

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22395

Priority: October 30, 2008

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 37.8 AF

It is hereby certified that CRAIG JOHNSON
16327 MAPLEWILD AVE SW
BURIEN WA 98166

And

SHAWN UNDERWOOD
16327 MAPLEWILD AVE SW
BURIEN WA 98166

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 30, 2008; and has submitted Proof of Beneficial Use on May 06, 2009. An examination confirms that water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
HEATING	01/01 to 12/31	0.07 CFS	33.6 AF
COOLING	01/01 to 12/31	0.07 CFS	4.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW1/4SE1/4) Sec. 13, Twp 04N, Rge 17E, B.M.
BLAINE County

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 17E 13														X			
														L3			

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 17E 13														X			
														L3			

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CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Place of use is located within Lot 7A of a replat of Wild Rose Subdivision, First Addition, Blaine County, Idaho.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 7th day of October, 2013.

FOR


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
37-22395

This map depicts the HEATING 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.

17E



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

0 0.005 0.01 0.02 Miles



State of Idaho
Department of Water Resources

Attachment To Water Right License

37-22395

This map depicts the COOLING 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.

17E



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

0 0.00425 0.0085 0.017 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 8, 2013

CRAIG JOHNSON
SHAWN UNDERWOOD
16327 MAPLEWILD AVE SW
BURIEN WA 98166

RE: License No. 37-22395

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt', is written over a horizontal line.

Allen Merritt
Southern Region Manager

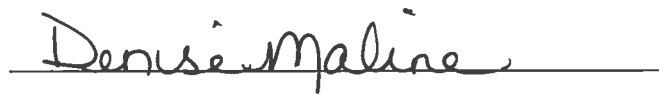
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22395

**CRAIG JOHNSON
SHAWN UNDERWOOD
16327 MAPLEWILD AVE SW
BURIEN WA 98166**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

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.

MEMORANDUM

Date: September 30, 2013
To: 37-22395 Johnson/Underwood File
From: Jim Bitzenburg
Re: Amendment of Permit

This permit was amended to include cooling after consultation with the State office on September 25, 2013. This change resulted from an Email exchange with Craig Johnson wherein I inquired about the number of days in the year that the system was operated in the heating mode. In his answer, he told me that the system also was used for about 1 month in the summer for cooling.

Even though the application was made only for heating, the intent appears to include cooling, because the period of use was made for the entire year, and the system intended to use a heat pump, which would be capable of heating and/or cooling. Since the application was for the entire year, and the intent appears to be for both heating and cooling, the addition of the cooling use would not result in any enlargement of the right.

Bitzenburg, James

From: Craig Johnson [craig@cjohnson.com]
Sent: Thursday, September 19, 2013 12:25 PM
To: Bitzenburg, James
Cc: Dave Yasenak
Subject: Re: Licensing information for water permit 37-22395

Hi Jim,

As for the number of days the geothermal heat pump is operating in heat mode, I estimate from October 1 – June 1. The cold nights kick in the heat even in early fall and late spring. As for the summer, the heat pump operates in cooling mode, but it is very infrequent --- only during high heat periods, so maybe 30 days tops during the summer.

Best regards,

Craig M. Johnson | 16327 Maplewild Avenue SW | Seattle WA 98166-3129
Office 206-244-3535 | Cell 206-399-5600 | email craig@cjohnson.com

From: "Bitzenburg, James" <James.Bitzenburg@idwr.idaho.gov>
Date: Thursday, September 19, 2013 11:10 AM
To: Craig Johnson <craig@cjohnson.com>
Subject: Licensing information for water permit 37-22395

Craig-

I am working on licensing a permit to divert water for property you own in Ketchum, Idaho. The permit is 37-22395 and is for heating for a home and an accessory building, via a heat pump. I made a field visit to the property last week in the company of David Yasenik, but in order to complete the licensing for the permit to become a water right, I need to determine the number of days in an average year that the well is used for heating purposes. I would appreciate any help you could provide in this matter. If you have any questions, feel free to contact by phone or Email. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov