

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF THE BOISE
FRONT LOW TEMPERATURE
GEOTHERMAL RESOURCE GROUND
WATER MANAGEMENT AREA**

**ORDER EXTENDING
MORATORIUM; ORDER
VACATING HEARING**

BACKGROUND

On June 15, 1987, the Director of the Idaho Department of Water Resources (“the Department”) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area (“Boise Front GWMA”) in Ada County, Idaho, due to reported declines in aquifer water levels and water pressure. A map of the Boise Front GWMA is attached hereto as Attachment A.

On June 10, 1988, the Department issued an order establishing a five-year moratorium to prevent further development or additional use of the low temperature geothermal (“LTG”) water resource within the Boise Front GWMA.

On June 11, 1993, September 1, 1998, November 25, 2003, April 14, 2009, April 29, 2014, and May 3, 2019, the Department issued orders extending the moratorium for a period of five years each time.

On May 3, 2024, the Department issued an *Order Extending Moratorium* (“2024 Order”), extending the Boise Front Low Temperature Geothermal Resource Ground Water Management Area moratorium for an additional three years to May 5, 2027.

On May 17, 2024, the Department received a *Petition for Hearing* (“Petition”) filed on behalf of Edwards Family LLC (“Edwards”). Edwards requested a hearing pursuant to Idaho Code § 42-1701A(3) “regarding the basis for the three-year moratorium extension.” *Petition*, at 1.

On August 19, 2024, the Director granted the *Petition* and appointed the Department’s Deputy Director, Shelley Keen, as the hearing officer. *Order Granting Req. for Hr’g*, at 3–4. Hearing Officer Keen granted intervention to the City of Boise (“City”), held status conferences, and referred this matter to informal proceedings.

On February 10, 2026, Hearing Officer Keen held a status conference to evaluate whether informal proceedings should continue or whether a hearing date should be set. At the status

conference, Edwards and the City reported that they are unlikely to resolve this matter prior to the expiration of the existing moratorium on May 5, 2027, so a hearing should be set.

On March 11, 2026, the Department issued a Notice of Hearing. The hearing was scheduled for May 7, 2026. *Order Appointing Presiding Officer; Order on Motion for Staff Memo; Scheduling Order; and Notice of Hearing* at 3.

On March 16, 2026, the City submitted the *City of Boise's Notice of Withdrawal and Statement of Position* (“*Notice of Withdrawal*”), withdrawing from this contested case proceeding pursuant to Rule 203 of the Rules of Procedure of the Idaho Department of Water Resources and the Water Resource Board (IDAPA 37.01.01).

On April 28, 2026, counsel for Edwards submitted an email to counsel for the Department indicating that if the moratorium order was extended for two additional years, the Edwards would withdraw their *Request for Hearing*. Email from Dylan Lawrence, Counsel for Edwards, to Garrick Baxter, Counsel for the Department (April 28, 2026 at 6:42 PM MT)

ANALYSIS

The moratorium was originally extended for three years with the expectation that the City and the parties to the City’s existing water right permit contested case—Permit No. 63-34326—would work towards a ground water management area plan under Idaho Code § 42-233b. *2024 Order* at 3. The justification was that “[a] three-year moratorium extension affords the Department an opportunity to consider the merits of a petition for a management plan for the Boise Front GWMA, should a petition be filed, before proof of beneficial use for permit 63-34326 is due on November 1, 2027.” *2024 Order* at 8. However, two years have since passed and progress has not been made on a management plan. *Notice of Withdrawal* at 4.

Having considered the continued need to protect the LTG ground water resource and the lack of progress toward a water management area plan, the Director finds it appropriate to extend the existing moratorium for an additional two years.

Because the remaining findings of fact, relevant law, and conclusions of the *2024 Order* remain applicable, and this order serves solely to extend the existing moratorium, the findings, relevant law and conclusions contained in the *2024 Order* are hereby incorporated by reference.

ORDER

IT IS HEREBY ORDERED that the Boise Front GWMA moratorium on further development and additional use of the LTG ground water resource established by the Director of the Department by order dated June 10, 1988, is extended an additional two years. The moratorium order which was set to expire on May 5, 2027, shall now remain in effect until May 7, 2029, unless rescinded or modified by the Department or a court of competent jurisdiction.

IT IS FURTHER ORDERED that the Edwards' *Request for Hearing* is considered withdrawn and the hearing scheduled for May 7, 2026, is vacated.

IT IS FURTHER ORDERED that the Department suspend further action on the processing and approval of presently pending and new applications for permits to appropriate LTG ground water from the Boise Front GWMA, subject to the following provisions:

1. The moratorium prohibits appropriation of LTG water, including the appropriation of LTG ground water for domestic purposes as defined by Idaho Code § 42-111.

2. The Department shall not issue drilling permits for domestic purposes as defined by Idaho Code § 42-111, or for any other purpose, to construct or modify a well proposing, or resulting in, a production zone within the LTG aquifer underlying the Boise Front GWMA unless the proposed construction is for a well described as a point of diversion by a valid water right or water right permit authorizing the appropriation of LTG ground water.

3. The moratorium does not prevent the Department from processing, considering, and potentially approving, applications to appropriate LTG ground water underlying the Boise Front GWMA for domestic use by owners of existing domestic wells whose use satisfies the limitations of Idaho Code § 42-111, if the well was constructed and used prior to May 5, 2009.

4. The moratorium does not prevent the Department from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under terms of this moratorium if the applicant demonstrates the use: a) will not increase depletions from the aquifer; b) will not increase pumping lift or decrease pressure to existing prior users; and c) will not reduce temperature to existing users causing systems operating at reasonable efficiency to no longer operate.¹

IT IS FURTHER ORDERED that further development of additional use pursuant to undeveloped or partially developed permits is prohibited until the permit holder shows to the satisfaction of the Department that further development or additional use: a) will not increase depletions from the aquifer; b) will not increase pumping lift or decrease pressure to existing

¹ Pursuant to the June 1988 *Management Policy for the Boise Front Ground Water Management Area*, Section V, Part G, the Department may also "Require a drilling prospectus to be submitted for review and approval with each drilling permit proposing to construct a well into the low temperature geothermal aquifer or which exceeds a 300 ft. depth."

prior users; and c) will not reduce temperature to existing users causing systems operating at reasonable efficiency to no longer operate.²

IT IS FURTHER ORDERED that the Department shall serve a copy of this order by certified mail upon holders of applications and undeveloped permits proposing appropriation in the Boise Front GWMA and shall publish notice of this order for three consecutive weeks as required by IDAPA 37.03.08.055 (Water Appropriation Rule 55).

Pursuant to Idaho Code § 42-1701A(3), any person aggrieved by any decision, determination, order or other action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter, shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing.

Dated this 5th day of May 2026.



MATHEW WEAVER
Director

² This prohibition does not apply to City of Boise permit 63-34326. The City of Boise may continue to develop permit 63-34326 consistent with the *Stipulated Agreement* and subsequent *Addendum*, both approved by the Department. See *Order Accepting Settlement In the Matter of Application to Appropriate Water No. 63-34326 in the Name of the City of Boise* (October 16, 2017) and *Preliminary Order Accepting Addendum to Stipulated Agreement and Granting Extension In the Matter of Water Right Permit 63-34326 in the Name of the City of Boise* (January 23, 2023).

Attachment A

