

Hydro Logic, Inc.

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March 15, 2003

Mr. Steve Lester
Water Rights Supervisor
Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

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WATER RESOURCES
WESTERN REGION

Re: Idaho State Correctional Institution Well #4 Replacement Project.

Dear Steve:

I am writing on behalf of my client, the Idaho Department of Corrections (IDOC), with respect to water right transfer No. 67055 and an in-progress replacement well project for IDOC's #4 municipal supply well. As you are aware, IDOC filed an application for drilling permit to replace its #4 supply well in 2000. The well was commenced in September 2000 with the test-pumping of the new well completed almost exactly one year later; in September of 2001. One of the conditions of approval of the drilling permit was that the existing Well #4 (well to be replaced) be properly abandoned after construction of the new well was completed. The following narrative presents the complicated set of circumstances behind why the old Well #4-A remains in operation and why the new replacement well has not yet been equipped or placed into service.

Owing to serious cut-backs in the State's budget, the new IDOC Well #4-B has not yet been equipped with its pumping plant or connected to the IDOC water distribution system. In other words, the old Well #4-A remains in service to provide water to the facility pending: 1) final installation of the new well's pumping plant, 2) construction and equipping of the new pump house, and 3) final approval of Transfer No. 67055 which seeks to maintain the old Well #4-A as a point of diversion for ISCI's water rights.

Contemporaneous with IDOC's #4 well drilling project, IDOC had filed with the IDWR to transfer and amend its existing water rights portfolio. One of the proposed changes includes the addition of a point of diversion to accommodate the new well (Well #4-B) and to maintain the old #4-A well as a point of diversion for its water rights. Said differently, IDOC seeks to not abandon its original #4-A well (as conditionally required by the original drilling permit), and instead, maintain it as a source by adding it as a point of diversion for its water rights through a transfer process.

Transfer No. 67055 was filed by the IDOC on 11/19/1999. A subsequent protest of the application, yet to be resolved, has resulted in delays to processing. As previously stated, IDOC seeks to maintain both #4-A and #4-B wells as points of diversion. Until the protested matter, and the budgetary consideration mentioned above, can be resolved, it is IDOC's intention to not produce water from two of the #4 wells at the same time. Rather, one or the other of the two wells will be used exclusively. At the current time, only the old (#4-A) well is equipped with a pump and is interconnected to the

distribution system. Owing to inherent problems with the old well (the reasons for replacement), IDOC needs and intends to equip the new well at its earliest convenience. Because there is not presently a time frame for resolution of the protested water right transfer (which is also affected by the State's budget deficit) it is possible, if not likely, that the new replacement well (4-B) would be equipped and interconnected to the water system before the transfer matter is settled. Should this be the case, IDOC wants to assure the Department that only one of the two wells would be diverted for use at a given time. The old well (#4-A) is equipped with a totalizing flow-meter (see attached photograph) and the new well (#4-B), at such time that it is fitted with a pump and brought on line, would be similarly equipped. Therefore, until the transfer matter is settled, IDOC can record totalizer readings and instantaneous flow rates to document its use (or actually its non-use) from either of the two wells. For example, until the new well #4-B is equipped with its pumping plant, only well #4-A can be diverted to the system and no monitoring is required. At such time that the new well #4-B is able to be diverted to use, well #4-A will be deactivated and the totalizer gallons recorded and forwarded to IDWR. In summary, only one of the #4 wells will be diverted at any given time. The plan is for the old well #4-A to be used until the new well #4-B can be equipped. When well #4-B is brought on line, well #4-A will be taken off line, its totalizing flow-meter recorded and sent to IDWR, and not used.

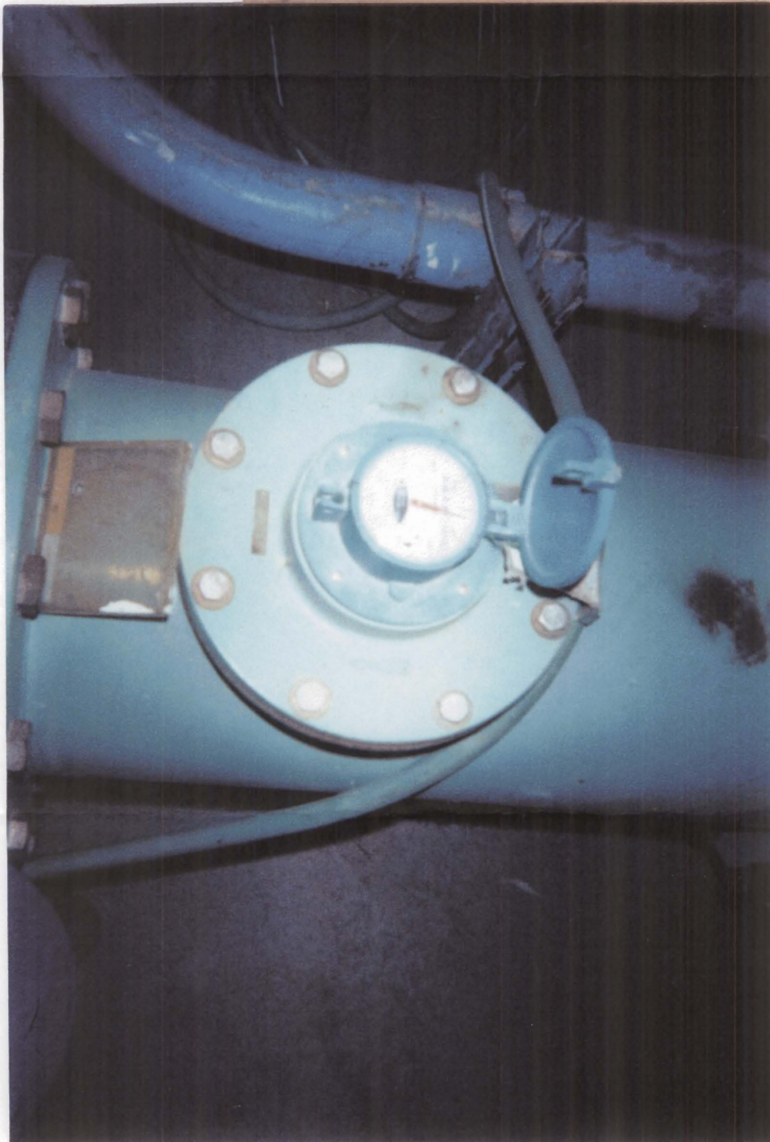
I hope that this explanation and use plan is acceptable to the Department until such time the water right issues are resolved. If you feel that it is absolutely necessary, IDOC could install a water-level monitoring device in the new well #4-B to document its non-use. The well casing is covered with a welded steel plate at this time (see attached photographs) and we do not feel that monitoring of the idle well should be required at this time. Please contact me with questions and/or to confirm that the suggested actions are acceptable to the Department.

Respectfully,

Ed Squires



c: Pat Donaldson, IDOC Construction Manager
David J. Barber, State Attorney Generals Office



Photographs of the Idaho State Correctional Institution's #4 well installations. Upper and lower-right photos are of the newly completed Well #4-B which is capped and not currently equipped with a pump or connected to the facility's distribution system. The lower-left view shows the totalizing flow-meter installed on the Well #4-A supply well.