

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23529

Priority: May 10, 2013

Maximum Diversion Rate: 1.40 CFS

This is to certify, that SOUTHERN VALLEY COUNTY RECREATION DISTRICT
PO BOX 723
CASCADE ID 83611

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
HEATING	01/01 to 12/31	1.40 CFS	
MUNICIPAL	01/01 to 12/31	1.40 CFS	998.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NE1/4NE1/4) Sec. 36, Twp 14N, Rge 03E, B.M., VALLEY 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
14N	03E	36	X	X															
			L 2	L 3															

PLACE OF USE: MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	03E	36	X	X															
			L 2	L 3															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2018**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Rights 65-12755 and 65-23529 when combined shall not exceed a total diversion rate of 1.4 cfs.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

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6. Low temperature geothermal water diverted under this right shall not be used for municipal purposes unless it is first used for heating purposes.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.
8. Prior to the diversion and use of water under this approval, the point of diversion low temperature geothermal well must meet the requirements of Rule 30, IDAPA 37.03.09.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Rights 65-12755 and 65-23529 are diverted through the point of diversion described above.
11. Municipal and heating use from an existing low temperature geothermal well for an aquatic and fitness center facility.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
13. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of August, 2013.



JOHN WESTRA
Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 8, 2013

SOUTHERN VALLEY COUNTY RECREATION DISTRICT
PO BOX 723
CASCADE ID 83611

RE: Permit No.65-23529

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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. 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)334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel Sommer".

For:

John Westra

Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

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

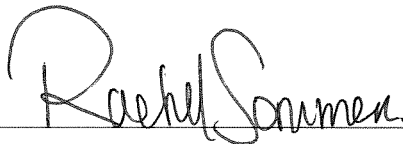
RE: WATER RIGHT NO.

65-23529

SOUTHERN VALLEY COUNTY RECREATION DISTRICT

PO BOX 723

CASCADE ID 83611

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

Rachel Sommer

Administrative Assistant I

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.

Grimm, Angie

From: Ben Wellington [benhere@cableone.net]
Sent: Wednesday, July 31, 2013 8:29 AM
To: Grimm, Angie; Whitney, Rob
Cc: Bob Gestrin; bob.svcrd@frontier.com
Subject: Re: 65-23529 SVCRD - Request for Well Construction Upgrade plan

Angie Grimm, it is the intent of SVCRD to upgrade the current geothermal well by removing the 10" PVC casing and eliminating the possibility of a PVC plasticizer which was discovered in a DEQ water test. Also, it is the intent to reinstall 8" steel casing and reseat this well casing to the earth. A portion of the lower part of the well will be gravel packed with washed "P" gravel up from the bottom of the well approximately 40' and the remaining area above the gravel will be injected with concrete grout to form a seal of approx 120' to the ground level. This will seal out any penta contaminants.

This work will be performed by Bob Gestrin Well Drilling of Donnelly, Idaho.

SVCRD may hire Mr. Gestrin to deepen this well while he is set up over the well depending on what he encounters while working on the well.

This well improvement program is due to start sometime after September 20, 2013 depending on when Mr. Gestrin comes out of the back country.

Please let me know if this information fulfills your request below, or if you need additional information.

Sincerely,
Ben Wellington

----- Original Message -----

From: Grimm, Angie
To: benhere@cableone.net
Cc: Whitney, Rob ; Westra, John
Sent: Tuesday, July 30, 2013 1:32 PM
Subject: 65-23529 SVCRD - Request for Well Construction Upgrade plan

Mr. Wellington,

After talking with various IDWR staff and IDEQ staff regarding the SVCRD water right permit application and associated well, there is one last item I request your input on before processing of your permit application can be completed. Per Rob Whitney's (IDWR) email below, I request you submit written confirmation that SVCRD intends to upgrade the proposed point of diversion well to meet the low temperature geothermal (LTG) well construction requirements of Rule 30 (IDAPA 37.03.09) including the proposed plan for the construction upgrade/repairs. Once received, processing of your permit application will be completed as expeditiously as possible. Please feel free to contact Rob Whitney (rob.whitney@idwr.idaho.gov 208-287-4924) or myself if you have any questions. I appreciate your attention to this matter and look forward to your response.

Sincerely,

Angela M. Grimm, P.G.
Water Resources Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Whitney, Rob
Sent: Tuesday, July 30, 2013 1:04 PM
To: Grimm, Angie
Subject: RE: info

Angie,

As we discussed, I met with Mr. Wellington and Bob Gestrin (Well Driller) on June 26, 2013 to discuss options for modification of the LTG well proposed to be used in connection with the pending WR application. According to Mr. Wellington and an IDEQ representative, the existing well has shown some level of Penta when tested. After reviewing the Well Driller's Report, it appears that the well was not originally constructed to the LTG standards required. Upgrading the construction of the well to meet the LTG requirements of Rule 30 (IDAPA 37.03.09), should prove beneficial in this case and may improve the quality of water in the well by casing and sealing out the shallow water influence. I talked with Bob Gestrin again on July 28, 2013 who suggested that the SVCRD had notified him they intended to proceed with repair of the well. I understand that the proposed work will be consistent with my previous discussion with Bob and Ben. I think if we can simply get confirmation from Mr. Wellington that the SVCRD has contracted with Gestrin to upgrade the well and we can obtain a copy of the proposed plan for the upgrade we can move forward with processing of the application. Let me know if you need anything further from me.

ROB WHITNEY
WATER COMPLIANCE BUREAU

From: Grimm, Angie
Sent: Thursday, July 25, 2013 8:07 AM
To: Whitney, Rob
Subject: FW: info

From: Ben Wellington [<mailto:benhere@cableone.net>]
Sent: Wednesday, July 17, 2013 10:04 AM
To: Grimm, Angie
Subject: info

Is there anything that I need to be doing on the Southern Valley County Recreation District Water Right Application.
Thank You,
Sincerely,
Ben Wellington

Publisher's Affidavit of Publication

RECEIVED

JUL 01 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO } .ss
County of Valley

I, Kim C. Drake, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 6, 2013 and ended June 13, 2013.

Kim C. Drake

Subscribed and sworn before me this the 13th day of June, 2013.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 13th day of June, in the year of 2013, before me, a Notary Public, personally appeared Kim C. Drake, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/18

APPLICATION
The following application has been filed to appropriate the public waters of the State of Idaho:

65-23529 SOUTHERN VALLEY COUNTY RECREATION DISTRICT, PO BOX 723, CASCADE, ID 83611

Point of Diversion L2(NENE) S36 T14N R03E VALLEY County Source GROUND WATER Use: HEATING, MUNICIPAL IPAL 01/01 to 12/31 1.4 CFS Total Diversion: 1.4 CFS Date Filed: 10/18/2012 Place Of Use: HEATING, MUNICIPAL T14N R03E S36 L2(NENE) L3(NWNE), Municipal and heating use from an existing hot water well for an aquatic and fitness facility. Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 6/24/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director. 2tc6/13

OK
7-1-13
RS