

Fee: \$~~20.00~~ 50.00Receipt No. 5030864Receipt by: JCDate Received: 5/6/09Ident. No. 37-8205STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
MAY 04 2009Name of applicant Sun Valley Land & Minerals, Inc. DEPT. OF WATER RESOURCES SOUTHERN REGION Phone (208) 726-4113Address P.O. Box 1959, Sun Valley, ID 83353I am the owner and holder of Permit to Appropriate the public Waters of the State of Idaho No. 37-8205 and request that the permit and permit map be amended and / or changed as follows:

Purpose of Amendment: ☐ Change point of diversion ☐ Add point of Diversion
☐ Change Place of use ☐ Change nature of use ☐ Change period of use ☒ Other

1. Point of diversion is 1/4 1/4 1/4, Section 1/4,
 Township Blaine Range Blaine B.M. Blaine County of Blaine

Other points of diversion, if any: SWSE Sec. 27 (five), NENW Sec. 34 (one), T. 3 N., R. 17 E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.):

Amount 5.0 cfs for Heating purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum) (water use) (Begin month) (End month)

Amount 5.0 cfs for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	17E	27															X	X	
3N	17E	34	X	X			X		X	X									

Total number of acres to be irrigated 11. a. Who owns the property at the point of diversion? Applicantb. Who owns the land to be irrigated or place of use? Applicantc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/AREMARKS: The purpose of this amendment is to modify conditions #7 and #8which describe the intended uses. The actual intended uses are described thecover letter attached to this application.

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show ¼ ¼, section, township, range and ditches. (The smallest subdivision represents 40 acres.)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 22 day of April, 2009. Wanna R. Kelsey, president
 Permit Holder Signature (and title, if for a company or organization)

San Valley Land & Minerals

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20 _____.

SIGNATURE

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

5/4/2009

WATER RIGHT NO. 37-8205

Owner Type	Name and Address
Current Owner	SUN VALLEY LAND & MINERALS INC PO BOX 1959 SUN VALLEY, ID 83353 (208) 726-4113
Representative	BROCKWAY ENGINEERING 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 (208)736-8543
Original Owner	TRAVELERS MORTGAGE CORP C/O NELSON ROSHOLT ET AL PO BOX 1906 TWIN FALLS, ID 83301

Priority Date: 03/12/1985

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
HEATING	01/01	12/31	5 CFS	
RECREATION	01/01	12/31	5 CFS	
Total Diversion			5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 27	Township 03N	Range 17E	BLAINE County
GROUND WATER	SWSE	Sec. 27	Township 03N	Range 17E	BLAINE County
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GROUND WATER	SWSE	Sec. 27	Township 03N	Range 17E	BLAINE County
GROUND WATER	SWSE	Sec. 27	Township 03N	Range 17E	BLAINE County
GROUND WATER	NENW	Sec. 34	Township 03N	Range 17E	BLAINE County

Place(s) of use:

Place of Use Legal Description: HEATING BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acr
03N	17E	27		SWSE			SESE							
		34		NENE			NWNE							
				NENW			SWNW			SENE				

Place of Use Legal Description: RECREATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acr
03N	17E	27		SWSE			SESE							
		34		NENE			NWNE							
				NENW			SWNW			SENE				

Conditions of Approval:

1.	01M	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.
2.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The permit holder shall submit a drilling prospectus to the Department for review and approval prior to any well construction. The permit holder is required to file and maintain a bond with the Department in the amount required by the Department prior to the construction of any well.
3.	027	Use of water under this right shall be non-consumptive. If use is found to be consumptive in the future, the consumption must be replaced or the user of the water must cease diversion until a plan of replacement is implemented.
4.		Water diverted must either be injected into the ground water or discharged to a natural stream.

5.	R07	Return flow discharged to a subsurface system must be authorized by a separate injection well permit and if return flow is discharged to a surface water system shall meet Idaho Water Quality Standards.
6.	004	This right does not grant any right-of-way or easement across the land of another.
7.		The heating use under this right is for heating 45 domestic dwellings, 115 townhouses, commercial office space, greenhouses, a gym, and an indoor pool.
8.		The recreational use under this right is for a horse center, an indoor pool, gym, and tennis facilities.
9.		Failure of the permit holder to comply with the conditions of approval of his permit shall be cause for the Department to cancel the permit pursuant to Section 42-311, Idaho Code.

Dates:

Proof Due Date: 10/17/2009

Proof Made Date:

Approved Date: 02/08/1993

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 03/12/1985

Protest Deadline Date:

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

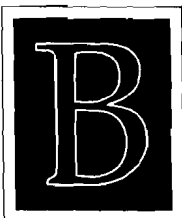
Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 1, 2009

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

Re: 37-8205 Amendment Application #2
Project No. 337-07-2000

Dear Allen:

Enclosed is an Application for Amendment for the above-referenced permit. The purpose of the amendment is to modify conditions #7 and #8 to reflect more accurately the intended uses. Department staff have indicated that these conditions needed to be changed, but IDWR did not make the changes in the recently-approved amendment and has denied the petition for reconsideration. Therefore, this additional amendment application is being submitted. Due to the minor nature of the change, I would request that the Department not advertise the application.

The applicant is hereby providing the following list of potential uses of the heat value of the geothermal water that may be developed under this permit:

- Heating of existing and future dwellings, commercial buildings, greenhouses, or other structures of various kinds.
- Providing heated water to indoor bathing and swimming pools, recreational spas, or similar facilities.
- Providing heated water to one or more outdoor ponds or recreational spas for bathing, swimming, and general recreation, including sufficient heat value to maintain a minimum swimming temperature of 85 degrees F during the winter.
- Melting of ice and snow on existing and future roadways, tennis courts, or any other recreational facilities.
- Melting of ice and snow within the reservoir in the vicinity of the pond spillways and headgates. Keeping these hydraulic structures free of ice will assist with maintaining both flood flow capacity and fire department access to the subdivision south of the ponds.

The water usage under groundwater permit 37-8205 will be non-consumptive. Any ancillary consumptive use that may occur due to the proposed uses will

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

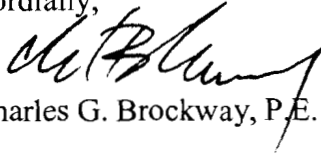
FAX: 736•8506

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

be covered by water rights 37-4368B and 37-22128, which are geothermal water rights recommended in the SRBA and which are unrestricted as to consumptive use. If the Department elects to advertise the application, I would request that language describing the non-consumptive nature of the right be included in the advertisement.

The \$50 application fee is enclosed.

Cordially,

A handwritten signature in black ink, appearing to read "C. Brockway", is written over the printed name.

Charles G. Brockway, P.E.

Cc: Donna Kelsey