

February 6, 2018

Robert A. Maynard
RMaynard@perkinscoie.com

VIA E-MAIL & U.S. MAIL

Erik Boe, P.E.
Staff Engineer, IDWR Western Region
2835 Airport Drive
Boise, ID 83705-5082
Erik.Boe@idwr.idaho.gov

Re: Draft Water Right License No. 63-09139; Comments

Dear Mr. Boe:

On behalf of the City of Boise, we submit to the Idaho Department of Water Resources ("IDWR") the following comments regarding the above-referenced draft license that you attached to your January 25, 2018 email for review.

Date of Application for Permit:

We believe that the date of the Application for Permit on page 1 of the draft license should be corrected from "April 25, 2003" to "April 17, 1978," unless there is a later amendment of the Permit Application that occurred on the April 25, 2003 date.

Place of Use:

The Place of Use chart on page 1 of the draft license and the map included in the draft license may be acceptable. There are changes in the draft license from what were proposed in the Beneficial Use Field Report submitted with my November 30, 2017 letter, so we may want to review some of these changes in the meeting that we are requesting later in this letter, prior to issuance of a final license.

Conditions:

Condition 5 tracks criteria on page 6 of the April 29, 2014 Final Order Extending Moratorium for the Boise Front Geothermal Resource Ground Water Management Area as well as the current stipulations among the parties included as addressees in your January 25 email. I believe this condition will be acceptable to the City, particularly for as long as the Moratorium remains in effect (currently until at least May 5, 2019), if clarified to be clear as to the "aquifer" it references, as follows (added text in yellow highlight below):

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5. The Department may curtail or limit the use of water under this right to remedy (1) depletion or other adverse effects on the Boise Front Low Temperature Geothermal Ground Water Management Area aquifer system; (2) increased pumping lift or decreased pressure in an existing prior user well; or (3) temperature decline causing an existing user system operating at reasonable efficiency to no longer operate.

At some future time after issuance of a final license when the Moratorium may be modified or expires, the City may review and determine whether to request that IDWR and the other stipulation parties agree to remove or modify Condition 5.

Condition 6 identifies the Injection Well Permit number as 63W1350001. The Injection Well Permit, as renewed by IDWR on December 22, 2017, uses the number 63W-135-001. We see this as basically just a format difference, but consider using 63W135001 (two zeros instead of three) in the final license.

Thank you for the opportunity to submit these comments. In response to the offer in your January 25 email to meet with the City and other parties, included as addressees on your email prior to IDWR issuing a final license, the City requests that meeting. We suggest that meeting occur in conjunction with the annual meeting among IDWR and these parties pursuant to the existing 2011 stipulation, as amended, among the parties regarding Water Right Permits 63-9138 and 63-9139, and the 2017 stipulation among the parties regarding Water Right Permit 63-34326. The City is in the process of reaching out to the other stipulation parties and IDWR to schedule this meeting at the IDWR State Office for prior to March 30, 2018.

If you have questions in the meantime, please feel free to contact me at (208) 343-3434 or rmaynard@perkinscoie.com.

Very truly yours,



Robert A. Maynard

RAM/rgm

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cc: John Gunnerson, Public Works Department, City of Boise
Boise Warm Springs Water District, c/o Lyndon Nguyen & Cherese McLain, Moore Smith
Buxton & Turcke Chtd.
Edwards Family LLC, c/o Dana Hofstetter, Hawley Troxell Ennis & Hawley
Terteling Company Inc., c/o Charles Honsinger, Honsinger Law PLLC
State of Idaho, Department of Lands, c/o Angela Schaer Kaufmann, Office of the Attorney
General
State of Idaho, Department of Administration, c/o Julie Weaver, Office of the Attorney
General