State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 18, 2011

RE: In the Matter of Petition for Order Authorizing Additional Use Under Existing Permits and Moratorium Order for Water Rights 63-9138 & 63-9139 in the Name of the City of Boise

Dear Interested Parties:

Enclosed is an Order issued in the above referenced matter. Pursuant to Department's Procedure Rule 710, this is an interlocutory order that does not finally decide the substantive issues presented in the proceedings and is not subject to review by reconsideration or appeal. The Director may review this interlocutory order pursuant to Procedure Rules 711, 760 or 770.

This order was issued to implement the settlement agreement of the parties dated August 25, 2010. The conference on November 29, 2010 provided some clarification of the intent of the agreement as summarized by my letter of December 15, 2010. In my letter, I sought comments for additional clarification as deemed necessary by the parties. On January 4, 2011, I received a letter from Charlie Honsinger, representing The Terteling Company, Inc., expressing some concern on the issue of the Department's determination regarding proposed increases in the City of Boise's production limits. On January 10, 2011, I received a letter from Bruce Smith, representing Boise Warms Springs Water District, providing further comment on the issue raised by Mr. Honsinger. It is the Department's intent that all available information will be considered when making a determination regarding any proposed increase in the City of Boise's production limits. Stated differently, the Department's determination will not be limited to only the "prior year's monitoring data" and the "City's annual production and injection data." I believe this is consistent with our discussion at the conference.

Should you have questions or concerns please contact me at 208-287-4948.

Sincerely,

Jeff Peppersack,
Chief, Water Allocation Bureau

Enclosure

cc: John Westra, IDWR Western Region

SUPPORT DATA
IN FILE # 63-9138

SCANNED
JAN 18 2011