|-----|-----|-----|-------------|-----|-----|-----|--------|--------|---------------------------------------|
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
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| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |
| <input type="checkbox"/> Yes | | | | | | | | | | |

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 3N | 2E | 2 | | | | | | | | | | G | G | G | | | | | |
| 3N | 2E | 3 | | | | | | | | | G | G | G | G | G | G | G | G | |
| 3N | 2E | 9 | G | G | G | G | | | | | | | | | | | | | |
| 3N | 2E | 10 | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | |
| 3N | 2E | 11 | | | G | | G | G | G | G | | G | | | | | | | |
| 3N | 2E | 15 | G | G | | G | | G | | | | | | | | | | | |
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Geothermal Systems Within Boise City

GEOTHERMAL AGREEMENT
INTERCONNECTION OF BOISE CITY AND STATE OF IDAHO GEOTHERMAL SYSTEMS

This Memorandum of Understanding ("Memorandum") is made this 28th day of October, 2008, by and between the City of Boise, a municipal corporation, by and through its Mayor and City Council ("City"), and the State of Idaho, Department of Administration, a State agency, by and through its Director ("State"), and collectively referred to as the "Parties."

WHEREAS, it is the declared policy of the City to develop and maintain a geothermal distribution system and to sell geothermal resources to customers for heating and other uses; and

WHEREAS, the City has constructed a geothermal distribution system and the City Council and the Mayor have approved and adopted the Boise City Geothermal System Ordinance which establishes rules, regulations, and conditions governing the provision of geothermal service to customers; and

WHEREAS, the State has constructed a geothermal distribution system that serves the Idaho State Capitol Building and other State-owned buildings within the Capitol Mall area (on and along State Street, from Third [3rd] Street to approximately Eighth [8th] Street); and

WHEREAS, the State has requested a connection to the City's geothermal distribution system to serve as an emergency backup geothermal water supply for the renovated Idaho State Capitol Building, located at 700 West Jefferson Street, and the State-owned buildings within the Capitol Mall area;

WHEREAS, the City has agreed to the connection and to have its geothermal water serve as a backup supply to the State's Capitol Building and other State-owned buildings, and the City's geothermal distribution system will benefit from such a connection to the State's geothermal distribution system; and

WHEREAS, upon recommendation by the City's Department of Public Works, the Boise City Council approved and authorized, on 10/28, 2008 the connection between the City's and the State's geothermal distribution systems ("Interconnect Project"), subject to the conditions of this Memorandum; and

WHEREAS, upon recommendation by the State's Division of Public Works, the State approved and authorized, on approximately October 28, 2008, the connection between the City's and the State's geothermal distribution systems, subject to the conditions of this Memorandum; and

WHEREAS, the State has agreed to pay up to One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00) of the construction costs of the Interconnect Project; and

WHEREAS, the City will repay the State with the credited use of geothermal water as described herein; and

WHEREAS, the City and the State agree a connection between the City's and the State's geothermal distribution systems will be mutually beneficial, by providing an emergency backup geothermal water supply to the State and City without impacting the geothermal water being supplied to facilities served by the City and the State, respectively.

NOW, THEREFORE, in consideration of the foregoing, it is agreed:

I. CITY'S RESPONSIBILITIES

1. Preparation of Plans/Project Bid and Award

A. The City shall cause plans, drawings, technical specifications, and contract documents to be prepared, for construction and installation of a geothermal pipeline connecting the City's current distribution system and the State's current distribution system (Interconnect Project). The new geothermal pipeline connecting the City's and State's distribution systems will be from the City's line at Fort and Fifth (5th) Streets, to the State's production well pump house, located on Washington Street, between Sixth (6th) and Seventh (7th) Streets. The Interconnect Project area is shown as Schedule "A" on Exhibit "A" attached hereto. The City is also constructing and installing additional facilities outside of the Interconnect Project area but in conjunction with the Interconnect Project. The City Project area is shown as Schedule "B" in Exhibit "A". The City may combine the State Interconnect Project with the City Project for bidding and construction purposes. In the event the City Project and Interconnect Project are combined, the City will structure the bidding and contract documents into two schedules. Award of the bid will be made on the basis of the lowest overall bid. The State contribution is only authorized to be spent on the Interconnect Project.

B. The Interconnect Project will not extend beyond the approximately three (3) city blocks between Washington Street and Fort Street unless approved and authorized by the State.

C. The City will ensure that the Interconnect Project will be designed to allow up to 500 GPM to be delivered to and from the respective City and State geothermal distribution systems.

D. The City will ensure that the Interconnect Project shall be designed to be easily operated by the State so that the State's geothermal water is supplemented only when necessary.

E. The City will submit preliminary construction plans for the Interconnect Project to the State for review and comment prior to any construction or construction preparation.

F. After the State approves any preliminary construction plans for the Interconnect Project, the City will submit final construction plans to the State for review and comment.

G. The City will provide a copy of all construction plans and any amendments thereto including, but not limited to, technical drawings and project scheduling documents, to the State prior to any construction and during the term of construction.

H. The City shall ensure, at its expense, that all necessary construction permits are obtained and maintained prior to and during construction.

2. Geothermal Pipeline Construction and Inspection

A. The City shall be responsible for the construction and inspection of the Interconnect Project which may be combined with a related City Project. The City shall ensure that the Interconnect Project meets all reasonable and necessary industry and governmental standards.

B. The City agrees to install, construct, and complete the Interconnect Project by September 15, 2009 unless otherwise agreed to by the parties in writing.

C. Unless otherwise agreed to by the Parties in writing, the City shall ensure that the Interconnect Project is inspected in a timely manner by appropriate agencies and personnel.

D. The City is responsible for costs associated with: (i) any and all public street closures or other closures; and (ii) any demolition, repair or replacement of any public streets, sidewalks or areas not specifically owned by the State.

E. The City will submit to the State monthly invoices for the construction of the Interconnect Project, the total sum of which invoices shall not exceed One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00). The City shall be responsible for payment of construction expenses that exceed One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00).

F. In the event the Interconnect Project exceeds the estimated One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00) project cost, the City reserves the right to reject bids and rebid the project or redesign the project with the approval of the State.

II. STATE'S RESPONSIBILITIES

1. The State will review and approve or request changes to any preliminary construction plans within ten (10) business days of receipt of such plans from the City.

2. The State will review and approve, or request changes, to any final construction plans within ten (10) business days of receipt of such plans from the City.

3. The State will pay within thirty (30) days of receipt from the City all invoices relating to the construction of the Interconnect Project up to a total amount of One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00).

4. Granting of Easements and Access Rights.

a. Pipeline Easement: Prior to construction of geothermal lines by the CITY, the STATE shall grant a perpetual nonexclusive easement to the CITY for operation and maintenance of the geothermal pipelines sufficient in width to maintain geothermal pipelines, including the perpetual right to enter upon the real estate hereinafter described, at all reasonable times, to construct, maintain, and repair underground geothermal pipelines over, through, under and across said lands, together with the right to excavate and refill ditches and trenches for the location of said geothermal pipelines, and further right to remove trees, shrubs, bushes, sod, flowers, and other obstructions and improvements interfering with the location and maintenance of said geothermal pipelines, subject to the requirements for maintenance or repair work, the surface, including trees, shrubs, bushes, sod, flowers, and other obstructions, and improvements shall be restored to the pre-existing condition at CITY'S expense. Such perpetual easement shall be over, on and across the premises belonging to the STATE, and shall be a minimum of twelve feet (12') wide centered on the mid-point between the supply and collection lines.

b. Access Rights for Meter Reading: STATE shall grant the CITY the right to enter the STATE'S geothermal supply pump house for the purpose of installing, reading and maintaining the City flow meter.

III. SERVICE COSTS

1. If and when the State purchases geothermal water from the City during the first six (6) years from the date of completion of the Interconnect Project, the City shall provide such geothermal water at no cost. The value of the geothermal water, as determined by the City's geothermal water rates set out in the City's Geothermal Ordinance, as amended, shall then be credited toward the One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00) owed to the State.

2. If and when the State purchases geothermal water from the City between years seven (7) and ten (10), from the date of completion of the Interconnect Project, the City shall provide such geothermal water at one-half (50%) of the City's geothermal water rates set out in the City's Geothermal Ordinance, as amended. The City shall then be credited the one-half value of the geothermal water toward the One Hundred Seventy-Five Thousand and 00/100 Dollars (\$175,000.00) owed to the State.

3. If and when the State purchases geothermal water from the City after ten (10) years from the date of completion of the Interconnect Project has passed, the State shall pay the City's geothermal water rates as set out in the City's Geothermal Ordinance, as amended. The City shall bill the State for any geothermal water used in the same manner it bills all customers on the City geothermal system.

4. If and when the City requires the use of the State's geothermal water at any time, the City will credit the State the amount of the value of the geothermal water used by the City based upon the City's geothermal water rates as set out in the City's Geothermal Ordinance, as amended.

IV. OWNERSHIP AND OPERATION OF FACILITIES

1. All geothermal pipelines and facilities within the State geothermal system shall be owned, operated and maintained by the State, with the exception of the flow meters owned by the City as described herein. The State agrees to operate all geothermal facilities upon and within the State's geothermal system in accordance with all applicable federal, state and local regulations and laws.

2. All geothermal pipelines and facilities, including the Interconnect Project described herein, within the City's geothermal system shall be owned, operated and maintained by the City. Further, the City shall own, operate, and maintain the flow meters installed as part of the Interconnect Project and located on the connection between the State's and City's geothermal distribution systems. The City agrees to operate all geothermal facilities upon and within the City's geothermal system in accordance with all applicable federal, state and local regulations and laws.

V. SERVICE LIMITATIONS

1. The parties understand and agree that it is difficult if not impossible to determine the amount or temperature of the water that can be pumped from the geothermal aquifer in perpetuity. The CITY'S rights to use water from the aquifer are also subject to limitation and other regulation by

the Idaho Department of Water Resources (IDWR). The CITY expects to have sufficient authorization from IDWR that the CITY can to meet the STATE's needs. The CITY shall, however, in no way assume any liability, direct or implied, for any STATE damages or injuries incurred as a result of the loss of the geothermal reservoir or temperature or service interruption or cancellation due to circumstances beyond the control of the CITY or as otherwise required by law. The STATE is solely responsible for determining whether to provide a backup heating system or not and the CITY assumes no liability for such decision.

2. In addition, the CITY shall in no way warrant or guarantee the chemical quality or temperature of the geothermal water delivered to the STATE, nor assume any liability, direct or implied, for corrosion, scaling or similar physical degradation of user service lines or private equipment utilized by the STATE.

VI. COMPLIANCE WITH LAWS

In designing, constructing, and installing the Interconnect Project, the City, at its sole expense, shall comply with all laws, orders and regulations of the City, county, state, and federal governments. The City shall, at its sole expense, obtain all licenses and permits necessary for performance of its obligations under this Memorandum.

VII. INDEMNITY BY THE STATE

The State shall indemnify, save harmless and defend, regardless of outcome, the City from expenses of and against suits, actions, claims, or losses of every kind, nature and description, including costs, expenses and attorney fees, that may be incurred by reason of any act or omission, neglect or misconduct of the State in relation to its responsibilities under this Memorandum.

VIII. INDEMNITY BY THE CITY

The City shall indemnify, save harmless and defend, regardless of outcome, the State from expenses of and against suits, actions, claims, or losses of every kind, nature and description, including costs, expenses and attorney fees, that may be incurred by reason of any act or omission, neglect or misconduct of the City in relation to its responsibilities under this Memorandum.

IX. ASSIGNMENT

No Party to this Memorandum shall assign any portion of this Memorandum or any privilege hereunder, either voluntarily or involuntarily, without prior written consent of all Parties, whose consent shall not be unreasonably withheld.

X. TERMINATION

This Memorandum shall commence on November 1, 2008 and expire when the terms of the Memorandum have been fulfilled.. Either Party may terminate this Memorandum at any time, with or without cause, upon ninety (90) calendar days' written notice to the other Party specifying the date of termination. Upon termination, the Parties shall: (i) promptly discontinue all work, unless the termination notice directs otherwise; and (ii) promptly return to the other Party any property provided

by the other Party pursuant to the Memorandum. Notwithstanding termination, the Parties shall remain obligated as otherwise set forth in this Memorandum to the extent of costs or obligations to third parties incurred pursuant to the Memorandum prior to the termination.

XI. BINDING ON SUCCESSORS

This Memorandum shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

XII. APPROPRIATION BY LEGISLATURE REQUIRED

The State is a governmental entity and this Memorandum shall in no way or manner be construed so to bind or obligate the State of Idaho beyond the term of any particular appropriation of funds by the State's Legislature as may exist from time to time. The State reserves the right to terminate this Memorandum in whole or in part (or any order placed under it) if, in its sole judgment, the Legislature of the State of Idaho fails, neglects, or refuses to appropriate sufficient funds as may be required for the State to continue such payments, or requires any return or "give back" of funds required for the State to continue such payments, or if the Executive Branch mandates any cuts or holdbacks in spending. All affected future rights and liabilities of the Parties hereto shall thereupon cease within ten (10) calendar days after notice to the City. It is understood and agreed that the State's payments herein provided for shall be paid from Idaho State Legislative appropriations.

XIII. FORCE MAJEURE OR AGENCY ACTION

No Party will be liable for failure to perform any duty under this Memorandum where such failure is due to unforeseeable causes beyond the Parties' control and without the fault or negligence of the Parties, including, but not restricted to, acts of God or the public enemy, fire, flood, epidemics, quarantine, strikes or other natural disasters. No Party shall be liable for any failure to perform resulting from any order of any court or state or federal agency.

XIV. GOVERNING LAW AND SEVERABILITY

This Memorandum shall be construed in accordance with and governed by the laws of the State of Idaho. Any action to enforce the provisions of this Memorandum shall be brought in State district court in Boise, Ada County, Idaho. In the event any term of this Memorandum is held to be invalid or unenforceable by a court, the remaining terms of the Memorandum will remain in force.

XV. NON-WAIVER

Each provision herein shall be treated as a separate and independent clause, and the unenforceability of any one clause shall in no way impair the enforceability of any other clauses herein.

XVI. DISPUTE RESOLUTION

It is the intention of the Parties to resolve all disputes arising out of this Memorandum without resort to outside resolution procedures. The Parties may agree to appoint a single mediator to settle any dispute that the Parties have failed to settle themselves. In the event that the Parties are unable to resolve a dispute, breach or controversy arising out of this Memorandum on their own or through mediation, the Parties agree to settle all issues between them through arbitration. The Parties will refer the matter at

issue for arbitration by a single arbitrator selected mutually by the Parties. Such arbitrator shall have experience and knowledge of construction issues. The arbitrator selected shall not be related to or affiliated with either Party. The arbitration shall be conducted under the rules of the American Arbitration Association. The arbitration will be held in Boise, Idaho, at a time mutually convenient to the Parties. All arbitrations must be commenced within two (2) months of the time when the dispute, breach or controversy arose. The fees and expenses of the arbitrator shall be divided equally between the Parties. The decision of the arbitrator shall be in accordance with the terms and conditions of this Memorandum and be binding upon the Parties and non-appealable, and the Parties shall comply with the arbitrator's decision in good faith. Either Party may apply to any court with proper jurisdiction for enforcement of the arbitration decision. Each Party shall bear its own attorney fees and costs associated with mediation, arbitration and enforcement of the arbitration decision.

XVII. RESTRICTIONS ON USE OF ILLEGAL ALIENS

The City warrants that any construction or work performed under this Memorandum is subject to the State of Idaho Executive Order 2006-40, and it or its subcontractor will not knowingly hire or engage any illegal aliens or persons not authorized to work in the United States. The City further warrants that it or its subcontractor will take steps to verify that it does not hire or engage any illegal aliens or persons not authorized to work in the United States, and that any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach and shall be cause for termination of this Memorandum.

XVIII. SOLE USE OF SERVICE

Geothermal service supplied to the State by the City is solely for the use in the State's geothermal system, and may not be remetered or submetered by the State for sale to others without first obtaining written permission from the City.

XIX. NO AUTHORITY TO BIND OTHER PARTY

One Party under this Memorandum shall have no authority to enter into contracts or agreements on behalf of the other Party. All contracts or agreements shall be entered on behalf of the executing Party or executed jointly by both Parties.


XX. ENTIRE AGREEMENT

This Memorandum constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings between the Parties. No change modification, or waiver of any term of this Memorandum shall be valid unless it is in writing and signed by both Parties.

XXI. AMENDMENTS

This Memorandum may be extended or modified upon written agreement of the Parties. However, no amendment or modification of this Memorandum shall be effective unless in writing.

CITY OF BOISE

By: 
David H. Bieter
Mayor

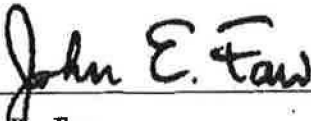
Date: October 28, 2008

STATE OF IDAHO

By: 
Mike Gwartney
Director

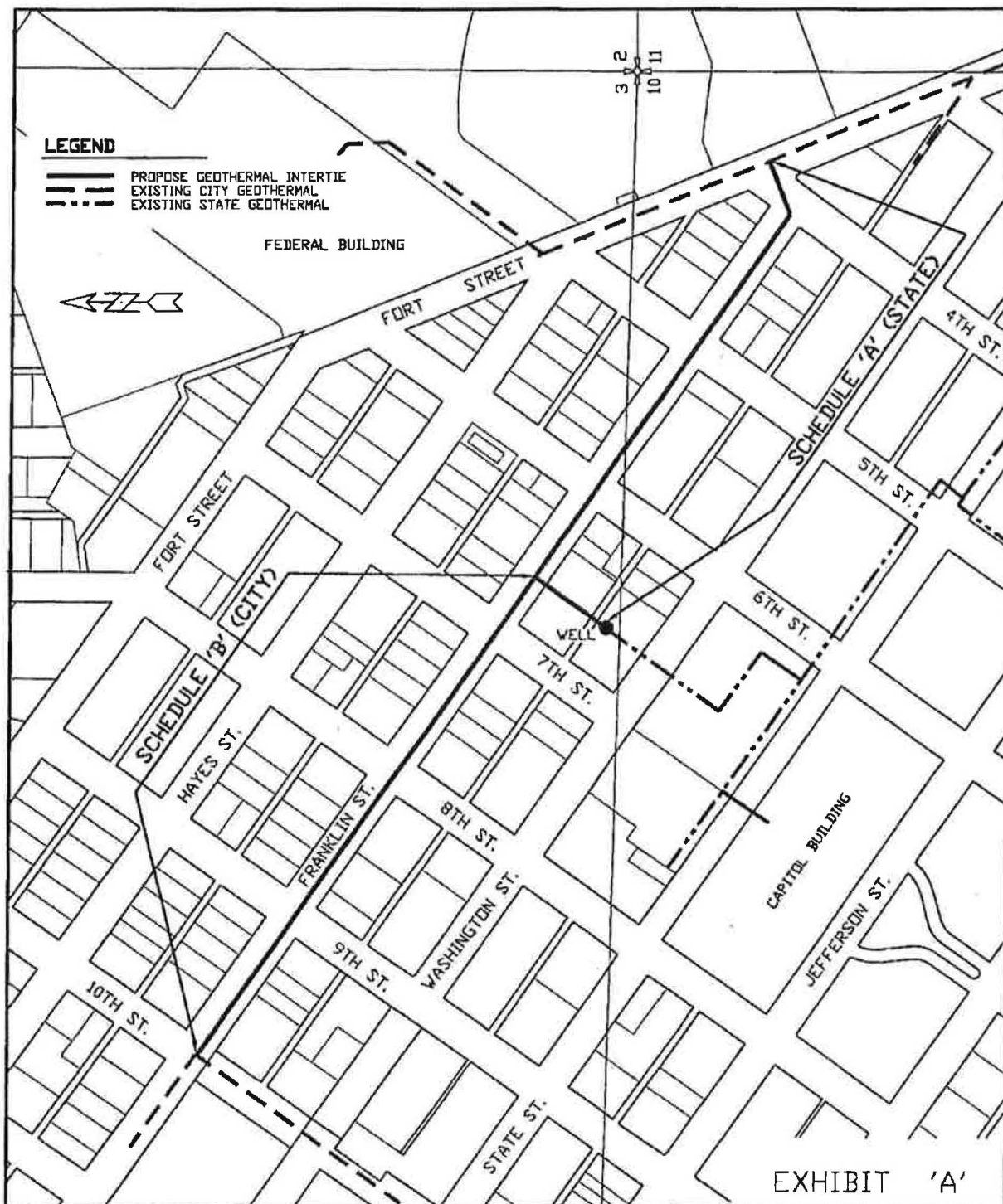
Date: 10-28-08

ATTEST


John E. Faw
City Clerk

Date: October 28, 2008





BOISE CITY DEPARTMENT OF PUBLIC WORKS

DRAWN BY: KW

CK'D BY:

SCALE: 1" = 300'

PROJECT GEOTHERMAL WATER SYSTEM INTERTIE
BOISE CITY TO STATE OF IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 13, 2020

CITY OF BOISE
ATTN: JON GUNNERSON
150 N CAPITOL BLVD
BOISE ID 83701

RE: Application for Temporary Approval of Water Use: TP-63-347

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 & 3 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on** November 13, 2021. The expiration date cannot be extended under this temporary approval.

If you require additional information regarding this matter, please call me at (208) 287-4951 or email me at Angie.Grimm@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angie Grimm', is written over the printed name.

for Angela M. Grimm, P.G.
Water Rights Section Manager

Enclosure(s)

cc: Abigail Germaine (via email)

MEMORANDUM

Date: November 4, 2020
To: Temporary Application For Water Use Review
From: Alex Dalglish
Re: Temporary Water Use Application TP-63-347

Applicant: The Department received this temporary approval request from the City of Boise ("City") on 10/13/2020. Abigail Germaine, an attorney for the City, signed the application. The temporary approval proposes diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. The temporary use of water is requested for possible City system infrastructure upgrade projects or emergencies that will require the City system well to be shut off. The application proposes diverting 500 gallons per minute (GPM), a maximum daily volume of 500,000 gallons and 1,600,000 gallons over the duration of the request. 1,600,000 gallons equates to approximately 4.9 AF which is within the 5.0 AF maximum allowed.

A prior temporary approval (63-329) from the City was received by the Department on May, 29 2020. 63-329 was submitted to the Idaho Department of Water Resources ("Department") for a specific City maintenance and upgrade project scheduled for June 2020 that involved replacement of mainline isolation valves and upgrading a remote monitoring system. 63-329 expired on July 1, 2020. This temporary approval appears to be somewhat of a renewal of 63-329 but will be authorized for a full year term and proposes to divert approximately 5.0 Af as opposed to a 1 month term and 4.4 AF under 63-329. Additionally, 63-329 was for a specific maintenance project whereas this temporary proposal is ambiguous, as no detailed projects or maintenance are described on the application or included documents.

The application did not list a specific start or end date. Therefore, the start date will be the approval date of this application and the end date will be one day earlier than that date for 2021.

I sent an email to Abigail Germaine on 10/20/2020 requesting documentation confirming that the State Department of Administration ("Administration") is aware of the proposed use of water their geothermal well. She responded by email on 10/22/2020 with the requested authorization from the Administration and a hard copy of the letter was received by the Department on 10/23/2020.

In 2016, the City submitted Application for permit 63-34326 ("Permit") to the Department. It was contested by various parties but eventually approved in the fall of 2017. The protestants/parties were the Terteling Company, Inc. represented by Charles L. Honsinger of Honsinger Law, PLLC, the Edwards Family LLC represented by Dana L. Hofstatter of Hawley Troxell Ennis & Hawley LLP, the Idaho Department of Lands represented by Angela Schaer Kaufmann, Deputy Attorney General of Idaho Office of Attorney General, the Idaho Department of Administration counseled by Julie K. Weaver Lead Deputy Attorney

General, and the Boise Warm Springs Water District represented by attorneys Lyndon P. Nguyen and Cheresse D. McLain of MSBT Law, Chtd. The Parties signed a stipulated agreement allowing approval of the permit with staged/incremental development over a period of several years. On 10/22/2020, the Department submitted comment requests by email to the representatives of the Terteling Company, Inc, Edwards Family LLC, the Idaho Department of Lands and the Boise Warm Springs Water District. The parties were given 2 weeks to respond (by 11/5) with comments or concerns. No responses were received within the requested timeframe so it was assumed that the party did not have concerns with this temporary proposal from the City.

Proper Administration: The application area is within Water District 63 but the use is not administered by the Watermasters since it is groundwater. The application proposes diversion from a well within the Boise Front Ground Water Management Area ("Boise Front GWMA"). The Boise Front GWMA includes a low temperature geothermal aquifer source, which the State's POD diverts from. This aquifer is not currently with a water district. However, diversion from the City's and State's wells are reported each year to the Water District 63S Watermaster. The State's and City's geothermal wells all have flowmeters. If the need arises, this temporary approval could be properly administered.

Public Interest: The City is proposing to temporarily use the State's geothermal well during infrastructure upgrade projects and emergencies that will require the City's system well to be shut off. The temporary diversions will allow for uninterrupted service to the City's geothermal customers while the system may be unusable. Based on this information, it seems that this proposal is within the public interest.

Injury to Public Values: Based on the information available, the proposed diversion from the Boise Front geothermal aquifer should not injure public values provided that other water users are not injured.

Other Sources of Water: The only other geothermal system the City may temporary seek use from is the Boise Warm Springs Water District's system. However, the City already has an existing interconnection to the State's system along with an access agreement which was submitted with the temporary approval application. It is reasonable for the City to use the State's POD for this temporary water use.

Injury to Existing Water Rights: The City holds water right 63-9139 and water permit 63-34326 for its geothermal system. As mentioned above, permit 63-34326 was contested by several parties and no comments were received from the protestants to permit 63-34326.

Upon the City's request, IDWR evaluates diversion, water level, and temperature data from the Boise Front Low Temperature Geothermal ("LTG") Aquifer to determine if increased production under the permit will: "1) deplete or otherwise adversely affect the Aquifer; 2) increase pumping lift or decrease pressure to existing prior user wells; or 3) reduce temperature to existing users causing systems operating at reasonable efficiency to no longer operate." See *Interlocutory Order Authorizing Additional Use In the Matter of Petition for Order Authorizing Additional Use Under Authorized Permits And Moratorium Order for Water Right Permit 63-34326 In the Name of the City of Boise* at 3. Mick McVay, IDWR hydrogeologist and Water District 63S watermaster, evaluated the most recent data in his report "Review of Boise Front Low Temperature Geothermal Monitoring Data for Water Year 2019 (October 1, 2018 – September 30,

2019)". On May 5, 2020, IDWR authorized an additional increment of development under the City's permit as a result of IDWR's evaluation of existing data.

Pertaining to prior Temporary Approval 63-329, Mike McVay provided a memo stating diversion was not likely to result in injury to other users of the Boise Front Geothermal Aquifer, including users within Water District 63S. On 10/14/2020, comments were requested from Mr. McVay, but no response was received within the requested 2 weeks. Therefore, it was presumed that he did not have concerns or issues with the issuance of this temporary approval. Additionally, no apparent injury was caused by prior temporary approval 63-329.

While injury is not likely to occur, to prevent the potential for injury to other water rights, IDWR should condition this temporary approval to avoid additional diversion from the Boise Front LTG Aquifer above and beyond already authorized water rights. Specifically, the condition should prohibit diversion from the City's authorized PODs, under rights 63-9139 and 63-34326, when water is being supplied from the State's authorized POD, under right 63-9341, to the City's system. Based on the information available, adherence to such a condition should prevent injury to other existing water rights.

Department Staff and Watermaster Comments: Comments were requested from Nick Miller (Western Region Manager), Garrick Baxter (Deputy Attorney General for IDWR) and Mike McVay (IDWR Technical 1 Engineer). No comments were received so it was assumed there were no concerns. The diversion is not within a water district.

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Tuesday, October 27, 2020 9:50 AM
To: Baxter, Garrick
Subject: RE: City of Boise Temporary Approval 63-347
Attachments: Approved 63-329.pdf

No problem. See the attachment.

From: Baxter, Garrick
Sent: Tuesday, October 27, 2020 9:44 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: City of Boise Temporary Approval 63-347

Alex,
Can you send me a copy of TA 63-329?
Thanks,
Garrick

From: Dalgleish, Alex
Sent: Monday, October 26, 2020 3:40 PM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Subject: City of Boise Temporary Approval 63-347

Good afternoon Garrick,

The City of Boise ("City") recently submitted an Application for Temporary Approval of Water Use ("TA") to IDWR. The City is requesting diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. As part of my review, I wanted to seek any comments or concerns the legal section may foresee with the proposal.

This current TA has been numbered 63-347. It appears to be a renewal of a prior TA that IDWR approved for the City earlier this year in June (TA 63-329). 63-329 was only approved for the month of June and was intended for a specific maintenance and upgrade project. 63-347 requests a timeframe of 1 year and does not identify any specific upgrade projects or plans.

A copy of 63-347 is attached for your reference. Additionally, the State Department of Administration owns the well that the City requests to use while upgrades and projects occur. A letter from the Department of Administration is also attached to this email to confirm their acknowledgement and authorization for the City to use the State's well.

It is worth noting that the City applied for application for permit 63-34326 in 2016. It requested to divert additional water in the City's geothermal system for existing and anticipated new customers. Upon advertising, the application was protested by the Terteling Company, Inc, the Boise Warm Springs Water District, Edwards Family LLC and the Idaho Department of Lands. All protestants were represented by legal counsel in their opposition to 63-34326. To maintain transparency and good faith, I have sent comment

requests to each party who opposed 63-34326. As of the date of this email, I have not received a response from any of the representatives for the protestants to 63-34326.

If the TA is approved, it will include the following (or similar) conditional language:

- The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
- The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

Please submit comments within 10 days, no later than November 6, 2020. If I do not hear from you by that date, I will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of 63-347.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov. If you have any questions, don't hesitate to contact me at (208) 287-4913.

Thank you,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, October 22, 2020 11:36 AM
To: 'lpn@msbtlaw.com'; 'cdm@msbtlaw.com'
Subject: City of Boise Temporary Approval of Water Use Request 63-347
Attachments: City of Boise Temp App 63-247.pdf; Dept. of Administration Approval Letter.pdf
Categories: Reminder

Dear Lyndon P. Nguyen and Cherese D. McLain, MSBT Law, Chtd.,

As representative for the Boise Warm Spring Water District, ("District"), the Department of Water Resources ("Department") wanted to inform you of the recent temporary approval 63-347 ("Application") submitted by the City of Boise ("City"). The District previously protested application for permit 63-34326 ("Permit") from the City. As a party to this Permit, and representative for the District, the Department is seeking comment regarding the Application, which requests diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. The City proposes to divert approximately 5.0 AF from the State's POD throughout the next year for infrastructure upgrade projects and emergencies that will require the City system production well to be shut off.

A copy of the application is attached for your reference. Additionally, the State Department of Administration owns the well that the City requests to use while upgrades and projects occur. A letter from the Department of Administration is also attached to this email to confirm their acknowledgement and authorization for the City to use the State's well.

If the Application is approved, it will include the following (or similar) conditional language:

- The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
- The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

Please submit comments within 14 days, no later than November 5, 2020. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this temporary approval.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, October 22, 2020 11:23 AM
To: 'angela.kaufmann@ag.idaho.gov'
Subject: City of Boise Temporary Approval of Water Use Request 63-347
Attachments: City of Boise Temp App 63-247.pdf; Dept. of Administration Approval Letter.pdf

Categories: Reminder

Dear Deputy Attorney General Angela Schaer Kaufmann,

As representative for The Idaho Department of Lands, ("Lands"), the Department of Water Resources ("Department") wanted to inform you of the recent temporary approval 63-347 ("Application") submitted by the City of Boise ("City"). Lands previously protested application for permit 63-34326 ("Permit") from the City. As a party to this Permit, and representative for Lands, the Department is seeking comment regarding the Application, which requests diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. The City proposes to divert approximately 5.0 AF from the State's POD throughout the next year for infrastructure upgrade projects and emergencies that will require the City system production well to be shut off.

A copy of the application is attached for your reference. Additionally, the State Department of Administration owns the well that the City requests to use while upgrades and projects occur. A letter from the Department of Administration is also attached to this email to confirm their acknowledgement and authorization for the City to use the State's well.

If the Application is approved, it will include the following (or similar) conditional language:

- The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
- The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

Please submit comments within 14 days, no later than November 5, 2020. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this temporary approval.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, October 22, 2020 11:16 AM
To: 'dhofstetter@hawleytroxell.com'
Subject: City of Boise Temporary Approval of Water Use Request 63-347
Attachments: City of Boise Temp App 63-247.pdf; Dept. of Administration Approval Letter.pdf
Categories: Reminder

Dear Hawley Troxell Ennis & Hawley LLP C/O Dana L Hofstetter,

As representative for Edwards Family LLC, ("Edwards"), the Department of Water Resources ("Department") wanted to inform you of the recent temporary approval 63-347 ("Application") from the City of Boise ("City"). Edwards previously submitted comments regarding application for permit 63-34326 ("Permit") from the City. As a party to this Permit, and representative for Edwards, the Department is seeking comment regarding the Application, which requests diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. The City proposes divert approximately 5.0 AF from the State's POD throughout the next year for infrastructure upgrade projects and emergencies that will require the City system production well to be shut off.

A copy of the application is attached for your reference. Additionally, the State Department of Administration owns the well that the City requests to use while upgrades and projects occur. A letter from the Department of Administration is also attached to this email to confirm their acknowledgement and authorization for the City to use the State's well.

If the Application is approved, it will include the following (or similar) conditional language:

- The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
- The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

Please submit comments within 14 days, no later than November 5, 2020. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this temporary approval.

Comments are preferred to be received by e-mail to alex.dalgleish@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Dalglish, Alex

From: Dalglish, Alex
Sent: Thursday, October 22, 2020 11:08 AM
To: 'honsingerlaw@gmail.com'
Subject: City of Boise Temporary Approval of Water Use Request
Attachments: City of Boise Temp App 63-247.pdf; Dept. of Administration Approval Letter.pdf
Categories: Reminder

Dear Honsinger Law C/O Charles L. Honsinger,

As representative for The Terteling Company, Inc. ("Company"), the Department of Water Resources ("Department") wanted to inform you of the recent temporary approval 63-347 ("Application") submitted by the City of Boise ("City"). The Company previously protested application for permit 63-34326 ("Permit") from the City. As a party to this Permit, and representative for the Company, the Department is seeking comment regarding the Application, which requests diversion from the State of Idaho ("State") geothermal heating system point of diversion ("POD") for temporary use within the City's geothermal heating system. The City proposes divert approximately 5.0 AF from the State's POD throughout the next year for infrastructure upgrade projects and emergencies that will require the City system production well to be shut off.

A copy of the application is attached for your reference. Additionally, the State Department of Administration owns the well that the City requests to use while upgrades and projects occur. A letter from the Department of Administration is also attached to this email to confirm their acknowledgement and authorization for the City to use the State's well.

If the Application is approved, it will include the following (or similar) conditional language:

- The City of Boise shall not divert water under this temporary approval when it is also diverting water pursuant to Right 63-9139 or Permit 63-34326.
- The City of Boise shall report the amount of water diverted (instantaneous and totalizer flow) under this temporary approval. The City of Boise shall submit this data to the Idaho Department of Water Resources ("IDWR") in the City of Boise's quarterly report required in Exhibit C of the Stipulated Agreement for Permit No. 63-34326 ("Stipulated Agreement") incorporated in Permit No. 63-34326 by permit approval condition number twelve. The City of Boise shall also submit this data to IDWR and the Stipulated Agreement parties in the City of Boise's annual geothermal system report required in item II.C.3 of the Stipulated Agreement incorporated in Permit No. 63-34326 by permit approval condition number twelve.

Please submit comments within 14 days, no later than November 5, 2020. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this temporary approval.

Comments are preferred to be received by e-mail to alex.dalglish@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4913.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov



BRAD LITTLE
Governor
KEITH REYNOLDS
Director

State of Idaho
Department of Administration

650 West State Street Room 100
P.O. Box 83720
Boise, ID 83720
Telephone (208) 332-1824 or FAX (208) 334-2307
<http://www.adm.idaho.gov>

RECEIVED

OCT 23 2020

DEPARTMENT OF
WATER RESOURCES

October 21, 2020

Shelley Keen, Chief
Water Allocation Bureau
Idaho Department of Water Resources
VIA STATEHOUSE MAIL

Re: City of Boise Temporary Approval of Water Use Application

Dear Chief Keen:

I am writing to you to confirm that the City of Boise worked with the Department of Administration as it prepared its application for temporary approval of water use dated October 12, 2020.

The temporary request relates to system infrastructure upgrade projects that require the City's production well to be shut off. As you know, the City and the Department maintain an interconnection under a 2009 agreement. Both parties to the 2009 agreement work cooperatively to meet temporary needs of the City while also serving the State's Capitol Mall heating system needs.

The Department supports the City's need to maintain and upgrade the equipment within its system. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Keith Reynolds".

Keith Reynolds, Director
Department of Administration

cc: Jon Gunnerson, City of Boise Public Works
Abigail Germaine, Deputy City Attorney

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, October 22, 2020 9:33 AM
To: 'Abigail Germaine'
Subject: RE: [External] Geothermal System Temporary Approval of Water Use

Hey Abbey,

Thank you for providing the letter from the Department of Administration. Due to the nature of this temporary approval request, a decision by IDWR will not occur as quickly as the last proposal from the City back in May/June. The prior temporary approval was expedited as it was needed for a specific maintenance project that was scheduled to occur. This current application requests a longer timeline of water use and is more vague regarding the maintenance or upgrades that may occur. After a discussion with other IDWR supervisory staff, we have decided to send comment letters to the parties contesting the City's permit 63-34326. IDWR will give the parties 14 days to provide comments or concerns and may provide additional time for comments if requested by the parties. I will be sending these comment requests today with a deadline of 11/5/2020. So at the earliest, I estimate IDWR could make a decision regarding this temporary request around November 9th.

Please reach out if you have questions or concerns.

Best,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

From: Abigail Germaine [mailto:agermaine@cityofboise.org]
Sent: Wednesday, October 21, 2020 3:33 PM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: [External] Geothermal System Temporary Approval of Water Use

Alex,

Please find attached an electronic copy of the letter from the State. I believe a hard copy has been sent to the Department. Please let me know if there is anything else you need. Also, any idea on the timeline for approval of the application? I want to let our team know when they can schedule repairs. Thank you.

Abbey



CITYOFBOISE.ORG

Abigail Germaine
Civil Deputy City Attorney
Boise City Attorney's Office
Office: (208) 608-7956
agermaine@cityofboise.org

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From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Wednesday, October 21, 2020 11:38 AM
To: Abigail Germaine <agermaine@cityofboise.org>
Subject: RE: [External] Geothermal System Temporary Approval of Water Use

Thank you Abbey.

From: Abigail Germaine [<mailto:agermaine@cityofboise.org>]
Sent: Wednesday, October 21, 2020 11:08 AM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Subject: RE: [External] Geothermal System Temporary Approval of Water Use

Hello Alex,

I will reach out to the Department of Administration and ask them to provide a letter with the requested information.
Thanks.

Abbey



CITYOFBOISE.ORG

Abigail Germaine
Civil Deputy City Attorney
Boise City Attorney's Office
Office: (208) 608-7956
agermaine@cityofboise.org

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CONFIDENTIALITY NOTICE: This email is intended only for the personal and confidential use of the individual(s) named as recipients and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law. If you are not the intended recipient of this transmission, please notify the sender at (208) 608-7950. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance of the information it contains.

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Tuesday, October 20, 2020 3:55 PM
To: Abigail Germaine <agermaine@cityofboise.org>
Subject: [External] Geothermal System Temporary Approval of Water Use

Good afternoon Abigail,

The City of Boise recently submitted an application for temporary approval of water use to the Idaho Dept. of Water Resources. In the process of reviewing the proposal, it is clear that the requested point of diversion is located on property owned by the State of Idaho, more specifically, the Department of Administration.

The application included a Geothermal Agreement/Interconnection of Boise City and State of Idaho Geothermal Systems. However, I am requesting the City of Boise provide documentation from Department of Administration proving that they are aware of this temporary approval request and that the State of Idaho will supply water from their geothermal well specifically for this proposed water use.

Please contact me if you have questions or concerns.

Best,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

Dagleish, Alex

From: Dagleish, Alex
Sent: Wednesday, October 14, 2020 4:03 PM
To: McVay, Michael
Subject: City of Boise Temporary Approval 63-347
Attachments: City of Boise Temp App 63-247.pdf

Good afternoon Mike,

The City of Boise submitted another temporary approval to divert water from the State of Idaho's geothermal well for maintenance, upgrades or emergencies that may arise during the next year (until October 2021). Similar to temporary approval 63-329 approved by IDWR earlier this year in June, I am requesting that you provide any comments, concerns or questions regarding the proposal. Please respond with any comments within 14 days. No response will indicate that you have no concerns with the City's request.

I have attached the application and supporting materials to this email.

Thank you,

Alex Dagleish
Water Resource Agent
Phone (208) 287-4913
alex.dagleish@idwr.idaho.gov



OFFICE OF THE CITY ATTORNEY

MAYOR: Lauren McLean | BOISE CITY ATTORNEY: Jayme Sullivan

RECEIVED

OCT 13 2020

DEPARTMENT OF
WATER RESOURCES

October 12, 2020

Mr. Shelley Keen
Chief, Water Allocation Bureau
Idaho Department of Water Resources
322 E. Front St. 6th Floor
Boise, ID 83720-0098

Re: City of Boise Geothermal Heating System Application for Temporary Approval of Water Use

Dear Chief Keen:

Enclosed for the Idaho Department of Water Resources ("IDWR") review and approval is a completed and signed City Application for Temporary Approval of Water Use, with attached supporting documentation ("Application"), for temporary use of water for heating purposes within the City downtown geothermal heating system ("City System") service area included in the City's water right license 63-9139 and water right permit 63-34326, but originating for this temporary use from the State of Idaho Capitol Mall geothermal heating system production well as the point of diversion included in the State decreed water right 63-09341. This temporary use will be for any City System infrastructure upgrade projects or emergencies that will require the City System production well to be shut off. Also enclosed is a check for the Application fee of \$50.00. The City will appreciate a prompt review and approval of this application by IDWR as it may be necessary to use the State's system for an upgrade project scheduled for next week.

This temporary use will be under the 2009 interconnection agreement between the City and State Department of Administration, under which the City and Capitol Mall heating system were connected several years ago with valving and metering to allow for such use when needed for repairs, maintenance, or other circumstances. A copy of the interconnection agreement is included in the documents attached to the Application. Our understanding is that the Department of Administration supports and will cooperate in interconnection agreement water use for this temporary use and has no objection to IDWR approval of the Application.

As follow-up to the March 9, 2020 annual meeting with you and other representatives of IDWR and other parties to the 2017 stipulated agreement regarding City Permit 63-34326, the City remains engaged with the Department of Administration and IDWR in reviewing existing water rights and stipulated agreement documentation regarding interconnection agreement temporary water use, and the potential need for clarification or other additional authorization documentation for such use longer-term. The process for finalizing an acceptable solution to this presented issue has been delayed by the effects of COVID-19, but all parties still work towards a resolution. At this time, and while we continue that review, the City does not concede that an Application for Temporary Approval of Water Use and IDWR approval of such an application is required for the

interconnection agreement temporary use. However, given the City operational need to be able to use the State's system on a temporary basis, and to eliminate any doubt about authorization, the City is voluntarily submitting the enclosed Application and asking for prompt IDWR review and approval.

If IDWR has any questions or needs further information to review this Application, please do not hesitate to contact me at (509) 680-6042 (cell phone) or via email at agermaine@cityofboise.org.

Sincerely,



Abigail R. Germaine

ARG/mas

Enclosure(s)

cc: (via email, with enclosures, excluding check):
Garrick Baxter, IDWR/Deputy Attorney General
Julie Weaver, Deputy Attorney General
Jon Gunnerson, City of Boise Public Works

