



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 13, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SPF WATER ENGINEERING
ATTN: LORI GRAVES
300 E MALLARD DR SUITE 350
BOISE ID 83706

RE: Permit 63-12593

Dear Lori,

Thank you for your April 13, 2011, letter in response to questions that arose during the December 2011 conference call regarding the heating and cooling system serving the Idanha Building authorized under permit 63-12593.

As you outlined in your letter, three possible options were discussed as ways to reach your clients goal of discharging spent water diverted under 63-12593 into the ACHD storm water system rather than using the injection well.

- Amending the permit at licensing to change the conditions of the permit
- Licensing the permit with the injection well component, then filing a transfer application to change the water right requirements for use of the injection well
- Filing a new permit that does not propose use of an injection well

As your client evaluates the options, there are some additional questions I found in the meeting notes that should be taken into consideration before your client decides what course of action to take.

- Will there be injury to junior ground water appropriators accustomed to having the re-injected water available?
- Could there be injury to surface water appropriators due to timing and location of groundwater contributions to the Boise River?
- Would the change result in an enlargement because of the inability to dispose of water has been a constraint on diverting in the past?
- Can the non-consumptive nature of the use be guaranteed if the permit holder loses control of the water?

When pursuing a specific course of action, the water right needs to be evaluated as the right was developed during the authorized development period which ended on October 18, 2001 when proof of beneficial use was submitted. Your letter indicates that originally water was re-injected as required by the permit, but just recently the injection well has gradually declined in its ability to accept the injection flow. Does this mean that during the authorized development period the conditions of the permit were being satisfied? Then perhaps a transfer or a new permit is the more appropriate action as the water right that

was established under 63-12593 included injecting spent water back into the aquifer. But, if the water right was established differently than permitted, then perhaps it is more appropriate to amend the permit in a manner that would not result in injury to other water users or an increase in appropriation above that authorized by the permit.

I am sorry it has taken so long to respond to your letter. Please feel free to contact me with questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig L. Saxton
Water Rights Supervisor
craig.saxton@idwr.idaho.gov
(208) 287-4916

CC: KEN HOWELL, PARKLANE CO. INC