

FW Fort Boise - VA - 63-09890 - Licensing condition.txt
From: Gehlert, David (ENRD) [David.Gehlert@usdoj.gov]
Sent: Wednesday, March 18, 2009 2:31 PM
To: Marshall, Aaron
Cc: Stanish, David
Subject: FW: Fort Boise - VA - 63-09890 - Licensing condition

Mr. Marshall, I have no objection to the language David Stanish has proposed.
Please issue the license. Thanks, Dave

David Gehlert
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-----Original Message-----

From: Stanish, David [mailto:david.stanish@ag.idaho.gov]
Sent: Wednesday, March 18, 2009 2:26 PM
To: Gehlert, David (ENRD)
Subject: Fort Boise - VA - 63-09890 - Licensing condition

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Dave:

As you may remember, IDWR raised a concern last Fall regarding subsection (c) of the following condition that is to be included in the VA's state geothermal water right license no. 63-09890:

"Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation."

In response, I proposed including the following qualifying sentence into the paragraph above:

"Part (c) is a condition agreed to by the right holder and other Boise Front low temperature geothermal water users -- the State of Idaho, City of Boise, Boise Warm Springs Water District, and Terteling Co., Inc. -- under separate agreement dated [insert date that federal counsel sign offer of judgment agreement], to which the Idaho Department of Water Resources is not a party and which may be enforceable by a

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court of law.

The Idaho Department of Water Resources will not determine or enforce the provisions of part(c) of this condition."

A review of my records indicates no objection to this language. If you agree, could you please send an email with this language to Aaron Marshall at IDWR (aaron.marshall@idwr.idaho.gov), along with a request to issue the license. I believe that this was the final issue that IDWR needed to resolve before they could move forward with the license.
Thanks.

Sincerely,

David I. Stanish
Deputy Attorney General

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