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Boise Parks & Recreation

September 12, 2008

Steve Lester
Idaho Dept of Water Resources
2734 Airport Way
Boise ID 83706

RECEIVED

SEP 15 2008

WATER RESOURCES
WESTERN REGION

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

Dear Mr. Lester,

This office has received your letter of August 26, 2008, regarding the above-referenced Application for Transfer. The application was filed with IDWR in March of 2001.

The Department of Parks & Recreation would like to refer IDWR to its Preliminary Order Lifting Stay in Development and Granting Additional Time to Submit Proof of Beneficial Use for Permit No. 63-9661, in the Name of the State of Idaho, Dept. of Lands. This order was signed on October 15, 2003. IDWR states, in the Conclusions of Law section:

"The Department should lift the stay in development for the permit because diversions from the remaining point of diversion, the Old Penitentiary Well #2, will not increase depletions from the low temperature geothermal aquifer, it will not increase pumping lift or decrease pressure to existing prior users in the low temperature geothermal aquifer, and it will not reduce temperature to existing users causing low temperature geothermal systems operating at reasonable efficiency to no longer operate."

This language indicates that IDWR considers the removal of the development of the permitted low temperature geothermal resource to be a desirable outcome of development of permit no. 63-9661. There are no requirements attached to this approval related to mitigation to the Boise River, or for the applicant to show that the cold water and low temperature geothermal wells have a hydrologic connection.

In addition, IDWR's "Mangement Policy for The Boise Front Ground Water Management Area" declares, in Section IV.A.3:

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"IDWR will *require* the substitution of cold water resources for existing uses that do not need the heat value of the low temperature geothermal resource, whenever practical." (emphasis added.)

The application for transfer application meets the State's management goals for the Boise Front Ground Water Management Area. Without approval, the City will utilize this water right to its fullest extent from the geothermal resource, a result that is legal but does not meet any of the State's published management goals for the geothermal resource.

Finally, even if the City were to attempt to meet IDWR's requirements, it is well beyond the City's resources (and probably the State's), to determine whether the Gamble well has a hydrological connection to the well at Warm Springs Golf Course. The data collection effort alone would take years.

In conclusion, IDWR appears to be adding requirements to the City's transfer application that are arbitrary, inconsistent with long-standing State policy, and unreasonable. The City of Boise, through its Department of Parks & Recreation, requests that IDWR process the above-referenced Application for Transfer without any further delay.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria Minicucci", written over a light blue circular stamp.

Maria Minicucci
Property Administrator