

MEMORANDUM

TO: Transfer No. 69327 File

FROM: Steve Lester 

DATE: March 16, 2010

RE: Rejection of Application

The transfer proposes to move a municipal right from the low temperature geothermal Gamble Well in the Boise Front GWMA to the cold water Warm Springs Golf Course (WSGC) Well. The latter is proposed for supplemental irrigation use at the golf course, although described as municipal use by the applicant.

The application has a long and complex history from the date of filing in early 2001, complicated by issues such as validity of right, the SRBA recommendation process, transfer processing delays and so forth. All the issues have been satisfactorily resolved except as discussed below.

Several IDWR people have been involved in multiple discussions during these years with respect to various aspects of this situation – Dave Tuthill, Gary Spackman, Jeff Peppersack, Shelley Keen, Ken Neely, John Westra and me.

The consensus is that the application proposes a change from one source to another without demonstrating a hydraulic connection between the different aquifer sources.

Furthermore, the WSGC Well was originally drilled and cased to about 470 feet in the intermediate cold water aquifer. It collapsed to about 192 feet, date uncertain.¹ This resulted in that well being associated with shallow ground water presumed to be tributary to the Boise River upstream from Star, adding another complication.

The issues of different aquifer sources and shallow ground water upstream from Star were summarized in a request for information sent to the applicant 8/26/2008 in a “transfer deny/reject” letter. The applicant made an insufficient rebuttal argument instead of providing the requested information or offering an alternate application addressing the issues. The Boise Parks & Recreation Director finally sent a letter on January 21, 2009 to the IDWR Director requesting approval of the transfer application.

I met again with Jeff and Shelley in late January 2009. We concluded the application should be rejected because the proposed use from the WSGC Well would injure other water rights. It is possible that other rights could be mitigated under an alternate proposal, although the applicant has not made that offer. This was summarized in Gary’s 2/24/2009 letter and again in Jeff’s 5/15/2009 letter. The applicant replied to these letters but failed to adequately address the issues. The applicant also never requested a conference to discuss these matters, despite several IDWR offers to meet.

¹ Letters regarding pump test of WSGC Well and protest withdrawal received 8/16/1995 and 10/25/1995, IDWR files 63-9661, 63-10022 and 63-10241.

I recently sent a letter to the City noting the intent to reject the application if the issues cannot be resolved. The applicant replied by repeating its proposed mitigation plan, previously rejected by IDWR: lease rental pool water when available and only use the well during those times. IDWR has not been willing to issue water right approvals based on temporary instead of long-term mitigation.

The applicant spent the last several years telling us why our policies and thinking in this matter are wrong, inconsistent and vague. The applicant has not addressed the issues that prevent approval of the application.

The application should be rejected based on injury issues and on the lack of hydraulic connection between the two ground water sources. A refund cannot be issued since the application was advertised years ago.

IDWR has provided considerable help to Boise Parks and Recreation over many years to address water right issues –including emergency water supply in droughts, approval of a new well for K. Albertson Park (conjunctive management issues, 1989) and numerous other examples. I think we have gone out of our way to be helpful and supportive to the City in these situations. Therefore, I am personally and professionally disappointed with the City's approach to this transfer application.