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RECEIVED
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WATER RESOURCES
WESTERN REGION

October 26, 1999

Gary Spackman
Norm Young

Idaho Department of Water Resources
Boise, ID

Re: Idaho Department of Correction
Proposed Water Right Transfers

Dear Gary and Norm:

For some reason I couldn't sleep well last night (probably attributable to the full moon) and got to thinking about the proposed water right transfers that I discussed briefly with each of you yesterday--for the Idaho Department of Correction (IDOC) prison complex south of Boise.

It occurred to me that perhaps we should be approaching the matter from a somewhat different standpoint. The IDOC site, as a "state institution", would seem to qualify as a "municipal provider" under the 1996 Idaho codification of the Growing Communities Doctrine (§§ 42-202, 42-202B, 42-217, 42-219, 42-222). In these transfers, should we perhaps delete all of the references to "domestic" use and substitute "municipal" use? And also simply substitute the total area within the site boundary as the PPOU?

The term "domestic use", for the water rights included in these transfers, doesn't seem to really fit very well with the definition in § 42-111. And the IDOC complex is really quite like a municipality anyhow--laundry facility, food services, water system and storage, wastewater treatment plant, police department, sheet metal fabrication plant, furniture factory, offices, dairy, slaughterhouse, living accommodations for 1,285 residents with a staff of more than 650 employees, etc. And in the future, the total population will reach about 7,200 persons. This "municipality" also covers an area of almost five square miles with a network of nearly ten miles of roads.

To put the above present and future population figures in perspective with all of Idaho (as of 1994 data) this "municipality" ranks quite high:

	<u>Present</u>	<u>Future</u>
For population of Idaho's 44 cos., it now exceeds (or will)	3 counties	11 counties
For population of 44 county seats, it now exceeds (or will)	16 cities	31 cities
For population of 199 Idaho cities, it now exceeds (or will)	158 cities	181 cities

Some other Idaho municipalities also provide significant amounts of water for irrigation. It might be stretching it a bit, however, to include all of the irrigation at the prison complex as being for municipal use!

But how about a simplification that would include everything into one huge transfer (plus an amendment to the Permit for the newest two wells) that would look something like the following--depending upon how the actual figures shook out:

<u>Total</u> amount transferred	22 cfs
<u>Total</u> volume transferred	7,000 AF/Yr

Municipal use <u>maximum</u>	10 cfs
	3,600 AF/Yr

Irrigation use <u>maximum</u>	19 cfs
	5,000 AF/Yr

Permissible POU (approx. 3,200 ac, or 5 sq mi)

Or is this just a crazy idea for providing maximum flexibility of operation without disturbing the presently authorized diversion rates and volumes--and possibly ending up with simplified paper work?

In any event, we do want to proceed with some sort of transfers--like the ones I left with you "or equivalent"!

Sincerely,



Keith E. Anderson