



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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January 7, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

KEVIN BOGGS
CH2M HILL
322 E FRONT ST STE 200
BOISE ID 83702

RE: Replacement Well for Permit 63-12543

Dear Kevin:

I received your inquiry about modifying the water bearing zone authorized on Permit 63-12543, which was issued to the City of Nampa in 1999. I understand that Nampa wants to replace the well used as the point of diversion for Permit 63-12543 with a new well that draws from a different subsurface zone.

In 2001 the City of Nampa submitted a proof of beneficial use statement for Permit 63-12543. Submitting a proof of beneficial use statement signifies that the development authorized by the permit is complete. The next steps in the water appropriation process are conducting a field examination and issuing a water right license or voiding the permit, depending on the field examiner's finding. For Permit 63-12543, IDWR has not yet conducted the field examination.

The field examiner must verify the water use established during the development period authorized for the permit. If IDWR authorizes a change to the water right before the field examination, the field examiner may not be able to discover the extent of beneficial use established during the authorized development period. For that reason, IDWR prefers to complete a beneficial use field report before evaluating proposed changes to the water right.

IDWR does not have staff available to conduct the field examination immediately. However, because you are a certified water rights examiner, IDWR could utilize a field report that you have completed. If Nampa no longer uses the well established as the original point of diversion for Permit 63-12543, system design information and pumping records can be used to confirm and quantify the beneficial use developed under the permit. The field report should also confirm the water bearing zone that was developed in connection with the permit.

Once the field report establishes the extent of beneficial use and the water bearing zone, we can evaluate how to address your original question. In general, IDWR cannot authorize a change in source for a water right. Different aquifers are typically viewed as different sources. If you can show, however, that the proposed water bearing zone is the same source as was originally developed under the permit, then a change could possibly be authorized, assuming that injury to other water right holders can be prevented.

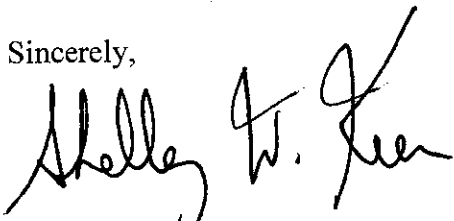
Kevin Boggs of CH2M Hill
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When processing Permit 63-12543, IDWR advertised the proposed water bearing zone. It is possible that the application would have been protested if the water bearing zone had been different. To prevent injury to other water right holders, IDWR not only wants to be sure that the proposed change would not exploit a different source of water, but that it also would not interfere with the pumping of existing ground water rights. Before approving any change through the permit amendment process, transfer process, or otherwise, IDWR is likely to require you to identify existing wells that may be impacted by the proposed change and evaluate potential impacts to the holders of water rights diverted from those wells.

If beneficial use was not established in connection with Permit 63-12543, or if the proposed change in water bearing zone would result in a change in source, the City of Nampa can file an application for a new permit to appropriate water.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Cc: Rob Whitney, IDWR Western Region