

Nelson, Dan

From: Nelson, Dan
Sent: Monday, March 27, 2017 8:06 AM
To: 'Paradise HOA'; waterdistrict63@questoffice.net
Cc: Keen, Shelley; Scott King; Norm Semanko; Jenifer Marcus; Randy Fowers; Harold Johnson
Subject: RE: Paradise Home Owner's Association Request

Dear Mr. Ligenza,

Thank you for including me on your letter to Water District 63, and the request for additional time to supply the information requested in my March 2, 2017, letter. I will make sure this information is included in the water right documents.

However, the deadline set in my March 2, 2017, letter was only a deadline to hold the re-instatement fee. We can only hold the fee for 30 days, unless you give us permission to hold it for a longer period of time. If you wish us to continue to hold the re-instatement fee, please give us a specific date that you would like us to hold the fee prior to returning it to you if we do not receive adequate information to re-instate the permit.

I do need to inform you that your permit shall remain lapsed until we receive adequate information to re-instate the permit. If you have any further questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Paradise HOA [mailto:paradisehoa2017@gmail.com]
Sent: Friday, March 24, 2017 4:18 PM
To: waterdistrict63@questoffice.net
Cc: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Scott King <sking@spfwater.com>; Norm Semanko <nms@moffatt.com>; Jenifer Marcus <jenifer.marcus@hotmail.com>; Randy Fowers <RBFOWERS@msn.com>; Harold Johnson <vmhljohn@cableone.net>
Subject: Paradise Home Owner's Association Request

Attention: Mr. Rex Barrie

Attached for your review and consideration is the Paradise Home Owner's Association (PHOA) request for the waiver of a "measuring device" for our pending water right application permit 63-32016.

As discussed over the telephone, it would be great to have you come see and become familiar with our operation for yourself.

Also, attention Mr. Nelson, we would appreciate your consideration for the extension of our application deadline as outlined in the letter. Please advise.

Regards,

Raymond Ligenza, President
PHOA

March 24, 2017

Water District 63
PO Box 767
10769 W. State Street
Star, Idaho, 83669

Attention: Mr. Rex Barrie, Water Master

Subject: Paradise Home Owner's Association, Pine Idaho

Dear Mr. Barrie:

The Paradise Home Owner's Association (PHOA) is in the process of reinstating a water rights application permit 63-32016. This permit falls under a senior water right License being 63-10560 and uses the exact same two hot spring diversion points.

We have contracted the services of SPF Engineering, Mr. Scott King, and Mr. Norm Semanko, water attorney of Moffat Thomas Law. On February 14, 2017, Mr. King submitted a completed "Beneficial Use Report" to the Idaho Department of Water Resources (IDWR) addressed to Mr. Shelley Keen.

Mr. Daniel Nelson of IDWR reviewed the report and cited four conditions that need to be clarified prior to filing the application. One (1) of the four conditions deals with the requirement to have a "measuring device" installed on our hot water deliver system as quoted here;

"In order to waive a measurement device requirement, the Department generally asks the permit holder to submit a formal request with a letter from the water master agreeing to the waiver of the measurement device requirement. We sometimes accept a request in the field report if the field report has a letter or email from the water master agreeing to the waiver of the measurement device requirement, or the permit holder is willing to acquire this information from the water master".

The PHOA is requesting your permission to forgo the need of a measuring device on our existing hot water supply system under permit application 63-32016 for the following reasons:

1. The hot water system Licensed under water right 63-10560 is the exact same system with no changes that applies to the application for permit 63-32016. Under License 63-10560 the requirement for a measuring device was originally given a conditional waiver.
2. The PHOA hot water delivery system is approximately 44 years in age and has not changed in the last 30 years of operation.
3. There are two (2) springs that water is diverted from:
 - a. The "lower" spring is located at the bottom of the Trinity Lodge soaking pool as identified in Mr. King's report. The water is piped to the lower pump house and then distributed to the subdivision by a system of up to four (4) pumps. Two (2) pumps are operational 24/7, 365 days a year. Additional pumps are operated during extreme cold temperatures usually December to March (4 months). There will be a third full time

- pump in operation once the Paradise Pines properties are developed, currently these are stubbed-in bare lots.
- b. The "upper" spring is located across Grouse Creek adjacent to the PHOA soaking tub. This spring is piped directly to the upper pump house where two (2) pumps operating 24/7, 365 days a year supplying the upper portion of the subdivision.
 - c. In both cases, the PHOA hot water delivery system is "non-consumptive" and the return lines from the homeowner cabin heating is directed back to Grouse Creek through the Trinity Lodge soaking pool.
4. The closed loop pumping system consists of single stage pressure pumps between 1 and 2 horsepower. The piping distribution system consists of primarily 1.5" lines and some 2" lines as the main feed for the entire subdivision. Each cabin that is constructed is regulated with a flow restrictor of 5 gpm. This restriction will also apply to each future cabin in any part of our subdivision.

Since most of the PHOA properties currently come under water right License 63-10560 our intent was to secure the same level of water right privilege for all PHOA properties not specifically identified in the 63-10560 License. The permit that we are attempting to file and eventually go to License with will capture and secure the balance of all PHOA properties for heating purposes.

We believe that permit 63-32016 and the report prepared by Mr. Scott King of SPF Engineering demonstrates that a water measuring device on our existing non-consumptive closed loop system is not needed at this time. We hope you will take into consideration the age of our system and recognize it as being grandfathered under License 63-10560 since no modifications are being made.

We would appreciate your agreement to this conclusion and your support with a written recommendation to IDWR.

In addition, by cc: to Mr. Daniel Nelson, we are requesting additional time to complete the application process and to comply with your requirements. Mr. Nelson please advise if you will grant us an extension.

Sincerely,

Raymond Ligenza, President

PHOA Board of Directors

cc:

Mr. Daniel Nelson IDWR – dan.nelson@idwr.idaho.gov
Mr. Shelley Keen IDWR – Shelley.keen@idwr.idaho.gov
Mr. Scott King, SPF Engineering – sking@spfwater.com
Mr. Norm Semanko – nms@moffatt.com
Email delivery – Mr. Rex Barrie – waterdistrict63@questoffice.net