

Memorandum

Date: July 6, 2012

To: Shelley Keen

From: Craig L. Saxton

Re: Incomplete Proof of Beneficial Use statement for permit 29-13672

IDWR received a Statement of completion of works along with \$100 filing fee in connection with permit 29-13672 on May 14, 2012. Upon review, IDWR discovered that the statement was incomplete and the permit holder did not comply with condition 8 and 9 on the permit which required additional information be submitted with the statement of completion.

Condition 8:

Prior to diversion and use of water for heating purposes under this permit, the permit holder shall install a totalizing measuring device with data logging capabilities of a type approved by the Department on the system diverting ground water for beneficial use. Each day water is diverted, the permit holder must record and maintain records of all diversions from the well, identifying the amount of water diverted by date and the total daily volume. These records must be maintained and compiled into an annual record set and made available to the Department upon request. **Annual record sets must be maintained for the duration of the permit process and submitted to the Department with proof of beneficial use. Submittal of proof of application of water to beneficial use, without an acceptable data set will not be accepted by the Department and may result in cancellation of the permit.**

Condition 9:

Water surface elevations and water temperatures in the well(s) used as the point of diversion for this right, shall be measured and recorded on a weekly basis. The permit holder must record and maintain records of the water surface elevation by date and elevation in feet above mean sea level and temperature by date and temperature in degrees Celsius. Temperatures shall be measured at the well head. These records must be maintained and compiled into an annual record set and made available to the Department upon request. **Annual record sets must be maintained for the duration of the permit stage and submitted to the Department with proof of beneficial use. Submittal of proof of application of water to beneficial use without an acceptable data set will not be accepted by the Department and may result in cancellation of the permit.**

On May 15, 2012 the Department sent the permit holder a Proof Deficiency Letter explaining that condition 8 and 9 need to be met before the Department will accept proof. The permit holder was given 15 day's to provide the requested information.

On June 11, 2011, the Darla Block received an e-mail addressing the proof of deficiency letter from the permit holders attorney Rob Wood. The e-mail was a forwarded response to the proof deficiency letter, from the permit holder, addressing the Departments request for compliance with conditions 8 and 9.

After reviewing the e-mail provided by the permit holder's attorney, it is clear that the permit holder did not provide the information required under Condition 8 and 9. The permit holder did not provide measurement records or water temperature records during the development period as required by the permit. The permit holder stated that the flow rate from the well and temperature had remained at 90 gpm and 63 degrees Celsius during the development period but supplied no supporting data as required by conditions 8 and 9. I recommend returning proof to the permit holder and taking steps toward canceling the permit.