

MEMORANDUM

DATE: April 18, 2014

TO: Brian Ragan and Water Right File 63-5073

FROM: Shelley W. Keen *SWK*

RE: Possible Use of Water for Heating at the Natatorium

Can water right number 63-5073 be used to heat the natatorium in Boise? This right allows an annual diversion of 1039-acre feet. According to Ken Neely, they used 737 acre feet last year.

Right 63-5073 is for heating within the Boise Warm Springs Water District (BWSWD) service area, which includes the natatorium property. The partial decree for the right contains no limit on the number of homes or buildings to be heated. Therefore, as long as the decreed diversion rate and volume are not exceeded, I think we can safely conclude that water diverted pursuant to this right can be used for *space heating* at the natatorium or in other buildings without enlarging the water right.

If the question is whether the water diverted under this right can be used to heat the water of the natatorium pool, my first inclination was to say that we typically characterize that kind of use as *recreation*. To check my memory, I looked at the license for Right 47-7969, which authorizes the diversion of low temperature geothermal water to heat the swimming pool operated by the City of Twin Falls. I found that we permitted and licensed that use as *heating*. Therefore, we have precedent for the use of low temperature geothermal water for water temperature regulation in a swimming pool to be considered *heating*.

I also looked at the partial decree for Right 63-5073 to see if it indicated that the right is only for non-consumptive uses. Injecting water into the natatorium pool would likely result in some evaporation losses. The partial decree does not provide a consumptive use limitation. Transfer Processing Memorandum 24 states:

Unless there is a specific condition of the water right limiting the amount of consumptive use, changes in water use under a water right for the authorized purpose of use that simply change the amount of consumptive use do not require an application for transfer provided that no element of the water right is changed.

Therefore, as long as the BWSWD does not exceed its authorized diversion rate and volume, it is not inconsistent with Right 63-5073 to use the water for space heating at the natatorium and to regulate the water temperature in the pool, even if it results in some additional consumptive use.

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Since BWSWD's well is within the Boise Front Low Temperature Geothermal Ground Water Management Area, I also checked Ken Neeley's 1/16/2014 report for water year 2013. According to Table 1 in the report, BWSWD's gross annual withdrawals match its net annual withdrawals. Therefore, while other low temperature geothermal water users in the ground water management area are re-injecting water, BWSWD apparently is under no obligation to do so. I confirmed this conclusion in a phone call with Ken earlier today. Consequently, losing some water to evaporation from the natatorium pool will also not interfere with any obligation to re-inject all the water diverted.