

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 29-7869

Priority: September 06, 1989

Maximum Diversion Rate: 0.50 CFS

Maximum Diversion Volume: 362 AF

It is hereby certified that:

GEORGE WILLIAM KATSILOMETES PO BOX 670 LAVA HOT SPRINGS ID 83246

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1989, and has submitted Proof of Beneficial Use on January 14, 1992. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.50 CFS	362 AF

Location of Point(s) of Diversion

GROUND WATER	L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County
GROUND WATER	L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County
GROUND WATER	L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	21															X L2		

Conditions of Approval

1. Commercial use is for Lava Hot Springs Inn & Spa.
2. Use of water under this right shall be non-consumptive.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 19th day of AUGUST, 20 20.

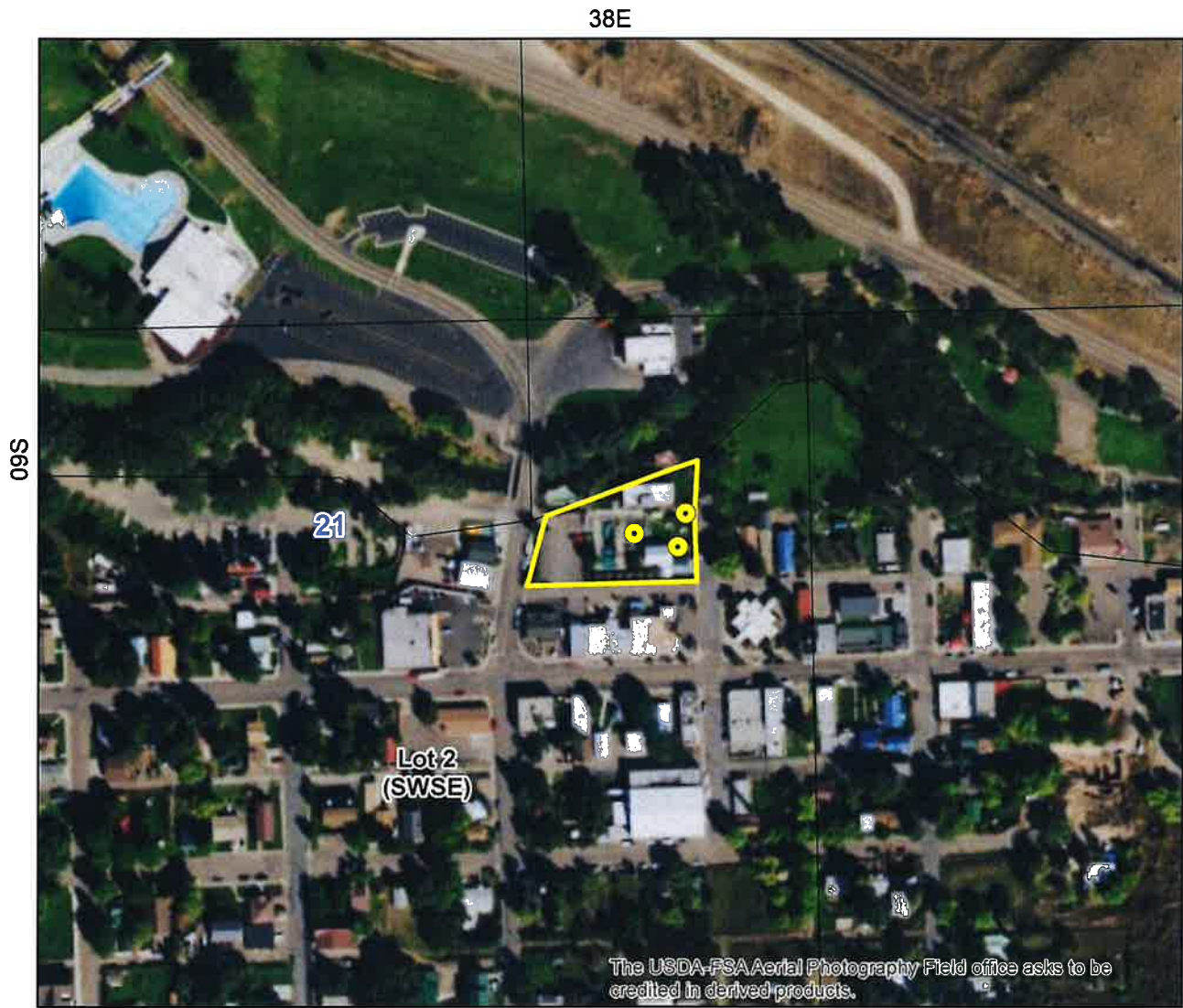


ANGELA GRIMM

Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
29-7869

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



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JUN 29 2020

DEPARTMENT OF
WATER RESOURCES

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State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 29-7869

Priority: September 06, 1989

Maximum Diversion Rate: 0.50 CFS
Maximum Diversion Volume: 362.0 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-7869

GEORGE WILLIAM KATSILOMETES
PO BOX 670
LAVA HOT SPRINGS ID 83246

requests the permit be changed as follows:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.50 CFS	362.0 AF

Location of Point(s) of Diversion

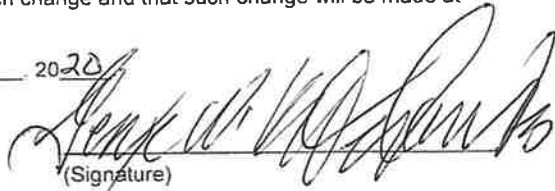
GROUND WATER L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County
GROUND WATER L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County
GROUND WATER L2 (SW¼ SE¼), Sec. 21, Twp 09S, Rge 38E, B.M.	BANNOCK County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
09S	38E	21															X L2			

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 26 day of June 2020


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 29-7869

FOR DEPARTMENT USE ONLY

Preliminary check by AR Fee = \$100 Received by km # C108976 Date 6-29-2020

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 29-7869 with the following:

Conditions of Approval

1. Commercial use is for Lava Hot Springs Inn & Spa.
2. Use of water under this right shall be non-consumptive.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 19th day of AUGUST, 20 20.



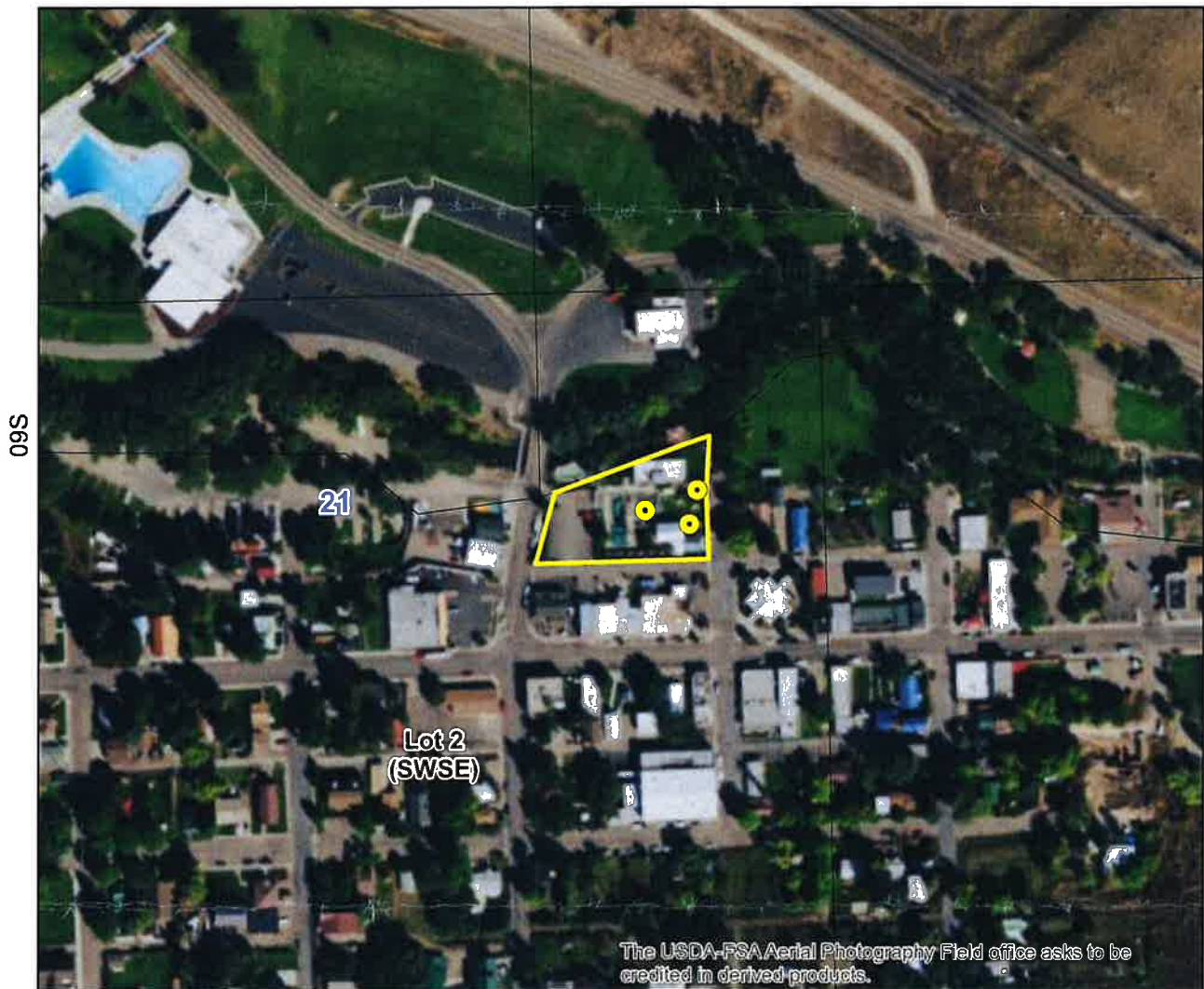
Angela Grimm
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit 29-7869

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

38E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 250 500 1,000 Feet





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 21, 2020

GEORGE WILLIAM KATSILOMETES
PO BOX 670
LAVA HOT SPRINGS ID 83246

RE: License No. 29-7869

Issuance of License

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Angela M. Grimm".

Angela Grimm
Water Rights Section Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2020, I served a true and correct copy of Water Right License No. 29-7869 by U.S. Mail, postage prepaid, to the following:

GEORGE WILLIAM KATSILOMETES (Current Owner)
PO BOX 670
LAVA HOT SPRINGS ID 83246



Debbi Judd
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

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JUN 29 2020

DEPARTMENT OF
WATER RESOURCES

June 26, 2020

Mr. Shelley Keen
Chief, Water Allocation Bureau
Idaho Department of Water Resources
322 E Front St., Suite 648
Boise, ID 83702-7371

Re: Application for Amendment – Water Right No. 29-7869

Dear Mr. Keen:

Enclosed please find the above-referenced Application, together with the required \$100 processing fee in the form of a check made out to the Idaho Department of Water Resources.

Given our recent discussion over this application, it is my expectation that it will be quickly processed and licensed. Please contact me should you have any questions or concerns.

Thank you.

Sincerely,


Charles L. Honsinger

Cc: George Katsilometes

6/25/2020

Katsilometes Licensing Meeting: 29-7869 and 29-13672

Attendees: Charlie Honsinger (Katsilometes Representative), George Katsilometes, Betty Katsilometes, Shelley Keen: Idaho Department of Water Resources ("IDWR"), Angie Grimm: IDWR, Ashley Ritter: IDWR

Charlie Honsinger: 12/12/2014 letter from Paul Turke with George's affidavit (found within water permit files) is their (Katsilometes') current position- seeking licenses each for 0.5 cfs.

IDWR: Presented permit amendment to Mr. Honsinger and Katsilometes (29-7869)

Permit 29-13672:

- Diversion Rate- System is capable of supplying 1cfs
- Volume- Necessary to accomplish authorized beneficial use. Need to confirm how much water (additional to existing water rights) needed to accomplish use developed.

Annual Use per Katsilometes: More water is needed during colder months (October through March/April) to maintain desired temperature of 98 to 107 degrees Fahrenheit (F). Lower temperatures in soaking pools desired during summer months (June, July and August).

How is water limited in summer to acquire desired lower temperatures for soaking pools?

--Turn valves back in pools during hot months to lower temperature (typically during June, July and August). Valve back approximately 50 gpm and divert water to an additional pool not being used then diverted to river. Pumps are running 24/7. During the summer not all water is beneficially used for heating but all water is being diverted.). Transition of seasons is where there is question as to how much water is valved back (April/May and possibly September).

- (2) 5hp pumps and (1) 7.5 hp pump in wells,
- Well temperatures all different:
 - Well 1: 98 F
 - Well 2: 115 F
 - Well 3: 145 F

Water from all three wells are mixed together within the same system to maintain temperatures.

Water from coolest well (well 1) delivered to pools from one pipe and water from the two hotter wells (well 2 and 3) are delivered from a different pipe.

Water is also used to heat buildings (main inn building and spa building). A modene hot coil fan (reverse radiator) is used for the main inn and a heat exchange unit with propylene glycol is used for the spa building. The target indoor temperature is 72 F year round. In June, July, and August (generally) heat is not on in buildings. The same units are used during warm months to cool buildings. Cold water from the City's system is used for cooling.

Water from buildings are also used to heat sidewalks. (All wells supply water to pipes under the sidewalks.

There are 3 discharge pipes from the system to the river. There is one at the old river pool, but the pipe is broken (per George it would be difficult to obtain a flow measurement)

Is there an NPDES or IPDES permit for discharge to river? Not that George is aware of

Measuring device on one well (per George a hand-written log was kept with data but he no longer has the log). The measuring device is on the hottest well, Well 3. The device reads temperature, totalizer volume and instantaneous flow rate. Mr. Katsilometes stated logs were submitted to IDWR for a year and that there was no fluctuation in data. It was stated that temperatures have not declined in wells, but a historic temperature is unknown.

Mr. Katsilometes stated that all three wells are artesian (flowing) wells.

29-13672 Conditions of approval:

Reasons for conditions explained by Shelley Keen.

There is not a complete record of data in compliance with conditions.

One option is to “start fresh” and issue license when there is assurance data can be reported in the future.

2nd option: For permit holder to confirm our general impression that there are no temperature and pressure declines that have impacted nearby users. IDWR does not have a full data set (per conditions) but concerns from nearby water users have not materialized. Possibility for permit holder to obtain affidavits from neighbors showing no injury.

Path forward:

- Permit amendment for 29-7869 and issuance of license
- Diversion rate on permit 29-13672 okay, but IDWR will be working on data to narrow in on a volume for license.
- Compliance with conditions of approval for 29-13672-Charlie to talk over with permit holder

TO DO:

- Mr. Katsilometes received license amendment for 29-7869. Will review and get back to IDWR
- Phone call set for September 2nd at 2pm for status update.

Attachments (provided by Permit Holder):

Water Usage and pool dimension sheet

Map of Lava Hot Springs Inn and Property

Lava Hot Springs Inn Expansion Preliminary Plan dated 5/10/1995

Total Water Usage Necessary for 17 Mineral Hot Water Pools and 2 Geothermally Heated Buildings

<u>Type</u>	<u>Size</u>	<u>Volume</u>	<u>Flow</u>
9 Round:	7' DiameterX3' Deep Pools	(864 Gallons)	90 gpm
3 Round:	10' DiameterX3.5' Deep Pools	(2,056 Gallons)	60 gpm
Aztec Pool:	(30'X14'X3')	(9412.2 Gallons)	45 gpm
Lap Pool:	(80'X20'X4')	(47,808 Gallons)	100 gpm
Kidee Pool:	(8'X3'X1.5')	(269 Gallons)	20 gpm
Therapy Pool:	(40'X15'X3.5')	(15,687 Gallons)	50 gpm
River Pool:	(30'X12'X3')	(8,068 Gallons)	20 gpm
Main Inn Geothermal Fan Coil:			25 gpm
Spa Building Geothermal Heat Exchanger:			<u>25 gpm</u>

main inn: 40x40 3 full stories
20x20 on top is 8000 sq. ft.

Spa Building: 2 stories (1200 ft²) x 2 levels
= 2400 sq. ft.

Total: 435 gpm

50 gpm can
be reduced to
another pool
not used for
heat
value)



GENERAL NOTES:

- PROPERTY BOUNDARY INFORMATION AS SUPPLIED BY OWNER. ALL BOUNDARY AND PHYSICAL FEATURES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- THE CONCERNS OF ALL REGULATORY AGENCIES WITH JURISDICTION OVER THE PROJECT SHALL BE SATISFIED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE APPLICABLE CODES.

LAVA HOT SPRINGS INN EXPANSION

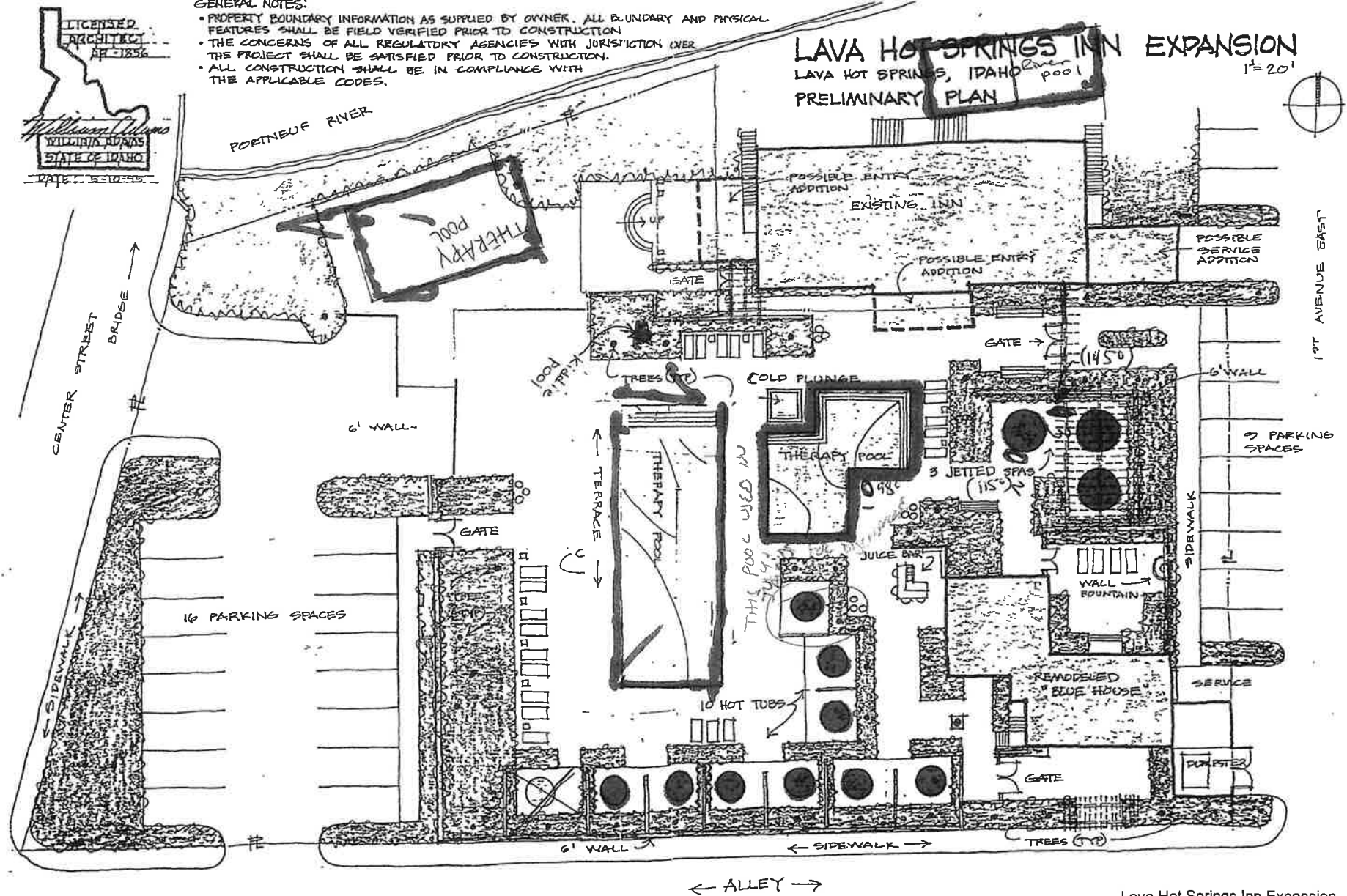
LAVA HOT SPRINGS, IDAHO

PRELIMINARY PLAN

1" = 20'



1ST AVENUE EAST

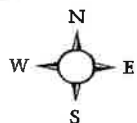


Lava Hot Springs Inn Expansion
Preliminary Plan
5/10/1995

Highway 30

Map of Lava Hot Springs Inn and Property

Highway 30



Olympic Pool and Water Park

Community Center

Portneuf River

Therapy Pool
100 degrees

Lower
River Pool
93 degrees

Upper
River Pool
103 degrees

Lava Hot Springs Inn

1st Center Street
Lava Hot Springs, Idaho
208-776-5830

Walking Path

Kiddie Pool
89 degrees



Office



Recycle

Cold Plunge
45 degrees

Aztec Pool
103 degrees

Red Neck
Lobster Pot Sweat Lodge



Lap Pool
95 degrees



Woman's
Bathhouse

Locker's

Men's
Bathhouse

Down Under

Private Pools

The Blue House

Parking Lot

Center Street

Shane's Auto

The Cottage

Mike's Market

STOP

1st Alley

Main Street

Main Street

City of Lava Hot Springs, Idaho

STOP

1st N East



ny House



Cowlshaw Apartments



Post Office

MEMORANDUM

To: Water Right File No. 29-7869
From: Ashley Ritter
Date: June 22, 2020
Re: Licensing Amendment Recommendation

Review

Priority Date

The priority date for permit 29-7869 is listed as 08/25/1989. Permit approval was issued on 12/20/1989 with a proof due date of 01/01/1992. An initial Statement of Completion for submitting Proof of Beneficial Use ("Proof of BU") was submitted to Idaho Department of Water Resources ("the Department") on 11/14/1991, without the required \$100.00 processing fee or a well log detailing construction of the new well associated with the permit. The original Proof of BU was returned with a letter notifying the permit holder that the \$100.00 fee and well log needed to be provided to the Department. The completed Proof of BU (including fee and well log) was received on 01/14/1992. Guidance from processing memo, permit #12, and Idaho Code 42-221 suggest that the Proof of BU is not considered complete without the required processing fee and accompanying well log. The Proof of BU submitted date has been changed in the workflow system to 01/14/1992. The priority date was advanced to 9/6/1989.

Priority date advancement explanation: If the Department would have received Proof of BU on the due date 01/01/1992 the submittal would not have been considered late. Since 01/01/1992 was a holiday (New Year's Day) submittal of Proof of BU on 01/02/1992 also would not have been considered late. Only 01/03/1992 through 01/14/1992 are counted as days toward the late submittal which total 12 days. Thus, the priority date has been advanced 12 days from 08/25/1989 to 09/06/1989.

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

Source

Evidence indicates that the source is ground water (same as permitted). This was verified with well logs and during the August 9, 1995, field examination conducted by IDWR.

Place of Use (POU)

Permitted POU: T09S, R38E, S21, SESE

Developed POU: T09S, R38E, S21, Lot 2 NWSESE SWSE
Determination-ArcGIS review

Point(s) of Diversion

Permitted for 1 point of diversion:
T09S, R38E, S21, NWSESE

Developed 1 point of Diversion:
1990 –East Well T09S, R38E, S21, Lot 2 NWSESE SWSE
Determination-ArcGIS review

The point of diversion (POD) location description (permitted) is different than what was developed, and a permit amendment will be required before a license can be issued. There are also two additional POD's (total of 3 POD's) that utilize ground water within the same (one) system. The permitted single point of diversion is capable of producing 0.5 cfs and the additional two diversion points are not required for the diversion rate and volume to be accomplished. It is recommended that the additional POD's (2) be added to the permit to better reflect actual system use. The location description is the same for all three (3) POD's-- T09S, R38E, S21, Lot 2 SWSE.

Diversion Rate

A theoretical system calculation will be used for licensing recommendations since actual field measurements are not available. The West Well (1990) was listed as having a 3.0 hp pump at the time the Proof of BU was submitted by the permit holder. The pump was reported as a 3.5 hp by D. Dunn during the reported 1995 beneficial use field exam (3.5 hp will be used for system capacity calculations). According to the Proof of BU the pumping water level was 31 feet (this depth will be assumed as the pump setting depth). The pumping water level was calculated using the Theoretical Dynamic Pumping Level Diagram for Wells (8/95) rdh. The calculation sheet states that if pump setting depth is known (31 feet) a pumping water level of 10 feet above the setting depth may be used, thus 31 feet - 10 feet = 21 feet. D.Dunn computed a theoretical system capacity using zero (0 psi) pressure. Since system pressure is unknown and the well driller's report does not indicate that the West Well (1990) is an artesian well, a pressure value of 10 psi (to account for minor friction losses) is used. Based on these calculation parameters (see table below) the system capacity is 0.49 ~0.50 cfs or approximately 219 gpm.

Volume

The recommended annual volume is calculated based on continuous diversion of 0.5 cfs. 362.0 AF is calculated as follows: (0.5cfs) (365 days) (1.9835).

1cfs=1.9835 AF per day

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 29-7869
 Reviewer: Ashley Ritter
 Date of Review: 6/8/2020
 29-7869

	Based on BU Statement	West Well / Based on DDunn Field Exam	Well #1 (1990) AR Theoretical	Well #1 (1990) AR Theoretical	Well #1 (1990) AR Theoretical
P/D No.:	Well #1 (1990)	Well #1 (1990)	Well #1 (1990)	Well #1 (1990)	Well #1 (1990)
PUMP HORSEPOWER	3	3.5	3.5	3.5	3.5
BOOSTER HORSEPOWER	0	0	0	0	0
PUMPING LEVEL	31	35	21	21	21
DISCHARGE PRESSURE	50	0	5	10	15
RATE OF FLOW (cfs)	0.13	0.62	0.66	0.49	0.39
RATE OF FLOW (gpm)	57	276	297	219	174

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: 70 efficiency,
 No Friction