



U.S. Department of Justice

Environment and Natural Resources Division

David Gehlert, Esq.
Denver Field Office
999 18th Street, South Terrace, Suite 370
Denver, CO 80202

Telephone (303) 844-1386
Facsimile (303) 844-1350
E-mail - david.gehlert@usdoj.gov

March 20, 2012

Jeff Peppersack
Chief, Water Allocation Bureau
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0003

VIA E-MAIL

Re: Request for Reconsideration of the License for Water Right 63-09890.

Dear Mr. Peppersack,

Pursuant to our conversation of this afternoon, this letter is to request that IDWR reconsider the license issued for water right 63-09890. Reconsideration of the license is warranted because the license has an improper combined use remark. The combined use remark links water right 63-09890 with water right 63-29710. That is not correct as the two uses come from different wells and are independent.

63-09890 addresses geothermal water used by the Department of Veterans Affairs to heat its medical center. In contrast, water right 63-29710 takes water from a different well and has historically been used for domestic, stock and irrigation purposes. Moreover, both water rights are involved in a complex settlement of the United States claims for water for the former Ft. Boise reservation and the combined use remark on the license is contrary to the settlement. To be consistent with the settlement, the license for water right 63-09890 should be reconsidered and issued without a combined use remark. Nick Spenser can provide additional information on both the use of the two water rights and the SRBA settlement.

Thank you for your consideration of this request. I look forward to your response.

Sincerely,

David Gehlert
Trial Attorney
U.S. Dept. of Justice

cc: Nick Spenser, IDWR
Doug Lamb, VA

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WATER RESOURCES