

Ident. No. 63-33238

RECEIVED

JUL 13 2009

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant State of Idaho Military Division Phone 208-422-5474
Mailing address 4040 Guard St., Bldg. 600, Boise, ID 83705-5004 Email _____
Representative Lori Graves, SPF Water Engineering LLC, 300 E. Mallard, Ste 350, Boise, ID 83706 208-383-4140
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is Township 2S Range 2E Sec. 3, in the _____ $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Ada County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Industrial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Well, pump, storage tank
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 8 inches; proposed depth of well is 1,200 feet 6 10/30/09
 - d. Is ground water with a temperature of greater than 85°F being sought? -No- YES
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Potable water for Range Center of Operation and Maintenance (RCOM) building, dust abatement and incidental fire protection

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	2E	3												D					
														I					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

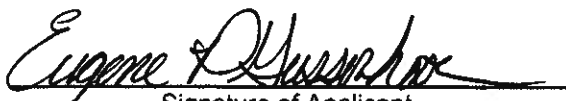
- 11.a. Who owns the property at the point of diversion? BLM
- b. Who owns the land to be irrigated or place of use? BLM
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Long-term lease agreement

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water bearing zone to be appropriated is from 600 to 1,200 feet.

Lori Graves, with SPF Water Engineering, is authorized to make modifications to this application during processing on behalf of applicant,

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant

Eugene P. Gussenhaven, CFMO
Print Name (and title, if applicable)

For Department Use:

Received by DB Date 7-13-09 Time 12:00 PM Preliminary check by [Signature]
 Fee \$ 100- Received by DB Receipt No. W037681 Date 7-13-09
 Publication prepared by DB Date 11/12/2009 Published in IDAHO STATESMAN
 Publication approved _____ Date _____ Dates Published NOVEMBER 19 & 26, 2009

2004 Photo

**T2S R2E
Section 3**

Legend

- Proposed Well
- Proposed Place of Use
- Sections

**State of Idaho Military Division
Application for Permit**



63-33238

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, November 12, 2009 11:42 AM
To: 'legals - Boise'
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter (02-10416 & 63-33238).Doc; Ada Cty - COMBINED AD.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

November 12, 2009

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No(s): 2-10416 & 63-33238

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/7/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33238

STATE OF IDAHO
MILITARY DIVISION
ATTN MAJ E P GUSSENHOVEN
4040 GUARD ST BLDG 600
BOISE, ID 83705-5004

Point of Diversion SESW S3 T02S R02E ADA County Source GROUND WATER Tributary
Use: INDUSTRIAL 01/01 to 12/31 0.04 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/13/2009

Place Of Use: DOMESTIC

T02S R02E S3 SESW

Place Of Use: INDUSTRIAL SAME AS DOMESTIC

Water bearing zone to be appropriated is from 600 to 1200 feet for the Range Center of Operation and Maintenance facility.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/7/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 11/19/2009 and 11/26/2009

2-10416

GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE, ID 83628

Point of Diversion NWSE S32 T04N R05W OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 30 CFS
Total Diversion: 30 CFS

Date Filed: 12/6/2007

Place Of Use: IRRIGATION

Place of use is the Gem Irrigation District service area.

GARY SPACKMAN, Interim Director

Published in the Idaho Statesman, Times News, Lewiston
Tribune and Post Register on 11/19/2009 and 11/26/2009

Lester, Steve

From: Lester, Steve
Sent: Wednesday, October 28, 2009 10:23 AM
To: 'lgraves@spfwater.com'
Subject: Application 63-33238, ID Military Division

Contacts: Lori Graves

Lori:

Jason Thompson submitted a letter dated 10/14/09 regarding this application. He noted the need to amend the application to show that low temperature geothermal water is being sought based on recent well drilling activity for the site. His letter serves as an application attachment explaining the situation.

The application can be amended on the original form or by submitting a completed amended form. Either way, this should include payment of the \$125 drilling fee upgrade that the dept. well construction staff confirmed is necessary in this case.

Please let me know how you want to proceed. After amending the application and paying the drilling upgrade, the application can be expedited as requested. Thanks Lori.

Steve

Lester, Steve

From: Neace, Thomas
Sent: Wednesday, October 21, 2009 9:07 AM
To: Borgeman, Sherry
Cc: Lester, Steve
Subject: RE: Waiver request for the Idaho National Guard Well Tag # D0055849

Sherry:

They are applying for a water right with Lester. We should collect the upgrade fee through that process. Thanks for catching that.

Tom

From: Borgeman, Sherry
Sent: Wednesday, October 21, 2009 8:35 AM
To: Neace, Thomas
Subject: RE: Waiver request for the Idaho National Guard Well Tag # D0055849

Of course I have questions. ☺ Are we making them apply for a LTG water right? Are we making them pay the \$125 upgrade fee for a LTG well? In the permit Jason specifically says this is a domestic exempt well, and the permit is conditioned not for PWS use without a water right, but in the waiver letter Jason says it is a PWS well. IF it is, he needs to apply for a PWS water right & pay the upgrade fee as they only paid \$75 for the initial permit. I've attached the initial permit.

<< File: D0055849_.pdf >>

From: Neace, Thomas
Sent: Tuesday, October 20, 2009 4:46 PM
To: 'jthompson@spfwater.com'
Cc: Whitney, Rob; 'downrightdrilling@speedyquick.net'; Borgeman, Sherry
Subject: Waiver request for the Idaho National Guard Well Tag # D0055849

Attached.

Call me at 287-4935 if you have any questions.

Thanks

<< File: img-X20161111.pdf >>



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OCT 16 2009

WATER RESOURCES
WESTERN REGION

October 14, 2009

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application to Appropriate Water – Idaho National Guard Range Center of Operation and Maintenance

Dear Steve,

An Application to Appropriate Water was filed by SPF Water Engineering (SPF) on behalf of the Idaho National Guard for the Range Center of Operation and Maintenance (RCOM) on July 9, 2009. The well listed as a point of diversion on the application was recently completed under the domestic exemption. The well inadvertently encountered low temperature geothermal water. The water temperature at the static water level of 765 feet was measured at 85°F by Down Right Drilling and the temperature at the bottom of the well at 955 feet was measured at 87°F. The well penetrated basalt along its entire length.

The purpose of this letter is to request the Idaho Department of Water Resources (IDWR) amend the application to state that ground water with a temperature greater than 85°F is being appropriated. If necessary, Lori Graves can initial the change in person.

This letter also requests an exemption from Idaho Code 42-233. According to 42-233, low temperature geothermal water is required to be used primarily for heat value, but this water can be utilized for other uses if exempted by IDWR. The water from the RCOM well will be used for domestic and industrial purposes (dust abatement, fire protection) and not for direct use as a heat source. SPF believes that these uses are exempt because (1) there are no feasible alternative uses of the water, (2) there are no economically viable sources of water at a temperature of less than 85°F, and (3) it is in the public interest to allow use of the well for the aforementioned purposes at the RCOM.

Regarding the geothermal resource, there are no known wells in the vicinity of the RCOM well that use geothermal water for direct use. The nearest well of any kind is located about 5 miles to the east. This well was constructed for the Idaho National Guard at the Snake River Training Facility and is used primarily for filling water trucks. There is no economically viable source of water at a temperature of less than 85°F. The geothermal water was the first water encountered in the RCOM well. There are no overlying cold water aquifers. It is SPF's position that allowing the Idaho National Guard to use the well for domestic and industrial purposes is in the public interest as the RCOM is a training and maintenance facility used by the Idaho National Guard.

SPF is requesting that the application process be expedited in the interest of timely project completion. The well was drilled under the domestic exemption and it was assumed that use of the well could occur once the Idaho Department of Environmental Quality approved the well. Use of the well would be limited to 18 gpm and 2,500 gpd per Idaho Code. The application was originally submitted only to increase the diversion volume to allow faster filling of a storage tank on site. However, because geothermal water was encountered, a water right is now required according to Idaho Code 42-233.

The Guard intends to occupy the RCOM and start using water from the well by April. Funding for the RCOM project requires adherence to this project schedule. SPF, on behalf of the Idaho National Guard, requests that the Idaho Department of Water Resources expedite the application to allow the RCOM project to proceed as scheduled.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason W. Thompson".

Jason W. Thompson, P.E.
Project Engineer

Cc: Brian Blaser, Idaho National Guard

Document Info:
Filename: Application Amend.doc
SPF file number: 772.0010

Lester, Steve

From: Whitney, Rob
Sent: Friday, October 09, 2009 2:08 PM
To: Lester, Steve
Subject: FW: Request for Exemption - Range Center of Operation and Maintenance Well
Attachments: Construction Waiver Request.pdf

FYI

From: Jason Thompson [mailto:JThompson@spfwater.com]
Sent: Friday, October 09, 2009 9:01 AM
To: Whitney, Rob
Cc: Terry Scanlan; Blaser, Brian L. CIV NGID; Eric Landsberg
Subject: Request for Exemption - Range Center of Operation and Maintenance Well

Rob, I have attached the exemption letter for the Range Center of Operation and Maintenance well as we discussed by phone yesterday. Please call me with questions. I will be out of the office until late in the day. My cell is 850-8089, or you can talk to Terry at the office.

Thanks

Jason W. Thompson, P.E.
SPF Water Engineering, LLC
300 E. Mallard Drive Suite 350
Boise, ID 83706
jthompson@spfwater.com
208-383-4140
Fax (208) 383-4156

10/13/2009



October 9, 2009

Rob Whitney
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Request for Exemption from IDAPA 37.03.09.030.03.b.i. - Range Center of Operation and Maintenance Well

Dear Rob,

As discussed by phone, the well drilled for the Idaho National Guard Range Center of Operation and Maintenance (RCOM) inadvertently encountered low temperature geothermal water. The water temperature at the static water level of 765 feet was measured at 85°F by Down Right Drilling and the temperature at the bottom of the well at 955 feet was measured at 87°F. The well penetrated basalt along its entire length.

On behalf of the Idaho National Guard, SPF Water Engineering (SPF) is requesting an exemption from IDAPA 37.03.09.030.03.b.i. that requires low temperature geothermal wells less than 1,000 feet deep and with a shut-in pressure of less than 50 psi to have two casing strings cemented to ground surface. The RCOM well is constructed with two casing strings, a 12-inch casing sealed to 120 feet and 8-inch liner to 850 feet. However, the requirement to cement the liner to ground surface does not appear to provide any benefits.

The apparent intent of the construction rules for low temperature geothermal wells is to (1) protect any overlying cold water aquifers from thermal contamination and (2) protect the geothermal resource from waste due to lost artesian pressure and temperature. With the well in question, there are no overlying cold water aquifers. The first water encountered in the well was at a depth of 765 feet. Regarding the geothermal resource, there are no known wells in the vicinity of the RCOM well that use geothermal water for direct use. The nearest well of any kind is located about 5 miles to the east. This well was constructed for the Idaho National Guard at the Snake River Training Facility and is used primarily for filling water trucks.

It is SPF's opinion that cementing the liner is not necessary from a resource protection standpoint and may result in damage to the well if cement migrates into the open borehole below the liner. It is also SPF's opinion that in this particular case this rule unnecessarily forces the Idaho National Guard to expend limited project monies.

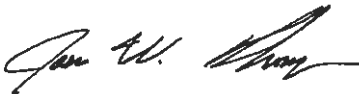
According to Idaho Statute 42-233, the right to the use of low temperature geothermal resources shall be acquired by appropriation if the geothermal resource is used primarily for

heat value. Low temperature geothermal water can be utilized for other uses if the Director of the Department of Water Resources exempts the proposed use. The water from the RCOM well will be used for domestic and industrial purposes (dust abatement, fire protection). SPF believes that these uses are exempt because (1) there are no feasible alternative uses of the water, (2) there are no economically viable sources of water at a temperature of less than 85°F, and (3) it is in the public interest to allow use of the well for the aforementioned purposes at the RCOM. The RCOM is a training and maintenance facility used by the Idaho National Guard.

An Application to Appropriate Water was filed with the Idaho Department of Water Resources on July 9, 2009. This application will be amended to state that ground water with a temperature greater than 85°F is being appropriated. The amended application will request an exemption for the proposed use as allowed in 42-233 for the reasons stated above. A request to expedite the application will be submitted to Steve Lester. The Idaho National Guard intends to occupy the RCOM and start using water by April. The RCOM project is being funded by stimulus money and therefore must comply with a specific project schedule.

Please let me know if you have any questions.

Sincerely,



Jason W. Thompson, P.E.
Project Engineer



Document Info:
Filename: Construction Waiver Request.doc
SPF file number: 772.0010



SPF WATER
ENGINEERING

July 9, 2009

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JUL 13 2009

WATER RESOURCES
WESTERN REGION

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: National Guard Application for Permit

Dear Steve,

Enclosed on behalf of the National Guard is an Application for Permit for a new well to be used at the Guard's Range Center of Operation and Maintenance facility located in southeast Ada County. Currently, the site does not have a source of water supply or developed water system.

Check No. 4866 is enclosed for the \$100 filing fee.

Please let me know if there are any questions. Thanks Steve.

Sincerely,

Lori Graves
Water Rights Specialist

Enclosures

SPF file number: 772.0010