



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 24, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

James R. Hall, Director
Boise Parks & Recreation
1104 Royal Boulevard
Boise, Idaho 83706-2840

Re: Application for Transfer No. 69327, Water Right no. 63-9276

RECEIVED

FEB 24 2009

Dear Mr. Hall:

WATER RESOURCES
WESTERN REGION

David R. Tuthill, Jr., Director of the Idaho Department of Water Resources ("IDWR"), asked me to respond to your letter dated January 21, 2009.

I appreciate and enjoy the parks and recreational programs managed by the Boise City Department of Parks and Recreation. IDWR wants to assist your Department in providing additional recreational opportunities for the residents of Boise and the Treasure Valley.

Application for transfer no. 69327 proposes to change the point of diversion for water right no. 63-9276 from a low temperature geothermal ground water aquifer to a cold ground water aquifer.

The proposed new point of diversion (Warm Springs well) is a well that extracts ground water from a shallow, cold water aquifer tributary to the Boise River. Because of the close proximity of the proposed Warm Springs well to the Boise River, diversion of the shallow ground water from the proposed new well will diminish flows in a reach of the Boise River above Star Bridge where some existing surface water rights are not deliverable during the summer months.

The existing point of diversion (Gamble well) authorized by water right no. 63-9276 produces water from a low temperature geothermal aquifer in the Hulls Gulch – 8th Street Extension area. The Gamble well is approximately three miles in horizontal distance from the Warm Springs well. The production zone for the Gamble Well is between 700 and 800 feet below ground surface. The low temperature geothermal aquifer is separated from shallower, cold water zones by approximately 300 feet of blue clay and rock that act as aquitards, confining the low temperature geothermal water under pressure and significantly impeding any communication between the low temperature geothermal ground water and the shallow cold ground water. Department staff reviewed data and information in IDWR's records, and concluded the water in the production zone for the Gamble well is not hydraulically connected to the shallow, cold ground water aquifer. The two aquifers are presumed to be separate sources of ground water. Transfers between separate sources are generally not approvable due to the potential for injury to other water rights.

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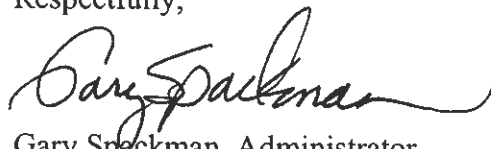
Department staff also determined that any outflow from the low temperature geothermal aquifer discharges into deeper aquifer zones to the south and west and does not manifest itself in the Boise River. As a result, water diverted from the Gamble well is not tributary to the Boise River, at least within the reach of the river above Star. As a result, it is likely that the proposed change in point of diversion would result in a net reduction in flows of the Boise River to satisfy existing water rights.

IDWR is required by law to determine whether a proposed transfer will injure other water rights. Without additional technical information, the Department would determine the proposal will injure senior priority surface water rights in the Boise River and deny the application for transfer. I understand staff of IDWR's regional office has sought technical information from Boise Parks & Recreation that might establish a hydraulic connection between the low temperature water diverted from the existing well and the shallow, cold ground water aquifer that is associated with flows of the Boise River above Star where deliveries are intensively regulated. If the connection were established, cessation of pumping at the existing point of diversion might compensate for water diverted from the Warm Springs well.

I am willing to conduct a conference with you or your staff to assist in gathering and evaluating additional data to address IDWR's statutory responsibilities when IDWR considers an application for transfer. Please let me know whether a conference would be helpful.

If you have further questions, you may contact me at 287-4805 or my assistant, Debbie Gibson, at 287-4942.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a stylized, flowing script.

Gary Spackman, Administrator
Water Management Division

cc: Steve Lester, IDWR Western Region
Jeff Peppersack, IDWR State Office
Ken Neely, IDWR State Office
Maria Minicucci, Boise Parks & Recreation