



STATE OF IDAHO

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Department of Water Resources

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July 27, 1994

The Honorable Newton J. Lowe  
Mayor  
City of Lava Hot Springs  
115 West Elm - P.O. Box 187  
Lava Hot Springs, Idaho 83246

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AUG - 3 1994

Department of Water Resources  
Eastern District Office

Re: Development of Chicken Soup Springs

Dear Mayor Lowe:

I am writing on behalf of the Lava Hot Springs Foundation in order to clarify the Foundation's position regarding the potential development of Chicken Soup Springs by the City of Lava Hot Springs.

The Lava Hot Springs Foundation was established by the State of Idaho in 1919 to preserve and enhance the natural artesian hot springs in and around the City of Lava Hot Springs. For the past 75 years, the Foundation has proudly fulfilled its mandate by building a world-class destination resort. People come from around the world to enjoy the natural hot waters of Lava Hot Springs.

The Foundation has been dismayed to learn of plans that may endanger the geothermal resources upon which the Foundation and the City depend. It has come to the Foundation's attention that the City may, in conjunction with a private developer, develop and exploit the geothermal resources of Chicken Soup Springs. Chicken Soup Springs is adjacent to Foundation property and is, in all likelihood, hydrologically connected to the geothermal resources of the Foundation. Although the City at one time utilized Chicken Soup Springs to heat the city pool as well as some private buildings, that use has been abandoned for some 20 or 30 years. The prior use did not affect the Foundation, since it was limited to the natural flow of the springs. Now, however, the City plans to drill into the springs and pump water from the underlying

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aquifer. Such activities may have a disastrous effect on the age-old free flowing hot springs on which the Foundation relies.

Therefore, the Foundation strongly protests any development of Chicken Soup Springs involving pumping of the underlying aquifer or any withdrawal in excess of natural flow. Such development should proceed only upon the conclusion of rigorous scientific studies demonstrating beyond question that such development will not affect the geothermal resources of the Foundation. In lieu of development of Chicken Soup Springs, the City should explore the use of alternative geothermal resources.

A related issue is the City's alleged desire to gain access to an abandoned easement across State property that is now occupied by the recently completed RV Park, a State lessee. This easement was originally granted to the City for a pipe that directed the natural flow of Chicken Soup Springs for use in the City Pool. The easement has not been utilized for this or any other purpose for over 25 years.

The Idaho Code and the rules of the Department of Lands provide that any easement across State land is presumed to be abandoned and is automatically terminated if the easement is not used for the purpose granted for five consecutive years. Idaho Code § 58-603; IDAPA 20, title 03, Chapter 08, Rule 041.02. Since the City has not used this easement for over 25 years, it is clear that the City no longer holds any rights under the easement. Any renewal of the easement must be approved by the Foundation and the State Board of Land Commissioners. I have enclosed a letter from Donald F. McNarie, Real Estate Specialist for the Department of Lands, confirming these findings.

I hope this letter has clarified the Foundation's position regarding development of Chicken Soup Springs and the abandoned easement. If you would like to discuss these issues further, you can call me at (208) 334-4143.

Sincerely,



Steven W. Strack  
Deputy Attorney General  
Natural Resources Division

Enclosure

L4149NSA

cc: Land Board Members  
Bryce Taylor  
✓ Keith Higginson  
Bob Meline