

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF THE ANNUAL)
REPORTING OF WATER DIVERTED IN)
CONNECTION WITH PERMIT)
NO. 63-11816)**

**PRELIMINARY ORDER
MODIFYING REPORTING
REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a petition from the City of Boise Parks and Recreation Department (City) to waive the requirement to annually report the volume of water diverted for Permit No. 63-11816, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On October 14, 1994, the Department issued an order establishing the Southeast Boise Ground Water Management Area (SBGWMA). The order required the installation of monitoring equipment for all wells that are used to divert more than 0.20 cubic feet per second (cfs) of water within the SBGWMA. The order also required owners of those wells to participate in a data collection and reporting process to be developed by the SBGWMA Advisory Committee and the Department.

2. On April 4, 1995, the Department ordered well owners diverting more than 0.20 cfs within SBGWMA to measure and report the amount of water they divert each year.

3. On March 4, 1996, the Department issued Permit No. 63-11816 (permit) authorizing the City to divert 0.25 cfs from a well in the SBGWMA to provide a supplemental supply of irrigation water for Centennial Park (now known as Helen B. Lowder Park). The permit included a condition requiring annual measurement and reporting of water diverted in connection with the permit.

4. The City uses surface water as the primary supply of irrigation water for Centennial Park.

5. Condition of approval no. 12 on the permit says, "The volume of water annually pumped from the well shall be intentionally recharged into the ground water system from the surface water right."

6. The City reported diversions from the well beginning in 2000.

7. The well serving as the point of diversion for the permit is 75 feet deep, and it draws all or nearly all of its water from the shallow aquifer that substantially, if not entirely, lacks communication with the deeper aquifer that is the subject of the SBGWMA.

8. At its annual meeting on May 5, 2005, the SBGWMA Advisory Committee unanimously recommended that the Department waive the reporting requirement for water diverted in connection with the permit.

CONCLUSIONS OF LAW

1. Idaho Code § 42-701(5) authorizes the Department to require appropriators of water to measure and report their annual diversions of water to the Department.

2. Reporting the annual volume of water diverted in connection with the permit is not necessary for administration of water by the Department at this time.

3. Measuring and recording the diversion of water in connection with the permit is necessary for compliance with the condition requiring the City to recharge the ground water with an equivalent amount of surface water.

4. The Department should waive the requirement for annual reporting under Permit No. 63-11816 with the possibility of reinstating the reporting requirement if needed in the future.

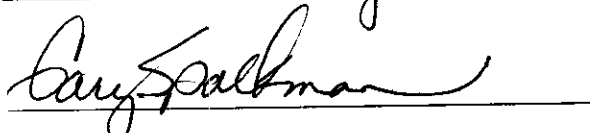
5. The Department should require the City to record and maintain records of its annual diversions of water in connection with the permit.

ORDER

IT IS HEREBY ORDERED that approval condition no. 5 on Permit No. 63-11816 is **MODIFIED** to say:

The right holder shall measure and record the volume of water diverted and used annually in connection with this right and shall maintain the annual diversion records for the life of this right. When notified by the Department, the right holder shall report diversions of water and/or other pertinent hydrologic and system information to confirm compliance with the recharge requirement or other provisions of this right.

DATED this 10th day of February 2006.



GARY SPACKMAN

Chief, Water Allocation Bureau