



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 20, 2015

PAUL A TURCKE
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK STREET SUITE 520
BOISE ID 83702

Re: Katsilometes – Permit(s) 29-7869 and 29-13627

Dear Mr. Turcke,

I am writing in response to our previous discussions on how to move forward to bring permits 29-7869 and 29-13627 to resolution. In our last correspondence, through e-mail, I mentioned that I needed to meet with the water right permits Section Manager to discuss the information contained in the **Affidavit of George Katsilometes** submitted with your letter dated December 12, 2014. Thank you for your patience.

Item 1:

I wanted to provide some addition information regarding the Department's understanding of the developed diversion rate capacity of the well permitted under 29-7869. I agree the Department did refer to Mr. Katsilometes' previous testimony to support the determination of the developed diversion rate. However, addition information in file 29-13672 supports a maximum diversion rate of 0.20 cfs.

A pump test conducted by Thomas E. Lachmar, Ph.D, on September 15 and 16, 2005, found the maximum capacity of Well 3 (East well) was 90 gallons per minute (gpm) or 0.20 cubic feet per second (cfs). In Dr. Lachmar's report, he references testing, "...one of the two shallow and cooler wells (well #3)." Well #3 was measured to have the capacity of 90 gpm or 0.20 cfs.

In a letter dated June 19, 2013, Rob Wood corrected IDWR's understanding of the well names and explained that, "Well #3 is the East well or the first well completed." The first well completed was completed in 1990. Mr. Wood's letter supports the determination that well #3 pumped 90 gpm.

Item 2:

After discussing the situation, I am afraid I am going to have to back pedal in connection with our previous discussion where I said that the Department could review both files 29-7869 and 29-13672 as a package.

In contrast, IDWR needs to review permit 29-7869 and issue a license independent as to the status of permit 29-13672. Reviewing permit 29-13672 for licensure needs to take into account existing water rights. IDWR needs to determine what water rights do exist first. This would mean that we need to bring 29-7869 to resolution.

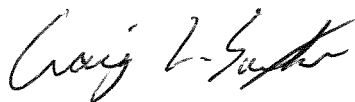
That leads us back to amending permit 29-7869 to issue a license. After reviewing the previously proposed amendment with the permits Section Manager and support staff, it was determined that IDWR needs more information to determine the volume of water that would be put to beneficial use to heat the pool that existed during the development period for the permit (from Dec 1989 thru Jan of 1992). In the **Affidavit of George W. Katsilometes**, Mr. Katsilometes verifies that the first pool was built in 1989 and contained two sections that hold approximately 5000 gallons of water. This is consistent with what appears to be the 15' x 30' x 3' pool closest to the river and is identified as Pool 3 in the August 9, 1995 field exam conducted by Dennis Dunn. In order to come up with a volume of water needed to keep this pool at the desired temperature, we need some additional data:

- What temperature the pool is kept at?
- Is it kept at the same temperature all year?
 - If not, we need to know the periods of time for each temperature during the year.
- Testimony indicated that prior to 1992, the well supplying water to that pool was 120 F. Is this correct?
 - If not, what was the temperature of the water supplying the pool during the development period?

Please provide the information by **February 4, 2015**. If I do not receive the requested by February 4, 2015, it could result in permit 29-7869 being voided.

Please contact me with any questions.

Respectfully submitted,



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