



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 23, 2006

Kirk A. MacGregor
MacGregor & MacGregor, LLP
P.O. Box 463
Grangeville, ID 83530

Steve A. Rishling
P.O. 260
Juliaetta, ID 83535-0260

RE: Drilling Permit for Kenneth Bowen

Gentlemen:

The Idaho Department of Water Resources (Department) has recently received letters from Kirk A. MacGregor representing the City of Kooskia and Steve A. Rishling representing Kenneth Bowen, a water right permit holder who desires to drill a well within the Kooskia city limits.

On January 12, 2006, the Department issued Mr. Bowen a *Permit to Appropriate Water* after notice of the proceeding was published in the Idaho County Free Press on December 7 and 14 2005. The water right permit was conditioned that the applicant complies with the drilling permit requirements under I.C. § 42-235 and the applicable Well Construction Rules of the Department.

I.C. § 42-235 requires that all drillers or owners obtain a permit from the director prior to beginning construction. The statutory purpose for obtaining the drilling permit is to 1) *protect the public health, safety and welfare*, 2) *the environment*, and 3) *prevent the waste of water or mixture of waters from different aquifers*. The Department's only statutory basis for approving, denying or conditioning drilling permits is based on the above

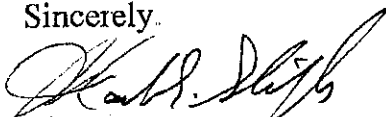
described criteria set out in I.C. § 42-235. Whether the proposed drilling site is located within the city limits or not, the lawful basis for the Department to approve, deny or condition the drilling permit is I.C. § 42-235.

In response to the issues raised in the letter submitted by the City of Kooskia, the Department has reviewed the hydrogeologic terrain in area as well as a number of well reports filed with the Department near the proposed point of diversion. The Department determined that a well drilled in the general location as described by the water right permit may be subject to the influence of surface activities, which could effect groundwater quality to an undetermined depth. The predominant geological formations in the area are Columbia River Basalts having been incised by the Middle Fork and South Fork of the Clearwater River, leaving behind sand and gravel deposits in current and ancestral River Canyons.

Drilling a well in the general area shall require overboring and placing a seal to a depth, which will protect the resource from waste and contamination and prevent mixing of different aquifers. If artesian aquifers are encountered the seal shall extend to the overlying confining bed. If non-artesian conditions are encountered, the seal shall extend to a depth sufficient to isolate all shallower aquifers from the producing interval. Each basaltic unit may have the capability of performing as an aquifer with vertical fluid movement between the units somewhat retarded. The same should be true for a well extending through such basaltic units. Under these circumstances, the Department believes that a well properly constructed and sealed in the manner described above will have met the protective intent of the law and administrative rule.

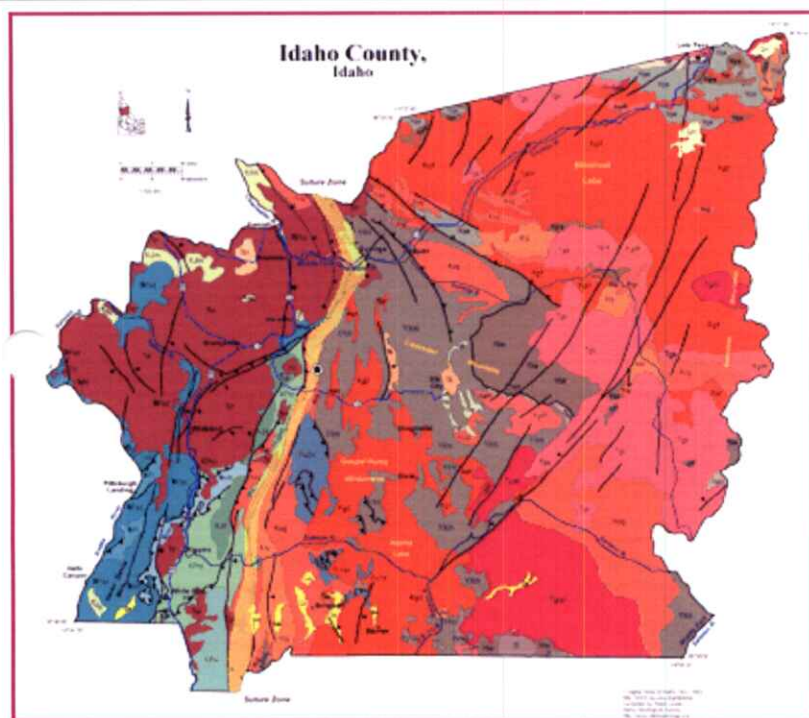
At this time, Mr. Bowen has not filed with the Department an application for a drilling permit to drill a well. Assuming information in any forthcoming application coincides with above described facts, the Department should be in a position to issue Mr. Bowen a drilling permit subject to the standards conditions with special conditions which address the concerns expressed in the paragraph above.

Sincerely,



Mark Slifka, Manager
Groundwater Protection Section





Click on the map above for a larger version

Idaho County

Idaho County spans the River of No Return and Selway-Bitterroot Wilderness and includes both the eastern and western borders of the state. Its geology is complex and diverse.

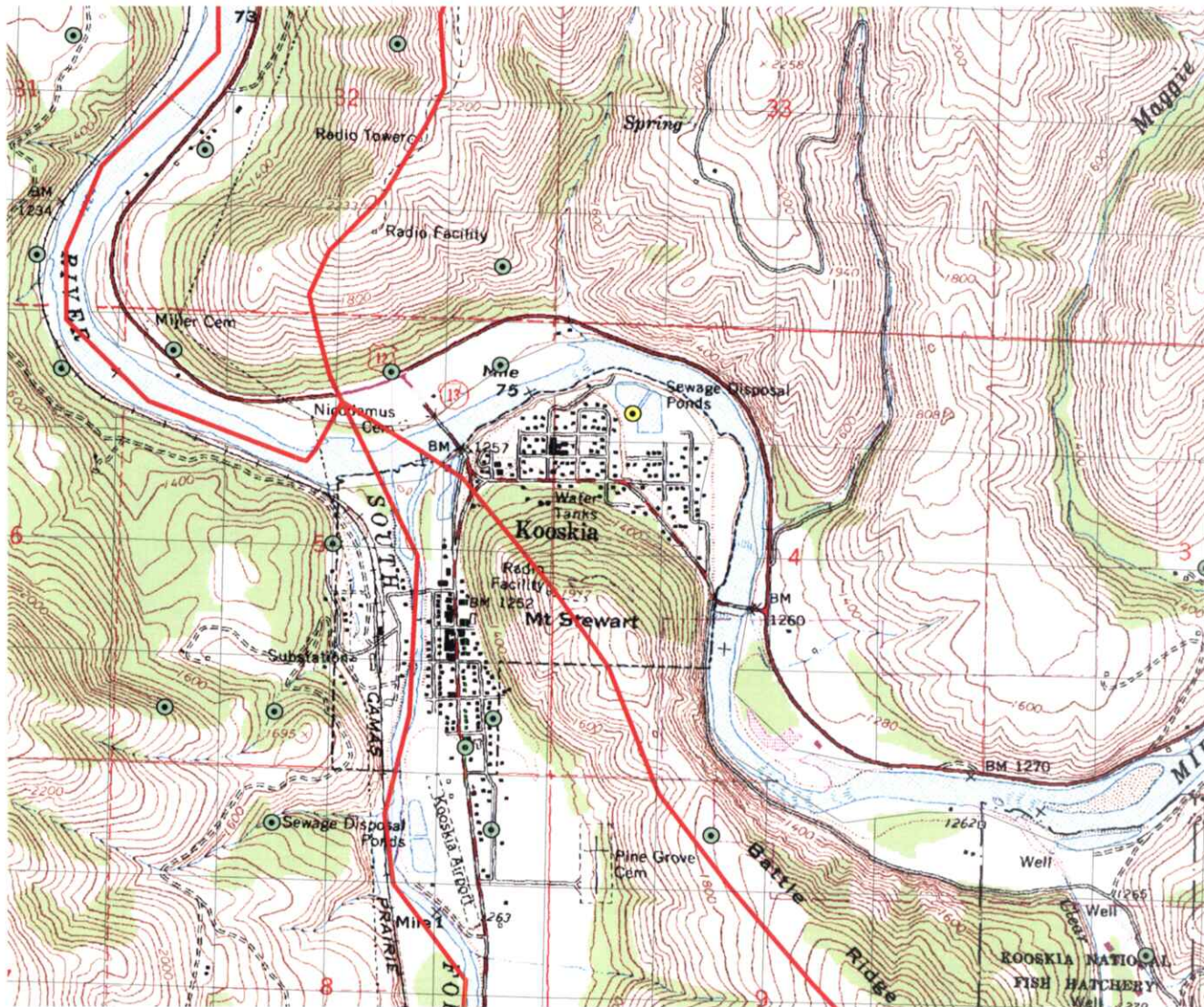
On the west are the Seven Devils Mountains and Hells Canyon of the Snake River. The rocks here are Paleozoic metavolcanic and metasedimentary rocks from accreted terranes that formed in the Pacific and docks in the Early Cretaceous, along the Idaho Suture Zone, which runs

Geologic Units

Qa	Quaternary alluvial deposits
Qm	Quaternary moraine and glaciofluvial outwash
Ts	Tertiary sedimentary rocks, undifferentiated
Tcv	Eocene Challis Volcanic Group, volcanics and volcanoclastics
Tcr	Miocene basalt (Columbia River Basalt Group)
Tgs	Eocene granite, pink granite, syenite, rhyolite dikes, and rhyolitic shallow intrusive
Tgdd	Eocene granodiorite, granite, diorite, and shallow dacitic intrusive
Kgd	Cretaceous granite and granodiorite of the 2-mica suite (Idaho batholith)
Kog	Cretaceous orthogneiss, and foliated granodiorite and granite (includes mylonitic plutonic rocks in western Idaho suture zone)
Ktg	Cretaceous tonalite and quartz diorite
KJim	Dioritic, gabbroic, granitic, and amphibolitic rocks of the Blue Mountains island arc terrane
KJif	Felsic plutonic rocks intruded into the accreted terranes of western Idaho (includes tonalite and trondhjemite and granodiorite)
Jch	Coon Hollow Formation (Wallowa Terrane)
KPro	Riggins Group and Orofino series
KPvi	Island-arc volcanic and intrusive complex
TRPi	Intrusive rocks of the Wallowa Terrane
TRPsd	Seven Devils Group (Wallowa Terrane)
PzZm	Paleozoic/Neoproterozoic metasedimentary rocks (includes formation of Leato Gulch)
PzYsq	Paleozoic/Mesoproterozoic schist and quartzite

Bowen Kooskia T32N R4E

Sec 4 NWNW L4

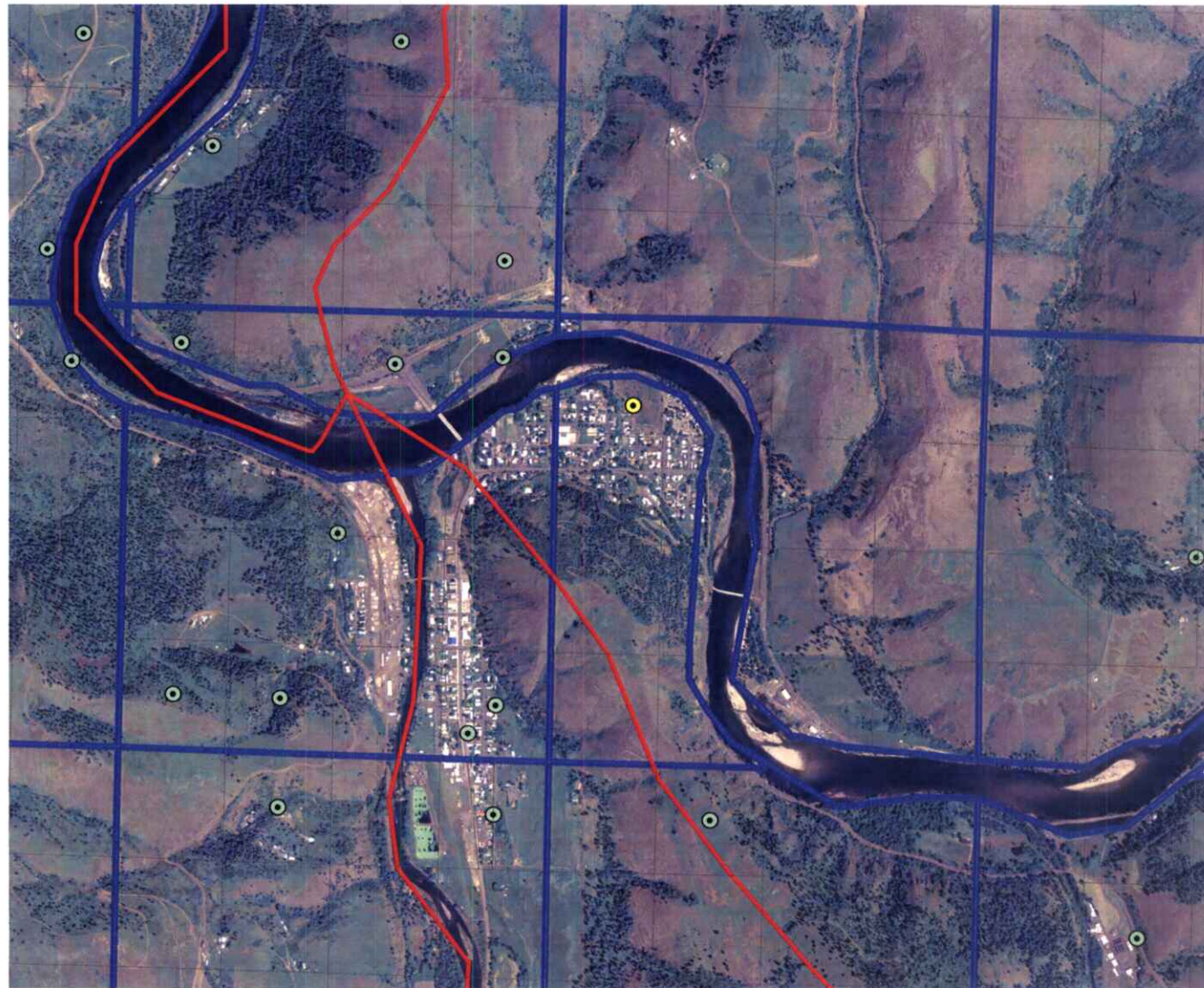


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- Bunker Hill
 - West Boise
 - GWContaminationArea.shp
 - GCDB33N04E GCDB
 - GCDB32N04E GCDB
 - Wells
 - Administrative BasinsAdminbas.shp



Bowen

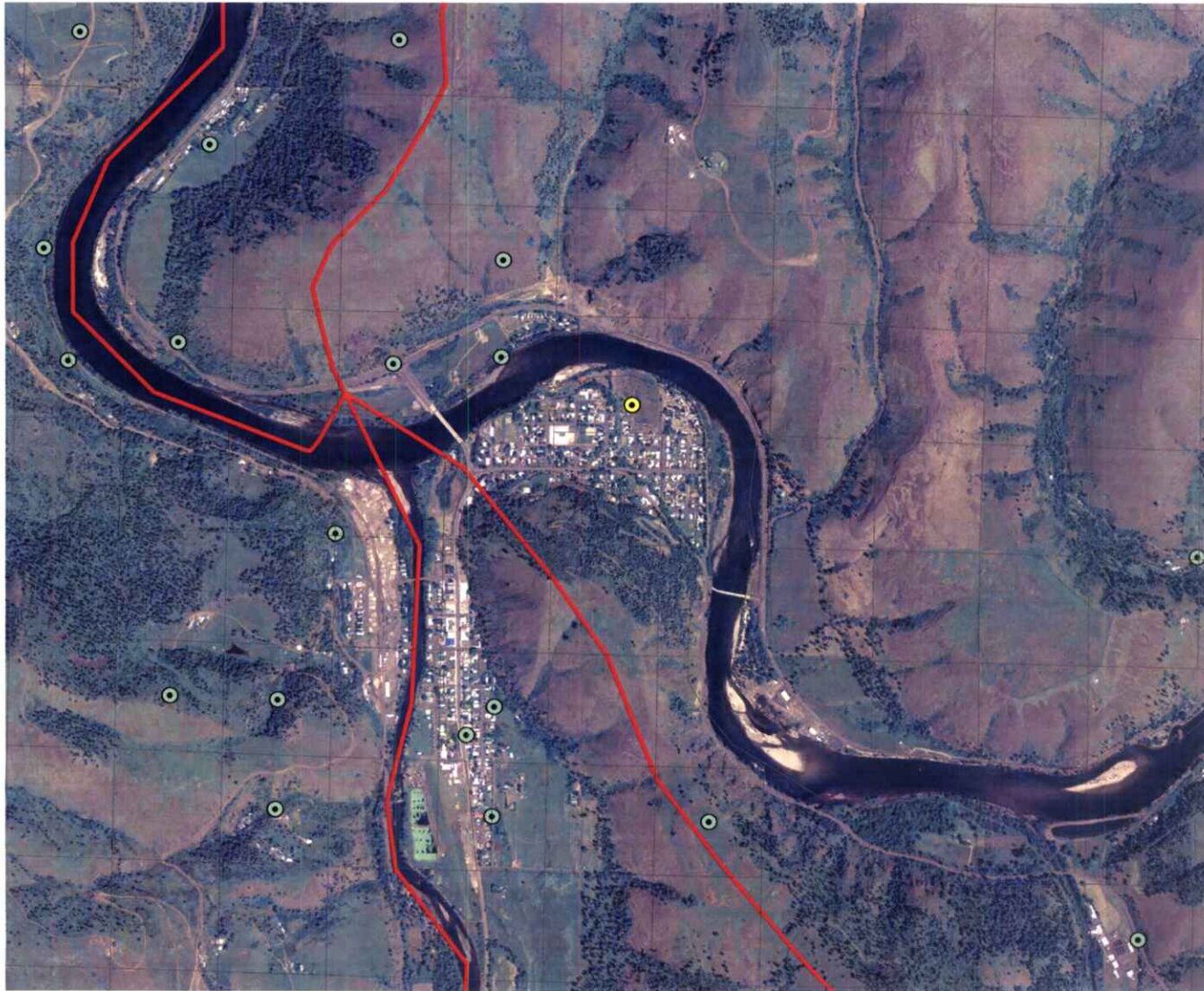


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Wells
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Sections



Bowen, Kooskia T32N R4E Sec 4 NWNW L4



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Bunker Hill
West Boise
GWContaminationArea.shp
GCDB33N04E GCDB
GCDB32N04E GCDB
Wells
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0.6 0 0.6 1.2 Miles

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 0.6, 0, 0.6, and 1.2, indicating distances in miles.