



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 24, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

KRISTIN MOORE
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
482 CONSTITUTION STE 303
IDAHO FALLS ID 83402

RE: Permit No.: 22-7698

Dear Kristin:

On October 1, 2008, the Idaho Department of Water Resources (IDWR) received Application for Amendment of a Permit submitted by your firm on behalf of the City of Driggs. Permit 22-7698 (the permit) originally authorized a diversion of 4.5 cfs from ground water for municipal purposes. The Proof of Beneficial Use form (the proof) for the permit was received on 12/27/1995. In that proof statement the total rate of diversion in beneficial use was listed as 1.67 cfs and the water was accessed through a single well; the point-of-diversion. The amendment seeks to change the permit after the proof has been submitted but before a license has been issued. The amendment requests an increase in points-of-diversion which may result in an increase in the diversion capacity associated with the permit. I have been assigned to review this permit and the application for amendment and if possible, to issue a license. This letter summarizes my findings.

Submitting proof of beneficial use ends the development period under a permit. The Department cannot recognize additional development after proof was submitted. Under Permit 22-7698, development was completed on December 27, 1995. The Department may be able to authorize additional, existing points-of-diversion in lieu of an application for transfer but cannot license additional capacity unless the permit holder can show that the wells were developed and part of the system during the development period.

Diversion Rate

I have no evidence that the well-pump pair associated with the permit, could supply a rate as high as 4.5 cfs. Pump curves provided to me by Jared Gunderson, (the city's public works director) dated August 18, 1993 show that the installed pump was designed to pull 600 gpm or 1.34 cfs. But it could potentially pump 1.67 cfs (750 gpm), the rate listed on the proof statement. However, it would not have been possible to put 4.5 cfs to beneficial use from the Lions Park well alone. Even if a different pump were in place, at twelve inches, the diameter of the well casing limits the well's carrying capacity to much less than 4.5 cfs. (reference: Groundwater and Wells by Fletcher G. Driscoll)

The City of Driggs developed other wells before and after full development of the Lions Park well. Based on the well finish dates gleaned from each of the Well Driller's Reports, only three wells could have been interconnected as a supply system by the 12/27/1995 proof date for this permit. Those three wells are: the Dalley well, the Tank well and this well, the Lions Park well. The High School well and the other wells now available to the City of Driggs were not drilled until after 12/27/1995. The

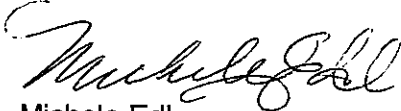
younger wells cannot make a contribution to a permitted diversion rate that was in effect before they existed.

Increase the Points of Diversion from 1 to 7 (inclusive of the original)

The field examiners report states that by 2000 or 2001, four wells were connected to the city system. Based on the well finish dates, both the High School well and the Valley Center well had been drilled in 2000 and could potentially have been providing beneficial use of water to residents of the city or to one subdivision. They are connected to the system now and to minimize future processing, I can recommend that the points of diversion associated with those two wells be added through the amendment. However, the Department can not recognize all seven wells as points for diversion for licensing this permit. According to DEQ records at least two of the wells were not connected to the supply system in 2008.

Without additional information, the department cannot recognize a system of seven wells and the full permitted rate for the amendment and subsequent license. I will hold further processing of this water right for thirty (30) days to provide you with time to submit additional information. Feel free to contact me with questions.

Respectfully,



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Water Rights Section
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