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BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 47-7680 IN THE NAME OF ROYAL CREST, INC., COLLINS BROS. CORP., Assignee.	Docket No. 16844
COLLINS BROS. CORP., An Idaho Corporation, Appellant-Respondent on Appeal. vs. A. KENNETH DUNN, Director, Idaho Department of Water Resources, Respondent-Appellant on Appeal.	

APPELLANT'S REPLY BRIEF

Appeal from the District Court of the Fifth Judicial District for Twin Falls County.

Honorable Daniel C. Hurlbutt, Jr., District Judge presiding.

Phillip J. Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Attorney for Appellant

Robert C. Weaver
WEAVER and MELANSON
130 North Broadway
Buhl, Idaho 83316
Attorney for Respondent

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ARGUMENT

The appellant's brief of the Idaho Department of Water Resources (Department) acknowledges that procedural errors occurred before the Department. After a careful review of the record and the applicable law the appellant's brief concludes that the Department's decision should either be affirmed or remanded to the Department for further proceedings.

The response of Collins Bros. Corp. contained in the respondent's brief argues for upholding the reversal of the Department's decision by the district court without remanding the case to the Department. The Department provides the following rebuttal argument to the statements and arguments in the respondent's brief:

I.

THE DEPARTMENT'S FINDING OF FACT NO. 4 IS SUPPORTED BY SUBSTANTIAL, COMPETENT EVIDENCE.

Collins Bros. Corp. argues at respondent's brief pages 13-14 that the evidence in the agency record listed at pages 19-20 of appellant's brief is insufficient to support finding of fact no. 4 which states:

> 4. Protestants have, since their wells were drilled, been able to obtain water under their rights by allowing it to flow from wells under artesian pressure without the necessity of pumping.

Collins Bros. Corp. argues that the evidence is inadequate, in part, because it does not indicate that a specific well drilled by Collins Bros. Corp. has affected the wells of the

protestants. The Department emphasizes that it is not the purpose of finding of fact no. 4 to establish the specific impact of the proposed Collins Bros. appropriation upon the existing wells of the protestants. The purpose of the finding is to state that the aquifer is artesian in nature. The evidence in the record supports this finding.

II.

CONCLUSION OF LAW NO. 1 OF THE DEPARTMENT'S DECISION IS VALID.

The Collins Bros. Corp. argues at page 16 of respondent's brief that no findings of fact exist to support conclusion of law no. 1 which states:

> (1) Reductions in artesian pressure in wells within the Banbury Hot Springs Ground-water Management Area is not considered as an injury to existing water rights since there remains to be sufficient water available in the source to satisfy the prior existing water rights.

Collins Bros. argument misreads the purpose of conclusion of law no. 1. The conclusion represents the Department's interpretation of applicable law that potential reduction in artesian pressure which could occur as a result of pumping under the Collins Bros. approved permit does not constitute reason to deny the permit. It must be kept in mind that the Department did not deny the Collins Bros. application for permit. The Department approved the permit subject to the condition that the heat resource in the water not be wasted by using it only for irrigation purposes.

III.

CONCLUSIONS OF LAW NOS. 3 AND 5 OF THE DEPARTMENT'S DECISION ARE VALID.

The validity of conclusion of law nos. 3 and 5 were not addressed in the Department's initial brief because the district court decision did not hold them invalid. Collins Bros. argues in its respondent's brief at pages 16-18 that these two conclusions of law are invalid.

Conclusions of law nos. 3 and 5 are as follows:

> (3) It is not in the local public interest to deplete an artesian hot water aquifer for a purpose that could be served using a cold water source.
>
> (5) It is proper that the effect of the use of the water for irrigation purpose on other water rights be considered.

(R. p. 17.)

A. The Record Contains Substantial, Competent Evidence that a Hot Water Aquifer would be "Depleted" by the Collins Bros. Corp. Proposed Irrigation Use.

Collins Bros. argues that the Department's conclusion of law no. 3 is invalid because there is no evidence that a hot water aquifer would be depleted by its proposed irrigation of 430 acres with thermal ground water. This argument centers on the interpretation of the word "deplete." The word deplete is defined by Black's Law Dictionary 525 (4th ed. 1968) as follows: "to reduce or lessen, as by use, exhaustion, or waste."

A reasonable meaning of the word "deplete" as used in conclusion of law no. 3 is to "reduce or lessen" or "waste" the artesian hot water "as by use" for a purpose that could be served

using a cold water source. The record certainly supports a conclusion that Collins Bros. intends to use the thermal water from the artesian aquifer and thereby reduce or lessen it to some extent. The use of the word deplete in conclusion of law no. 3 is not intended to imply that the proposed use of the thermal water for irrigation would necessarily exhaust the resource. It should again be noted that the approved permit does not prevent Collins Bros. from diverting water under the permit as long as it is first used for a purpose that benefits from the heat resource in the water.

Statutory authority for making conclusion of law no. 3 exists under the local public interest provision of I.C. § 42-203A(5). See Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985). The director of the Department determined that it is not in the local public interest to deplete an artesian hot water aquifer for irrigation use which could be served using cold water. The condition that the thermal water could be used for irrigation purposes only if first used for a purpose that requires the heat from the water is consistent with conclusion of law no. 3.

The wisdom of the director's decision was confirmed by the 1987 Idaho legislature which enacted a new statute providing that under most circumstances the "[u]sage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource." I.C. § 42-233 (Supp. 1987).

B. Conclusion of Law No. 5 is Valid.

Collins Bros. argues at pages 17-18 of respondent's brief that conclusion of law no. 5, which states it is proper that the effect of the use of the water for irrigation purposes on other water rights be considered, may be a correct statement of law but that there is no evidence of such effect. Since the Department's decision was not based upon the anticipated effect of the Collins Bros. diversion upon senior rights but rather upon the use of the hot water resource in the public interest, there does not appear to be a significant dispute over conclusion of law no. 5.

It is noted, however, that conclusion of law no. 5 is supported by finding of fact no. 8 which finds that I.C. § 42-203 requires the Department to consider the impact of a proposed appropriation upon other water rights.

IV.

COLLINS BROS. CORP. IS NOT ENTITLED TO ATTORNEY FEES ON APPEAL.

Collins Bros. argues at page 28 of respondent's brief that it should be awarded attorney fees in this matter pursuant to I.A.R. 41 and I.C. § 12-117. It is unclear from the argument presented whether Collins Bros. is requesting attorney fees for the appeal before the district court, this Court, or both.

A. Collins Bros. Corp. has not Cross-appealed the Denial of Attorney Fees by the District Court.

Collins Bros. filed a memorandum of costs and attorney fees before the district court which was denied by an order entered

November 4, 1986. (R. p. 49.) The district court denied the request for costs and attorney fees because of the failure to raise attorney fees as an issue on appeal as required by I.A.R. 35(a)(5). The district court further ruled, citing Minich v. Gem State Developers, Inc., 99 Idaho 911, 591 P.2d 1078 (1979), that attorney fees on appeal were not justified because the Department's defense of the appeal was not unreasonable or frivolous. Collins Bros. Corp. has not cross-appealed pursuant to I.A.R. 15 from the district court's order denying attorney fees. Collins Bros. is, therefore, not in a position to present argument on this appeal in support of an award of attorney fees before the district court. See Pichon v. L.J. Broekemeier, Inc., 108 Idaho 846, 702 P.2d 884 (Ct App. 1985).

B. Collins Bros. Corp. should not be Awarded Attorney Fees on Appeal to the Supreme Court.

This is not the type of case in which the awarding of attorney fees on appeal is appropriate. Under Idaho appellate practice, attorney fees should only be awarded when the court is left with the abiding belief that the appeal was brought, pursued or defended frivolously, unreasonably or without foundation. See Minich v. Gem State Developers, Inc. 99 Idaho 911, 591 P.2d 1078 (1979). The present appeal presents important legal issues of first impression in Idaho. The Department's pursuance of this appeal is not such that the Court could properly conclude that the Department's position is not only incorrect but so plainly fallacious that it could be deemed frivolous, unreasonable or without foundation. See Wing v. Amalgamated Sugar Co., 106 Idaho

905, 684 P.2d 307 (Ct.App. 1984).

Technically, Collins Bros. has not properly identified its claim for attorney fees as an issue in this appeal. I.A.R. 41 requires that a request for attorney fees be identified as an issue presented on appeal. The issues presented on appeal at page 8 of respondent's brief do not include a claim for attorney fees.

CONCLUSION

The Idaho Department of Water Resources respectfully requests that this Court reverse the decision of the district court and affirm the decision of the director approving application for permit no. 47-7680 upon conditions. The district court decision should be reversed because the stricken findings of fact are either supported by substantial evidence properly included in the record or are not essential to the Department's decision and therefore caused no prejudice to the respondent. Further, the conditions to the permit requiring that the permit holder beneficially use the heat resource of the geothermal ground water before using the water for irrigation are in accord with the local public interest requirements of I.C. § 42-203A.

If this Court does not affirm the decision of the director, the Department requests that the case be ordered remanded to the Department for further proceedings in accordance with the Court's decision.

The Department respectfully requests that the Court not

award attorney fees to Collins Bros. Corp. in this appeal.

DATED this 17th day of November, 1987.

JIM JONES
Attorney General

Phillip J. Rassier

PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 1987, two true and correct copies of the foregoing APPELLANT'S REPLY BRIEF were mailed, postage prepaid, addressed to: Mr. Robert C. Weaver, WEAVER and MELANSON, 130 North Broadway, Buhl, Idaho 83316.

Phillip J. Rassier

PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

Water Right Number - 47-07680 Prefix Translation: WATER RIGHT Old (D) Number -

*** C - CURRENT OWNER ***
KANAKA RAPIDS RANCH HOMEOWNERS

1 - WATER SYSTEM INC
2 - 176 KANAKA RAPIDS RANCH RD
3 -
City- BUHL State- ID Zip- 83316
Phone - 208-543-6767

*** O - ORIGINAL OWNER ***
ROYAL CREST INC

1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

Priority Date: 11/20/1980
Region: 17 SOUTHERN
Stage: P - PERMIT
Status:

Source: GROUNDWATER
Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
09S	14E	10	SE NE			(83) TWIN FALLS			
			SE SE			(83) TWIN FALLS			
		14	SE NW			(83) TWIN FALLS			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	6.600	
10	COMMERCIAL	01/01	12/31	2.700	
22	HEATING	01/01	12/31	4.900	
43	DOMESTIC	01/01	12/31	0.400	

Total Div. Rate: 14.600
Total Div. Volume:
Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	10	SW NE		25.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	SE NE		18.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	NE NW		2.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	SE NW		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	NE SW		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	NE SE		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	NW SE		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	10	SE SE		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	11	SW NW		5.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	11	NW SW		35.0	01	IRRIGATION	(83) TWIN FALLS

Water right number - 47-07680 Prefix Translation: WATER RIGHT

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	11	SW SW		30.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	14	NW NE		30.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	14	SW NE		5.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	14	NE NW		40.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	14	NW NW		32.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	14	SE NW		8.0	01	IRRIGATION	(83) TWIN FALLS
09S	14E	11	SW NW			10	COMMERCIAL	(83) TWIN FALLS
09S	14E	11	SE NW			10	COMMERCIAL	(83) TWIN FALLS
09S	14E	11	NW SW			10	COMMERCIAL	(83) TWIN FALLS
09S	14E	10	NE NE			22	HEATING	(83) TWIN FALLS
09S	14E	10	SE NE			22	HEATING	(83) TWIN FALLS
09S	14E	10	NE SE			22	HEATING	(83) TWIN FALLS
09S	14E	10	SE SE			22	HEATING	(83) TWIN FALLS
09S	14E	11	SW NW			22	HEATING	(83) TWIN FALLS
09S	14E	11	SE NW			22	HEATING	(83) TWIN FALLS
09S	14E	11	NW SW			22	HEATING	(83) TWIN FALLS
09S	14E	11	SW SW			22	HEATING	(83) TWIN FALLS
09S	14E	14	NW NE			22	HEATING	(83) TWIN FALLS
09S	14E	14	SW NE			22	HEATING	(83) TWIN FALLS
09S	14E	14	NE NW			22	HEATING	(83) TWIN FALLS
09S	14E	14	NW NW			22	HEATING	(83) TWIN FALLS
09S	14E	14	SE NW			22	HEATING	(83) TWIN FALLS
09S	14E	10	NE NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	NW NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	SW NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	SE NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	NE NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	SE NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	NE SW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	NE SE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	NW SE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	10	SE SE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	NW NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	NE NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	NW NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	SW NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	SE NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	NW SW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	SW SW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	11	SE SW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	14	NW NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	14	SW NE			43	DOMESTIC	(83) TWIN FALLS
09S	14E	14	NE NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	14	NW NW			43	DOMESTIC	(83) TWIN FALLS
09S	14E	14	SE NW			43	DOMESTIC	(83) TWIN FALLS

Total Acres: 430.0

Diversion Means

Water right number - 47-07680 Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - Remarks - +

See Order Adopting Proposed Memorandum Decision and Order for additional conditions of approval.
The use of water solely for irrigation from this geothermal aquifer is not in the public interest and, therefore, only the water used for another purpose, that required the heat from the water, can be disposed of by using it for irrigation.
The use of water for irrigation under this right is supplimental to all existing water rights with the same purpose and place of use and the other rights must be developed and used to the fullest extent possible for irrigation before this right is used for irrigation purposes.
The Director of the Department of Water Resources retains jurisdiction over this right to assure that the water diverted is beneficially used and for the approval of the casing and sealing of the wells.
The amount of water diverted shall not exceed that necessary for domestic, commercial, and geothermal heating for 99 homes.
Approval of this amendment does not authorize any additional development for any purpose after August 1, 1991. This amendment authorizes 99 domestic uses to be allocated to 99 lots of the subdivision located within the amended place of use. This amendment is limited to the existing water distribution system providing water to lots which have been stubbed in, and, to water that had been made available for use during the permitted development period.

+ - Old Water Right Numbers - +

No Old Water Right Numbers found.

+ - Conditions of Approval - +

01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.

09D - Water used under this right if discharged into a natural
- channel shall meet Idaho Water Quality Standards.

026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

Water right number - 47-07680 Prefix Translation: WATER RIGHT

-Comments-

No Comments Found

Audit Fields - 09/22/87 05/28/88 CONVERT 11/10/88 CURTIS 02/09/90 CURTIS 01/30/91 BILBAO
07/31/91 MILLER 08/09/91 FLECK 08/14/91 BILBAO 05/24/94 CZIMMERM 05/26/94 CZIMMERM
07/08/94 CURTIS

Water Rights Dates and Flags Area

Proof Due Date	- 08/01/1991	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 08/31/1983	Protested Date	- 00/00/0000	Swan Falls	- G
Proof Made Date	- 07/30/1991	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- C030270	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 11/20/1980	Transfer/Amended	- D
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	- Y
Presumption Flag	-				

Magic Valley

8/10/95

DIGITIZED APR 2 2013

Around the valley

Federal officers locate missing Wendell girl

WENDELL – Federal investigators have located two teen-age boys in Washington state suspected earlier of kidnapping a girl from Wendell City Park, said Wendell Police Chief Philip Cowell.

But FBI agents said 14-year-old Crystal Chavez of Sunnyside, Wash., may have left with the boys willingly on July 24, Cowell said. The FBI did not return telephone calls Wednesday.

Initially police suspected the boys, who are brothers from Sunnyside, Wash., followed Chavez to Wendell, where she was staying with relatives for the summer. The brothers drove up in a red convertible car and grabbed Chavez, fending off her cousin, police said.

Man, woman killed when car collides with truck Tuesday

TWIN FALLS – A Kimberly man and Twin Falls woman were killed Tuesday night when the man drove through an intersection and struck a semi-truck heading south on U.S. Highway 93.

Coy Ragains, 20, and Sarah Allen, 17, died when Ragains apparently failed to yield for a stop sign while driving west on 3700 North Road at 11:40 p.m., according to an Idaho State Police dispatcher.

Their car hit the drive axle of a semi-truck driven by Robert Lopez, 31, of Heyburn, the dispatcher said. Lopez had not been admitted at Magic Valley Regional Medical Center.

The truck dragged the car about a quarter mile south on U.S. Highway 93 before coming to a halt, the dispatcher said. Police were still investigating the accident Wednesday.

Neither Ragains nor Allen were wearing seat belts, the dispatcher said.

Resurfacing work to begin on Blue Lakes Boulevard

TWIN FALLS – Beginning today, Blue Lakes Boulevard South from Kimberly Road to Highland Avenue will be under construction for approximately 60 days.

Northbound traffic on Blue Lakes Boulevard South will use a detour onto Orchard Drive East and Eastland Drive South. Traffic going south will be restricted from Kimberly Road to Highland Avenue.

The current road surface will be torn up and

Kanaka returns to planning agenda

By Sean L. McCarthy
Times-News writer

BUHL – Developer Carlo Ferreira wears a proud smile as he tours the Kanaka Rapids Ranches, a 600-acre development north of Buhl that he has called "the only master-planned community of its type in the whole area."

Trees planted 15 years ago now line each of the roads serving three distinct subdivisions on the property. The community offers seven parks, a fitness trail, a storage area for RVs, boats and other vehicles, and gated entrances.

Standing above the Snake River during a recent tour, Ferreira listened to the rapids for which the community is named. He smiled again at the thought of his natural sales pitch. "This could lull you to sleep," he said.

When completed, 191 homes will be scattered throughout the community – some along the Snake River by the rapids for which the development is named, others nestled in nooks or atop the bluffs above the river.

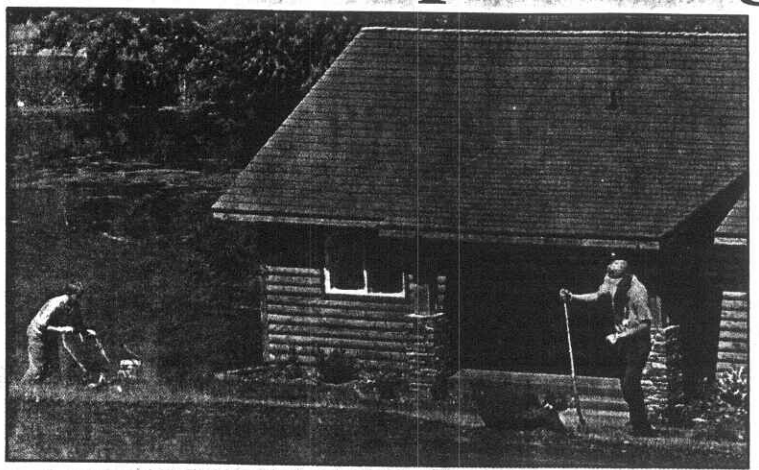
It's all part of a vision Ferreira says other subdivisions in Twin Falls County cannot offer. It's what he says makes Kanaka Rapids, as the ads boast, "The place to live!"

But Ferreira and his partners, Collins Brothers Corp. of Las Vegas, Nev., still need to jump through bureaucratic hoops.

Tonight, Ferreira will ask the county planning and zoning commission to approve the preliminary plans for the third and final phase, a 50-home, 114-acre subdivision called the Bluffs. After hearing from neighbors who objected to the expansion of Kanaka Rapids, the planning commission tabled the plans last month. Commission members said they wanted to know more about how the additional 50 homes and their residents would affect county life north of Buhl.

Ferreira has since submitted an impact study documenting the soil types, water flows

Please see KANAKA/C3



MIKE SALSBURY/The Times-News

Kanaka Rapids Ranch landscape maintenance workers Chris, left, and Cary Craner prepare to plant wildflower seeds on a hillside near an 'Aspen' model home at the housing development north of Buhl.

Zoning meeting will be 1st for new director

Tonight's meeting of the county planning and zoning commission will be Doug Howard's first as the county's new planning and zoning director.

Howard, chairman of the county's 1995 land-use planning committee and a Twin Falls Highway District Commissioner, has been hired by the county to share duties with County Zoning Administrator Lee Taylor. Taylor will focus now on zoning enforcement and building inspections, while Howard will take on zoning applications and planning revisions.

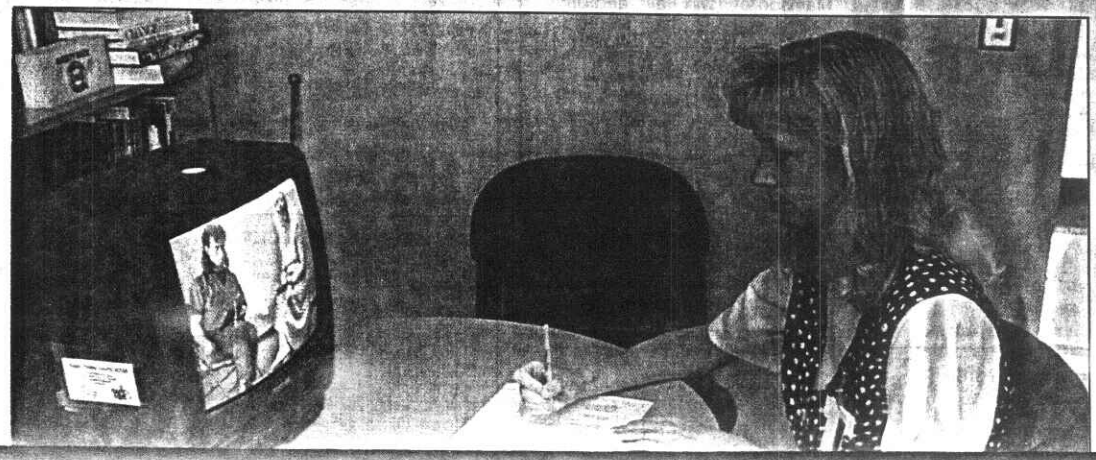
"It's going to be a relief to have someone else in the office," Taylor said Wednesday.

County Commissioner Dennis Maughan said the workload for the county planning office has become "tremendous" during the past year or two as the county has grown. "We needed some professional guidance, and Doug can bring that," Maughan said.

Howard, who also has served as county engineer for the past two decades, said he plans to remain on the highway district.

His starting salary as county planner is estimated at $33,500.

Caring about the truth



INEL eyes business ventures

By Frank E. Lockwood
Times-News writer

TWIN FALLS – The Idaho National Engineering Laboratory isn't just a destination for radioactive waste. It is also a land of opportunity for Idaho's small businesses.

Wednesday, representatives of INEL and Lockheed Martin spoke to the Rotary Club in Twin Falls. The message: "We want to do business in Idaho as much as we possibly can," said Trudy A. Thorne, small business

Highland Scottish games, Sparkle Doodle the Clown will be on hand to amuse the young, and the Mi-Cadettes, Minico High School drill team, will have their dunk tank.

The numerous booths will include a demonstration by Darr Moon showing how to pan for gold, arts and crafts booths, and booths representing various clubs and organizations.

of $29,784 per year and ranks 42nd nationally.

By comparison, Texas pays its teachers an average of $31,310 and has a 1/39 Hispanic teacher-to-student ratio.

But the number of Hispanic teachers doesn't always correspond with average salary. In California, the figures are $40,677 and 1/96; and in Utah, $28,676 and 1/82.

Whatever the cause of Idaho's difficulty in recruiting Hispanic teachers, Bushman and Doggett agree

Doggett said that the district will look for ways to train local bilingual Hispanics to be elementary teachers whether or not the grant is approved.

"We're going to continue in that direction to make something happen," he said.

There are 16 likely candidates for such a program already working in the district as instructional assistants – who must have high school diplomas. They work with migrant students and students who are learning English as a second language, inter-

rate than Caucasian students.

And having teachers who speak Spanish and understand Hispanic culture encourages Hispanic parents to get involved in the schools, Matias said.

Burley Junior High School teacher Juanita Ronquillo said it's important for the district to find more Hispanic teachers.

"These students need someone to look up to, a role model so they can say, 'Here's a Hispanic right here who's an educator,'" she said.

Bradley also will assist Twin Falls pediatrician Dr. Barton Adrian as he medically examines children for sexual abuse. Adrian's office has a colposcope, which allows him to examine children and take slides and videotapes of the process that can be used as evidence.

Children will be interviewed in a playhouse-like room with carpeted stairs for seating and some toys and drawing instruments. A video camera, which the children will know

have been in a nearby room watching a monitor can ask Bradley to have children clarify statements.

Bradley also will ask questions that establish credibility and, in young children, determine whether they understand concepts such as "over," "under," "inside," "behind" and "in front."

"Truth is really a big thing to the court," said Bradley, adding that the interview also will help determine whether a child could testify in court.

Kanaka

Continued from C1

and water quality on the tract, as well as letters from fire, police, school and highway districts that say they can absorb the new residents.

The Buhl Fire Department only asks that it be granted seven fire hydrants and emergency access through the gated entrances. The local school district says it wants to be updated on busing needs as more homes and more schoolchildren move to the community.

Also included is a letter from Allen Merritt, southern regional manager for the Idaho Department of Water Resources. Kanaka Rapids Ranches now uses three wells of geothermal water for a community water system.

Merritt said the developers have four options:

- They can try to use the existing geothermal water permit to serve the 191 homes.
- They can apply instead for a cold water permit.
- They can drill new domestic wells.
- Or they can try transferring other existing water rights.

"At this juncture the department cannot guarantee that these avenues will be successful but they are available for your exploration," Merritt wrote to Kanaka Rapids representatives last week.

Ferreira said the development group has invested upward of $6 million in the marketing and upkeep of the community, literally turning large patches of dry sagebrush into greener pastures.

He estimates the total property value for the community will reach $45 million when developed.

The community, he said, "is an integration of good land concepts."

The Ranches subdivision has 99 half-acre lots, most of which are sold and several of which have homes on them. Now under construction are homes in the Riverside subdivision, which has 42 5-acre lots.

Homes in the Bluffs would be built on 10,000-square-foot lots, separated from each other in small clusters designed to give each home a view of the river below.

Ferreira said average prices for a lot and home will range from $125,000 in the Bluffs to $375,000 for a typical home in the Riverside community.

"People from a post-office worker to a millionaire heiress can live in the same community," he said.

Also on the agenda tonight is a hearing on whether to create an impact area for Hollister. An impact area is a band of property outside the city limits that is controlled by city zoning laws through an agreement with the county.

The zoning hearings tonight are open to the public and begin at 7:30 p.m. at the county office building, 246 Third Ave. E., Twin Falls.

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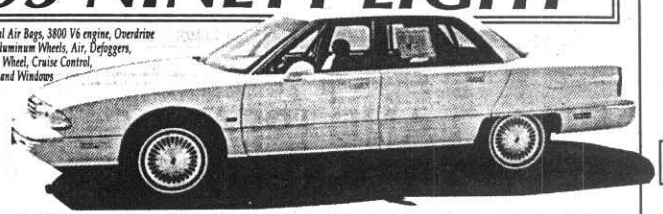
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APR 22 2003

three times that much. Chamber volunteers worked for 10 months to come up with innovative gift packages. Among them:

• "Sleepy in Seattle." A trip for two Seahawks game, with one night's lodging at the Seattle Sheraton.

• "Death by Desserts." Half a dozen

The vasectomy is offered by Magic Valley Family Physicians. In addition to the surgical procedure, the zero-population-growth package includes aspirin and an icepack.

The plastic surgery package includes $1,800 worth of body enhancement at

and family games also are on the agenda. Dinner will have a Gem State flavor, Just adds. "It's all Idaho food – it's beef and trout nd corn on the cob, those kinds of things."

The Chamber has prepared a catalog that describes the auction packages and the door and raffle prizes.

heat

8/11/95



BUDDY CHARLES MANGINE/The Times-News

p with the best solutions. After spending an exhausting day at work with his of Buhl beat the heat by playing in the lawn sprinkler. Minutes later, Adam was his father, Wade May, preferred to just sit in the shade and complain about how

Ranch project gets OK

By Sean L. McCarthy
Times-News writer

BUHL – The developers of Kanaka Rapids Ranch received unanimous approval Thursday to continue their plans to add 50 homes in a final phase of the 191-home, 600-acre community north of Buhl.

The county planning and zoning commission had tabled the Bluffs phase last month, citing concerns from neighbors about fencing, stormwater runoff, water use and other effects of adding more homes to Kanaka Rapids.

Commission members said Thursday night those concerns had been answered.

"At this point, I think they've done what they need to do," said Planning Commissioner Jon Johnson of Twin Falls.

Doug Howard, the county's new planning and zoning director, said an impact study provided by the developers answered many of the questions neighbors had, "other than the water issue."

The 50 homes planned for the 114-acre section called the Bluffs do not yet have

Please see RANCH/B3

Look to the sky for meteor shower

Area stargazers plan trip for stellar show Saturday

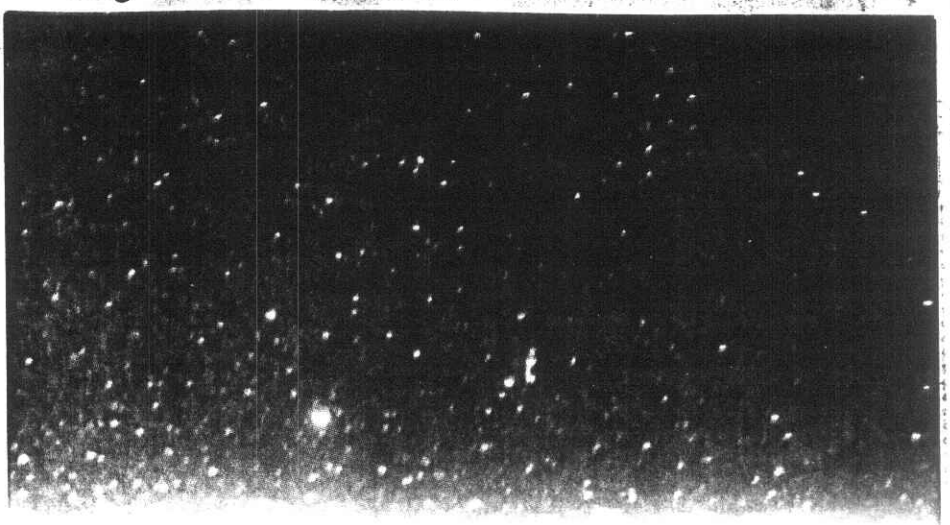
By Jennifer Bunch
Times-News writer

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ALMO – Mother Nature will perform her best local light show of the year this weekend when the annual Perseid meteor shower will be at its brightest.

The City of Rocks National Reserve will be the location of an evening for stargazers Saturday, to view the meteor showers as well as other constellations, the planet Jupiter and the moon.

The Perseids could be dampened somewhat by the waning full moon this weekend, according to amateur



ns of vintage cars expected eekend show in Jerome

News

— Polished and pam-
ıe and customized cars
display at City Park
l Sunday.
nnual Veteran Motor Car
merica, Magic Valley
t opens at 9 a.m. Saturday
s through Sunday after-
vards presented at 4 p.m.
) show cars, trucks and
ors will be in the south-
of the park for the two-

ng interest in collection
ion of antique military
expected to add a new
his year's show.
no Antique Military
plan to exhibit some
II and other special-
itary vehicles. Several
ed to come from the
alley and others from
ors.
engoechae, president of
said this phase of the
ning interest among col-
car-show fans through-
out the state. Bengoechae is a faithful participant in the Jerome swap meet and show.

Swap spaces, offering many rare old car parts and automobilia, will also be in the south park with craft treasures in the north park.

There's no admission charge and no show entry fees for the cars. Advance registration is not necessary, but some swap and craft people have reserved space for items ranging from hard-to-find car parts and handmade metal art pieces to dolls and jewelry.

Rex Warren of Twin Falls, who has participated in all 26 swap meets, is expanding his antique car-part offerings this year to include fine china, glassware and even an antique round oak dining table.

Other car clubs expected to participate are the Chevrolet Club, The Model A Club, Classic T-Birds of Idaho and Early Iron Rod and Custom Club. The Boise Valley Model-T Club will be bring some cars, new to the Jerome show.

The Chevrolet Club will operate a food concession in the south park.

oopers injured in exhibition jump

ORDAN, Utah (AP) — paratroopers from the nd Airborne Division d Thursday, the Army a "mass tactical opera- dozens of stunned spec- ort No. 2.
planes carrying 425 para- over the small airport in about 10 a.m. as part of the annual convention of the 82nd Airborne being held in Salt Lake City.

But of the 271 who jumped on the first pass at 800 feet, many appeared blown off course and hit the ground hard. Some were dragged several yards in the dirt and grass surrounding the airport or onto the tarmac as the erratic winds caught their open chutes.

Mountain Ski Resort.

Moncur, who had thought his wife Leila JoAnn Moncur was seeing Reed, sought Reed out while he was w[illegible]g at the ski resort, according to C[illegible]sia County Prosecutor Howard Smyser. Moncur used his Chevrolet pickup to block Reed's path as he was driving, and jumped out of his Chevy brandishing a gun, Smyser said. Reed accelerated his vehicle to escape and Moncur shot at him, he said. Moncur's truck contained several weapons, Smyser said.

"But for the chances in life that occurred, Mr. Reed survived, but he could easily be dead," he said.

Monte Carlson, Moncur's lawyer, said Moncur sought out Reed to scare him away from his wife. As Reed accelerated, it appeared to Moncur that

[illegible] fearful testimony by Moncur's family, Cassia County Prosecutor Howard Smyser read a portion of Reed's victim's statement addressed to Moncur:

"I don't know you, so you can't judge me. You don't know me, so what gave you the right to judge and condemn me? I'm sorry you did what you did, and I forgive you. But you'll have to earn the forgiveness of family and friends and what you did to them," Reed wrote in his statement.

Moncur addressed the judge, and said he was glad Reed came to the sentencing, so that he could apologize to him.

"I do know how bad I hurt him. I wish more than anything we could take it all back. ... I feel I do need to do some hard time," Moncur said.

Ranch

Continued from B1

water. But representatives for the developers pointed out, as Allen Merritt, southern regional manager for the Idaho Department of Water Resources had, that the subdivision is legally entitled to drill individual wells for domestic use.

Merritt told the planning commission he would prefer a community well-based water system to the drilling of 50 separate wells.

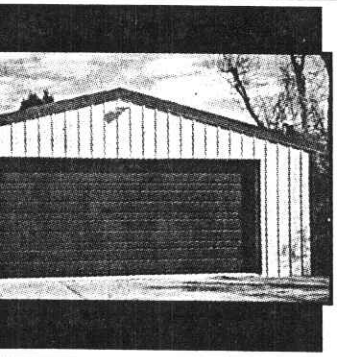
Neighbors again asked about a recent drop in the water pressure from one of Kanaka Rapids Ranches' three existing wells.

Carlo Ferreira, a development partner in the community, acknowledged the pressure had dropped almost in half during a two-week span.

"We don't know what happened," Ferreira said, but he said the well pressure would be fixed.

His attorney, Gary Slette, said the pressure drop is unfortunate, but water pressure is not protected by law.

The planning commission approved the planned-unit development expansion on the condition that the developers comply with the requests and requirements of local and state agencies.



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Original Development 99 lots

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50 160' / 140'
TYPICAL LOT

THE RIVERSIDE AT KANAKA RAPIDS RANCH

42 lots.

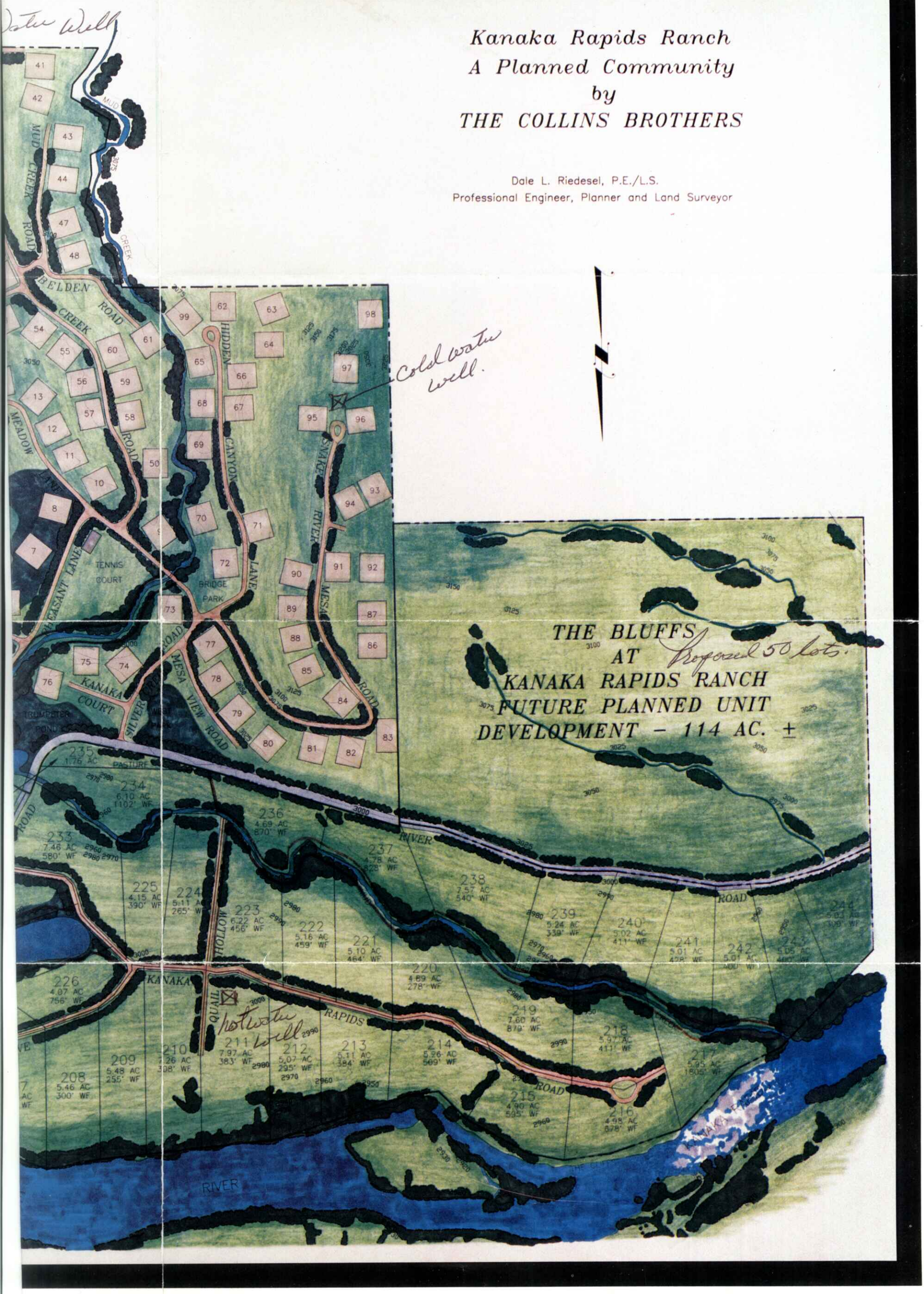
Hot Water Well

Hot water well

SILVER LAKES CT.
SILVER LAKES ROAD
SILVER CREEK ROAD
MUD CREEK ROAD
BELDEN ROAD
HIDDEN CANYON LANE
SNAKE RIVER MESA ROAD
MEADOW CREEK LANE
MEADOW CIRCLE
MEADOW VIEW LANE
PLEASANT LANE
KANAKA COURT
SILVER MESA VIEW ROAD
KANAKA RAPIDS DRIVE
RIVERSIDE DRIVE
WOLLOW CREEK ROAD
QUAIL RIVER ROAD
BUBBLE POND
SILVER LAKE
MEADOW VIEW POND
SILVER CREEK PARK
SILVER CREEK POND
TENNIS COURT
BRIDGE PARK
ASPENWOOD POND
TRUMPETER POND
CANVASBACK LAKE
COMMON AREA
Beach, Boat Ramp & Picnic Area
SNAKE RIVER

Kanaka Rapids Ranch
A Planned Community
by
THE COLLINS BROTHERS

Dale L. Riedesel, P.E./L.S.
Professional Engineer, Planner and Land Surveyor



NOW STARTING RIGHT SIDE OF FILE

What volume would have been diverted if the 99 greenhouses were developed under Permit 47-7680?

S. Keen 10/17/02

Method - see file for Rick Sterling's 3/25/88 memo to Terry Blair

(1) $V = \frac{HL * DD * 24 * C_D}{\Delta t_1 * K * C_{\Delta t_2}}$ ⇒ 15'x15' greenhouse
⇒ H_2O Temperature drop of 10° across the system

$V = \frac{32400 * 5970 * 24 * 0.85}{66 * 0.90 * (2.72 \times 10^6) * 10}$

$V = 2.44$ AF/greenhouse $\times 99 = 241.6$ AF

(2) 10' x 10' greenhouse
Water temperature drop of 5° across the system

$V = \frac{14,400 * 5970 * 24 * 0.85}{66 * 0.90 * (2.72 \times 10^6) * 5}$

$V = 2.17$ AF/greenhouse $\times 99 = 214.9$ AF

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APR 2 2 2003

S Keen 10/17/02 47-7680

(3) 10′ × 20′ greenhouse
5° water temperature drop across the system

$$V = \frac{28{,}800 * 5970 * 24 * 0.85}{66 * 0.90 * (2.72 \times 10^6)(5^\circ)}$$

V = 4.34 AF × 99 = 429.7 AF

Because no development occurred, the inputs are just guesses as to what might have occurred. However, the calculations suggest a range of possibilities. A conservative estimate is that the greenhouses would have used at least 2.0 AF apiece.

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Post-it® Fax Note 7671	Date	# of pages ▶ 12
To Cindy Zdeinarmer	From Allen Merritt	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

MEMC

TO: Terry Blau

FROM: Rick Sterling RS

SUBJECT: Estimating annual water requirements for geothermal heating

DATE: March 25, 1988

I have come up with a procedure for estimating annual water requirements for geothermal heating that I hope will give reasonably accurate results, yet still be fairly simple to use. Note that the method was developed for predicting residential energy use; consequently, applying it to anything else greatly increases the margin for error. Also note that an underlying assumption in using this procedure is that the heating system in question has an adequate means of adjusting flow rates. The procedure is outlined below in a step-by-step format. Necessary graphs and tables of data are attached.

Step 1 - Estimate the peak heating requirement per square foot of floor area using the attached graph. Select the design temperature difference along the x-axis, which is the desired indoor temperature minus the design outdoor temperature. Design outdoor temperatures are given for several Idaho locations on the attached table "Climatic Conditions for the United States."

Step 2 - Multiply the peak heating requirement per square foot of floor area by the dimensions of the building to be heated to obtain a peak heating load in BTU/hr.

Step 3 - Apply the equation shown below to estimate annual water requirements.

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$$V = \frac{HL*DD*24*C_D}{\Delta t_1 *k*C\Delta t_2}$$

Where
V= annual volume of geothermal water required
HL= peak heating load in BTU/hr
DD= annual heating degree days (see attached table)
24= 24 hrs/day
C_D= empirical correction factor for heating effect vs. 65 F degree days
Use 0.85 (conservative) for greenhouses - Geo-Heat center research indicates C_D varies from 0.70 to 0.82 for greenhouses.
For standard construction, choose C_D from ASHRAE Figure 1 (attached).

Δt_1= design temperature difference, i.e., desired indoor temperature minus design outdoor temperature (same as for determining peak heating requirement)
k= correction factor to account for losses in system which do not contribute to space heating of structure, i.e., system efficiency. Use 0.90.
C= constant to correct for desired units
for V in acre-ft use C=2.72×10^6 BTU/AF-°F
for V in gallons use C=8.33 BTU/gal-°F
for V in ft^3 use C=62.4 BTU/ft^3-°F

Δt_2= temperature of incoming geothermal water minus temperature of outgoing geothermal water in degrees F.

Example -

*Glass greenhouse located in Twin Falls
*Design indoor temperature = 60 °F
*Greenhouse dimensions are 100 x 120

MICRO[illegible]
APR 2 2 2003

$$V = \frac{HL * DD * 24 * C_D}{\Delta t_1 * k * C \Delta t_2}$$

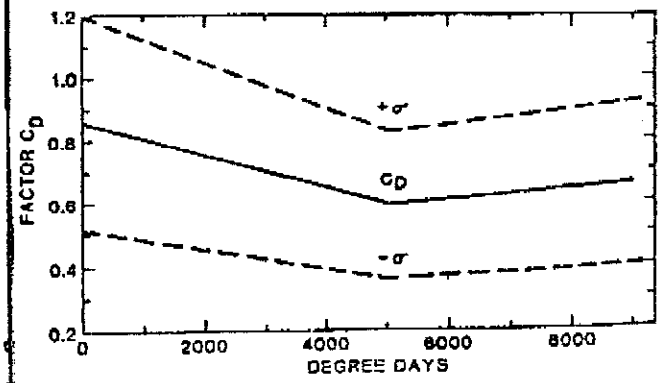


Fig. 1 Correction Factor C_D vs. Degree-Days

Where

V= annual volume of ge

HL= peak heating load

DD= annual heating deg

24= 24 hrs/day

C_D= empirical correction factor for heating effect vs. 65 F degree days

Use 0.85 (conservative) for greenhouses - Geo-Heat center research indicates C_D varies from 0.70 to 0.82 for greenhouses.

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for V in ft^3 use C=62.4 BTU/ft^3-°F

Δt_2= temperature of incoming geothermal water minus temperature of outgoing geothermal water in degrees F.

Example -

*Glass greenhouse located in Twin Falls

*Design indoor temperature = 60 °F

*Greenhouse dimensions are 100 x 120

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*Geothermal supply water temp = 140° F
*Geothermal water exit temp = 105° F (Δt=35° F)

Inside minus outside temp = 60-(-3) = 63° F
Peak heat required = 137 BTU/hr-ft^2
Peak heat load = 137*100*120 = 1,644,000 BTU/hr
Heating degree days = 6146
Δt_1 = 63° F
k = 0.90
C = 2.72×10^6
Δt_2 = 140-105=35° F

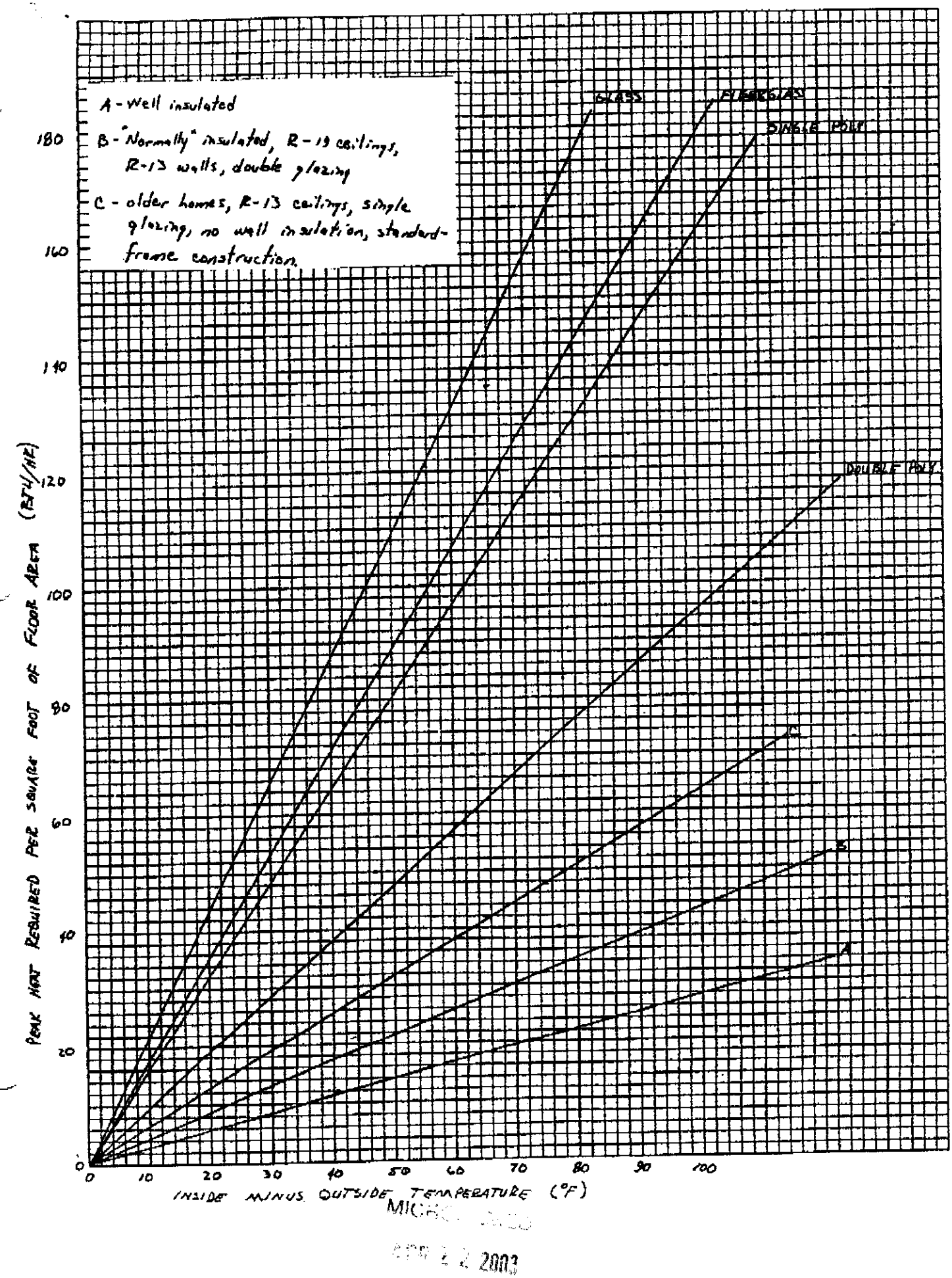
$$V = \frac{(1644000)(6146)(24)(0.85)}{(63)(0.90)(2.72\times10^6)(35)}$$

= 38.2 AF/yr

(NOTE: the larger Δt_2 gets, the smaller V gets, i.e., big Δt_2's require less water.)

Call me if you have any questions.

MICRO[illegible]
SEP 22 2003



MICR
APR 2 2 2003

Often energy calculations lead to an economic analysis to establish cost effectiveness of conservation measures. Thus, thorough energy analysis provides intermediate data, such as time of energy usage and maximum demand, so that utility charges can be accurately estimated. Although not actually part of the energy calculations, it is necessary to estimate capital equipment costs to complete this process. This is often done in conjunction with the energy analysis.

Methods Available

The sophistication of the calculation procedure can often be inferred from the number of separate ambient conditions and/or time increments used in the calculations. Thus, a simple procedure may use only one measure, such as annual degree days, and will be appropriate only for simple systems and applications. In this case, these methods are called *single-measure methods*. Accuracy can be improved by using more information, such as the number of hours anticipated under particular operating conditions. These methods, of which the *bin method* is best known, are referred to as *simplified multiple-measure* methods. The most elaborate methods perform energy balance calculations hourly over a given analysis period, typically one year. These are called *detailed simulation* methods. There are a number of variations. These methods require hourly weather data, as well as hourly estimates of internal loads such as lighting and occupants. Although not widely accepted as necessary, some calculations are made over shorter time intervals.

The tendency in the literature to classify methods of energy calculations as either "hand calculation" or "computer" methods are no longer appropriate, since even the simplest methods today are programmed for computer or programmable calculator solution.

The growing importance of solar heating and/or cooling of buildings requires that methods for energy analysis be available to the engineer or designer. Solar systems differ from conventional systems primarily in that they require mathematical models of solar collectors and other specialized components. Also, assumptions that are suitable for analysis in conventional systems may not be applicable to solar systems, because of the greater sensitivity of solar systems to climate variation. Therefore, this chapter includes a separate section on the analysis of active and passive solar heating and cooling systems.

PART I: SINGLE MEASURE METHODS

While the single measure methods described in this section generally apply only to residences, the equivalent full-load hour technique for estimating cooling is also used in light commercial applications.

Records of past energy requirements and/or fuel consumption for a particular residence are the best basis for estimating future energy use. However, in the absence of past records for a particular residence, the data from similar local dwellings can be used, but with caution. Living habits vary greatly and identical residences can have very different energy use patterns. Averages taken from many types of plants in many types of residences in various localities can be inaccurate when applied to a particular residence. Therefore, it is often necessary to estimate energy consumption from computed heating and/or cooling loads.

In preparing energy estimates, it is important to know that any estimating method produces a more reliable result over a long period of operation than over a short period. Nearly all of the methods used give reasonable results over a full annual heating season, but estimates for shorter periods, such as a month, can produce inaccurate results. As the estimation period is shortened, there is more chance that some factor not taken directly into account in the estimating method will deviate from its long-term average value, causing an error in the predicted energy requirement.

Single-measure methods can be divided into those applicable to estimating heating energy requirements and cooling energy requirements. Generally, heating methods have existed longer and are more refined than cooling methods.

HEATING ENERGY

The traditional degree day procedure for estimating heating energy requirements is based on the assumption that, on a long-term average, solar and internal gains will offset heat loss when the mean daily outdoor temperature is 65 F or higher and that fuel consumption will be proportional to the difference between the mean daily temperature and 65 F. In other words, on a day when the mean temperature is 20 deg F below 65 F, twice as much fuel is consumed as on days when the mean temperature is 10 deg F below 65 F. This basic concept can be represented in an equation stating that energy consumption is directly proportional to the number of degree days in the estimation period. The equation has undergone several stages of refinement[1-4] in an attempt to make it agree as closely as possible with the available measured data on an average basis. The currently recommended form is:

$$E = \frac{H_L \cdot D \cdot 24}{\Delta t \cdot k \cdot V} (C_D) \qquad (1)$$

where

E = fuel or energy consumption for the estimate period, Btu.
H_L = design heat loss, including infiltration and ventilation, Btu/h.
D = number of 65 F degree days for the estimate period.
Δt = design temperature difference, deg F.
k = a correction factor that includes the effects of rated full load efficiency, part load performance, oversizing and energy conservation devices.
V = heating value of fuel, units consistent with H_L and E.
C_D = empirical correction factor for heating effect vs. 65 F degree days.

Although empirical, this equation has some basis in physical fact. In an approximate sense, $H_L/\Delta t$ can be thought of as an overall inside-to-outside thermal conductance (UA) for the building. In a similar sense, the D can be thought of as the inside-to-outside temperature difference averaged over the day, so that the product yields the daily heating load. Division by the fuel heating value yields the ideal amount of fuel required for the day. The constant is for unit conversion, i.e., 24 h/d. The factors k and C_D are empirical and attempt to account for the various effects noted in their definitions.

Values of heating load H_L must be determined for the residence for which the estimate is being made. It must account for size, building materials, architectural features, use and climatic conditions. Generally, the peak design heating load is used. This is normally calculated without consideration to solar and internal gains to reflect the peak heating requirement. Although the transmission loss is independent of the type of heating system, duct or pipe losses and air infiltration losses are not. Thus, the design heat loss should include duct or pipe losses to unconditioned spaces, reflecting the average warm air, water or steam temperature, and should reflect the additional air infiltration resulting from a stack in or adjacent to the conditioned space. Recent work [5,6] suggests infiltration increases about 20% in fuel-heated homes without sealed combustion systems. Reeves, *et al.*[7] suggest an increase

MICA
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of 12.5% when an unsealed combustion system is in an unconditioned space such as a basement. This factor is important because it accounts for a significant portion of the annual heat loss. Typical values of residential infiltration are 0.5 to 0.75 air changes per hour for noncombustion systems and combustion systems that do not draw from the conditioned space, and 0.5 to 1.0 air changes per hour for other combustion heating systems.

Degree day values are calculated from monthly mean temperature statistics for the 30-y long-term period 1941-1970 using a procedure developed by H.C.S. Thom.[8,9] The statistics are the monthly means and the standard deviation of the means around the 30-y normal. Degree days are not accumulated from the period of record on a day- by-day basis. The U.S. Weather Bureau, National Climatic Center, has published degree days to base 65 F, and to a wide range of other base temperatures.[10] Degree days for Canadian cities were supplied by the Canadian Climatic Centre, Atmospheric Environmental Service, 4905 Dufferin St., Downsview, Ontario, Canada M3H 5T4, and were computed from mean temperature normals on record for various stations.

Studies made by the American Gas Association before 1932,[11] and by the National District Heating Association in 1932,[12] indicated that 65 F was an appropriate base. However, residential insulation practices have improved from virtually none in 1930 to R-11 in walls and R-30 in ceilings today.

Internal gains also have increased dramatically. Edison Electric Institute reports[13] show average residential electric usage of 675 kWh per month in 1973 versus 46 kWh in 1930. Recent research indicates that *monthly average* internal and solar gains are sufficient to offset a home's heat loss at mean daily temperature below 65 F. This suggests that the degree day procedure might be developed in the future to consider the use and effect of lower base temperatures, This is discussed later (see Variable Base Degree Day Method).

The errors inherent in the established 65 F-based method can be adjusted by using an empirical factor C_D. Figure 1 gives available values for C_D. These values are calculated using typical modern single-family construction (ASHRAE Standard 90-1980), and generally agree with electric utility experience. Local estimates of C_D values may be available from the energy supplier and would be more applicable to a specific site, since this value is highly variable. The dashed lines on the figure indicate ± one standard deviation, based on EPRI tests in the Denver area.[14] An Edison Electric Institute study of low income apartments recommended a C_D of approximately 0.5.[15]

The correction factor k is empirical, for use in Eq. (1), and should not be confused with any ratings for "seasonal efficiency," such as the DOE tests. For electric resistance heating, a value of 1.0 should be used. For fossil fuels, analysis of 140 gas-heated homes[3] participating in the AGA "Space Heating System Efficiency Improvement Program" using Eq. (1) and Fig. 1 yielded a mean value of 0.55 with a standard deviation of 0.22.[3] While a k value of 0.55 is indicated for the group of homes in this program, there are other indications that a somewhat higher value of 0.65 is appropriate for newer homes with energy conservation features. Other values of k for gas heating systems are available from the AGA. The National Oil Jobbers Council has values for oil-heating systems and the Edison Electric Institute has information about electrical heating systems. Variations because of oversizing and conservation techniques are reported in Ref. 16 and the references in the Energy Conservation Effects section of this chapter.

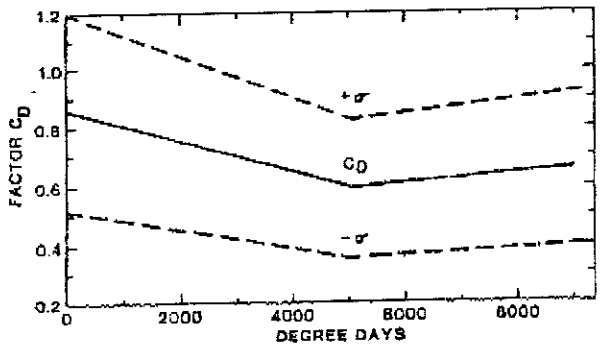


Fig. 1 Correction Factor C_D vs. Degree-Days

Estimating Oil or Gas Consumption

Equation 1 is applicable to estimates of oil or gas consumption.

Example 1: Estimate the annual gas consumption for a residence with a design heat loss of 65,730 Btu/h at 0 F outdoor and 70 F indoor design temperatures. The home is in an area where the heating season averages 5610 F degree days and natural gas is sold by the therm—100,000 Btu/therm. A 100,000 Btu/h (input) furnace is planned.

Solution: Fig. 1 indicates a heating correction factor C_D of 0.60 in the 4000 to 7000 degree day range.

a. With a fully-condensing boiler, assume that k is 0.90:

$$E = \frac{65{,}730 \cdot 5610 \cdot 24}{70 \cdot 0.90 \cdot 100{,}000}\ (0.6) = 842 \text{ therms}$$

b. With an induced draft, spark-ignition forced air furnace, assume a k of 0.80:

$$E = \frac{65{,}730 \cdot 5610 \cdot 24}{70 \cdot 0.80 \cdot 100{,}000}\ (0.6) = 948 \text{ therms}$$

c. With a good quality, conventional, atmospherically-vented furnace, assume a k of 0.60:

$$E = \frac{65{,}730 \cdot 5610 \cdot 24}{70 \cdot 0.60 \cdot 100{,}000}\ (0.6) = 1264 \text{ therms}$$

Example 2: Estimate the seasonal oil consumption of a boiler designed for oil firing in a new, energy-efficient residence located in Toledo, Ohio. The residence has a calculated heat loss of 65,500 Btu/h. The oil heat value is 144,000 Btu/gal. The outdoor design temperature for Toledo is –10 F; indoor design temperature is 70 F.

Solution: Toledo has a normal annual degree day rating of 6494 F. Since the building is new and "energy efficient," including efficient oil burners and so forth, use $k = 0.65$. From Eq. (1):

$$E = \frac{65{,}500 \cdot 6494 \cdot 24}{80 \cdot 0.65 \cdot 144{,}000}\ (0.60)$$

$$= 818 \text{ gal}$$

Estimating Electrical Energy

These procedures apply only to resistance-type heating devices such as baseboard, electric furnaces and electric boilers. Equation (1) has been used for heat pumps by adding a "seasonal performance factor," but estimating this factor, without comparable building data, is hazardous. The bin method calculation presented later is recommended for heat pumps. For other electric heat systems, Eq. (1) applies.

Example 3: Estimate the energy requirements to heat a residence in Atlanta. The design heat loss is 35,000 Btu/h based on 15 F outdoor and 70 F indoor.

Solution: From Eq. (1):

$$E = \frac{35{,}000 \cdot 2961 \cdot 24}{55 \cdot 1.0 \cdot 3413}\ (0.79)$$

$$= 10{,}468 \text{ kWh}$$

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Degree Day Method

The simplicity of the above procedure is attractive, but certain facts must be understood to interpret the results.

Several organizations, including the National Bureau of Standards, the Electric Power Research Institute, the Institute of Gas Technology and ASHRAE are developing more valid, simplified procedures, but use of the degree day procedure probably will continue because it is easy to use and allows for quick estimates. It is important to remember that the wide variations in occupant living habits and the assumptions inherent in this procedure can result in large variations from actual fuel use on an annual basis. A study of 46 homes across the U.S. indicated that individual houses experience differences of 30 to 40% for heating.[17] The entire sample of 46 homes had a total error of less than 7%.

Any method of estimating energy use based primarily on calculating heat losses or gains must also take into account the efficiency with which the energy is used. For estimating purposes, the efficiency of energy usage over the calculation period has been used. This is distinct from heating unit efficiency which expresses the heat delivered by a furnace or boiler as a percentage of the heat provided in the fuel; it is the efficiency normally used in describing the performance of a unit under rated or stated load conditions.

On one hand, a University of Illinois study[18] showed that in a two-story residence with an inside chimney, as much as 35% of the heat delivered to the chimney, which would normally be considered a loss so far as heating unit efficiency is concerned, can be delivered to the house through the heated chimney walls. Much of this recovered heat may be available for heating. On the other hand, the same study showed that at times only about 50% of the heating requirement was supplied directly by the heating unit. People, lighting, appliance use and solar gains all contribute substantially. As insulation standards have improved and appliance and lighting use have increased, even larger percentages of the heating requirement are provided by such internal sources. This results in frequent operation at part load and, consequently, at lower than design efficiency.[19]

The utilization efficiency can vary widely even in similar residences in the same area. A fixed value could be misleading because of many factors affecting it. A system's efficiency depends on the operation of the equipment, the control arrangement and human habits. The location of the heating unit and the chimney and the net effect of infiltration often are important in determining the efficiency of utilization for heating. Efficiency also can vary with the time of year because the average load on the furnace varies. Some reasons for this have been demonstrated in intermittently fired oil furnaces.[20] In buildings other than residences, the efficiency of utilization of the heat supplied in the fuel also can vary widely.

THE VARIABLE BASE DEGREE DAY METHOD

Overview

The variable base degree day (VBDD) method[21-26] is a generalization of the widely used degree day method. It retains the familiar degree day concept, but counts degree days based on the *balance point temperature*, defined as the average outdoor temperature at which the building requires neither heating nor cooling. (Note that this balance temperature is not related to the balance temperature used in heat pump performance modeling). The use of the method for calculating heating fuel requirements is described in this section, but variations on the method have also been used for cooling calculations[21,24,26].

The degree-day procedure is intended to recognize that, although the energy transferred out of a building is proportional to the difference between interior space temperature and the outside temperature, the heating equipment needs to meet only the part not covered by "free heat" from internal sources such as lights, equipment, occupants and solar gain. In other words, the free heat covers energy requirements down to the *balance point temperature*, below which the energy requirements of the space are proportional to the difference between the balance point temperature and the outside temperature.

The balance temperature T_b for a building depends on indoor temperature, thermal properties the heat gains from appliances, sun and any other sources not related to the space conditioning system. The steady-state heating requirements of a building Q_H can be expressed as:

$$Q_H = \text{BLC}(T_i - T_o) - Q_s \tag{2}$$

where,

BLC = building loss coefficient, Btu/h • F
T_i = indoor temperature, F
T_o = outdoor temperature, F
Q_s = all space heat gains not attributed to the space conditioning system, Btu/h

The balance temperature is determined by setting $Q_H = 0$ and solving Eq. (2) for $T_o = T_b$, so:

$$T_b = T_i - Q_s/\text{BLC} \tag{3}$$

While Eq. (2) and (3) are strictly true only for steady-state conditions, the variable base degree day method assumes that these equations can be used for analysis if all quantities are replaced by appropriate average values for the period analyzed, typically ranging from a month to a heating season.

Once the balance temperature is determined, the energy consumption can be calculated as:

$$E_H = \frac{24 \cdot \text{BLC} \cdot \text{DD}_{T_b}}{k} \tag{4}$$

where

DD_{T_b} = degree days calculated to the base temperature T_b
k = a correction factor that includes the effects of rated full load efficiency, part load performance, oversizing and energy conservation devices

There is considerable flexibility inherent in the VBDD concept since E_H can be calculated for periods as short as a few days and as long as a season. If E_{Hi} is calculated for less than an entire season, then the total seasonal requirement E_{HT} becomes:

$$E_{HT} \sum_{i=1}^{N} E_{Hi} \tag{5}$$

(*where* e.g., $N = 12$ if E_{Hi} is calculated on a monthly basis).

The concept also lends itself to different levels of complexity in calculating each factor in Eq. (2) and (3). This method implicitly assumes that storage in the building is adequate to average out and use the free heat provided from internal gains and sunlight. Since it is known that passive solar buildings continue to require auxiliary heating when the average value of the free heat (Q_s) is greater than the average losses, the VBDD method should not be used for buildings where a large portion of the heat is provided by Q_{Solar}. Methods suitable for use on such buildings are described in Section IV.

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TABLE 1 CLIMATIC CONDITIONS FOR THE UNITED STATES*

Col. 1	Col. 2		Col. 3		Col. 4	Winter,[d] F Col. 5		Summer,[e] F Col. 6			Col. 7	Col. 8		
State and Station	Latitude[b] °	′	Longitude[c] °	′	Elevation[c] Ft	Design Dry-Bulb 99%	97.5%	Design Dry-Bulb and Mean Coincident Wet-Bulb 1%	2.5%	5%	Mean Daily Range	Design Wet-Bulb 1%	2.5%	5%
Cape Kennedy AP	28	3	80	3	16	35	38	90/78	88/78	87/78	15	80	79	79
Daytona Beach AP	29	1	81	0	31	32	35	92/78	90/77	88/77	15	80	79	78
Fort Lauderdale	26	0	80	1	13	42	46	92/78	91/78	90/78	15	80	79	79
Fort Myers AP	26	4	81	5	13	41	44	93/78	92/78	91/77	18	80	79	79
Fort Pierce	27	3	80	2	10	38	42	91/78	90/78	89/78	15	80	79	79
Gainesville AP (S)	29	4	82	2	155	28	31	95/77	93/77	92/77	18	80	79	78
Jacksonville AP	30	3	81	4	24	29	32	96/77	94/77	92/76	19	79	79	78
Key West AP	24	3	81	5	6	55	57	90/78	90/78	89/78	9	80	79	79
Lakeland CO (S)	28	0	82	0	214	39	41	93/76	91/76	89/76	17	79	78	78
Miami AP (S)	25	5	80	2	7	44	47	91/77	90/77	89/77	15	79	79	78
Miami Beach CO	25	5	80	1	9	45	48	90/77	89/77	88/77	10	79	79	78
Ocala	29	1	82	1	86	31	34	95/77	93/77	92/76	18	80	79	78
Orlando AP	28	3	81	2	106r	35	38	94/76	93/76	91/76	17	79	78	78
Panama City, Tyndall AFB	30	0	85	4	22	29	33	92/78	90/77	89/77	14	81	80	79
Pensacola CO	30	3	87	1	13	25	29	94/77	93/77	91/77	14	80	79	79
St. Augustine	29	5	81	2	15	31	35	92/78	89/78	87/78	16	80	79	79
St. Petersburg	28	0	82	4	35	36	40	92/77	91/77	90/76	16	79	79	78
Sanford	28	5	81	2	14	35	38	94/76	93/76	91/76	17	79	78	78
Sarasota	27	2	82	3	30	39	42	93/77	92/77	90/76	17	79	79	78
Tallahassee AP (S)	30	2	84	2	58	27	30	94/77	92/76	90/76	19	79	78	78
Tampa AP (S)	28	0	82	3	19	36	40	92/77	91/77	90/76	17	79	79	78
West Palm Beach AP	26	4	80	1	15	41	45	92/78	91/78	90/78	16	80	79	79
GEORGIA														
Albany, Turner AFB	31	3	84	1	224	25	29	97/77	95/76	93/76	20	80	79	78
Americus	32	0	84	2	476	21	25	97/77	94/76	92/75	20	79	78	77
Athens	34	0	83	2	700	18	22	94/74	92/74	90/74	21	78	77	76
Atlanta AP (S)	33	4	84	3	1005	17	22	94/74	92/74	90/73	19	77	76	75
Augusta AP	33	2	82	0	143	20	23	97/77	95/76	93/76	19	80	79	78
Brunswick	31	1	81	3	14	29	32	92/78	89/78	87/78	18	80	79	79
Columbus, Lawson AFB	32	3	85	0	242	21	24	95/76	93/76	91/75	21	79	78	77
Dalton	34	5	85	0	720	17	22	94/76	93/76	91/76	22	79	78	77
Dublin	32	3	83	0	215	21	25	96/77	93/76	91/75	20	79	78	77
Gainesville	34	2	83	5	1254	16	21	93/74	91/74	89/73	21	77	76	75
Griffin (S)	33	1	84	2	980	18	22	93/76	90/75	88/74	21	78	77	76
La Grange	33	0	85	0	715	19	23	94/76	91/75	89/74	21	78	77	76
Macon AP	32	4	83	4	356	21	25	96/77	93/76	91/75	22	79	78	77
Marietta, Dobbins AFB	34	0	84	3	1016	17	21	94/74	92/74	90/74	21	78	77	76
Moultrie	31	1	83	4	340	27	30	97/77	95/77	92/76	20	80	79	78
Rome AP	34	2	85	1	637	17	22	94/76	93/76	91/76	23	79	78	77
Savannah-Travis AP	32	1	81	1	52	24	27	96/77	93/77	91/77	20	80	79	78
Valdosta-Moody AFB	31	0	83	1	239	28	31	96/77	94/77	92/76	20	80	79	78
Waycross	31	2	82	2	140	26	29	96/77	94/77	91/76	20	80	79	78
HAWAII														
Hilo AP (S)	19	4	155	1	31	61	62	84/73	83/72	82/72	15	75	74	74
Honolulu AP	21	2	158	0	7	62	63	87/73	86/73	85/72	12	76	75	74
Kaneohe Bay MCAS	21	2	157	5	18	65	66	85/75	84/74	83/74	12	76	76	75
Wahiawa	21	3	158	0	900	58	59	86/73	85/72	84/72	14	75	74	73
IDAHO														
Boise AP(S)	43	3	116	1	2842	−3	10	96/65	94/64	91/64	31	68	66	65
Burley	42	3	113	5	4180	−3	2	99/62	95/61	92/66	35	64	63	61
Coeur d'Alene AP	47	5	116	5	2973	−8	−1	89/62	86/61	83/60	31	64	63	61
Idaho Falls AP	43	3	112	0	4730r	−11	−6	89/61	87/61	84/59	38	65	63	61
Lewiston AP	46	2	117	0	1413	−1	6	96/65	93/64	90/63	32	67	66	64
Moscow	46	4	117	0	2660	−7	0	90/63	87/62	84/61	32	65	64	62
Mountain Home AFB	43	0	115	5	2992	−6	2	99/64	97/63	94/62	36	66	65	63
Pocatello AP	43	0	112	4	4444	−8	−1	94/61	91/60	89/59	35	64	63	61
Twin Falls AP (S)	42	3	114	3	4148	−3	2	99/62	95/61	92/60	34	64	63	61

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IDAHO

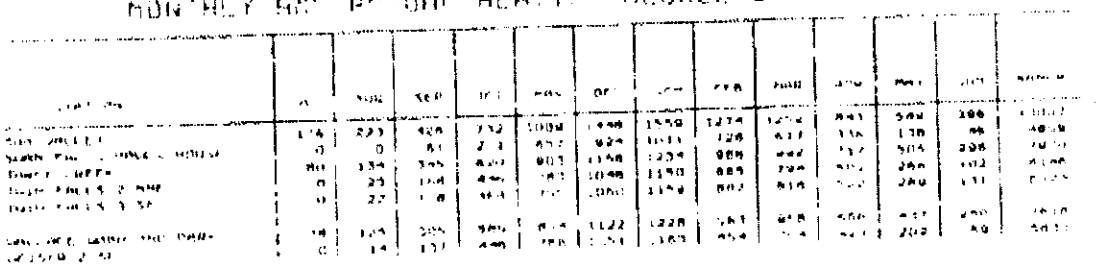
MONTHLY AND ANNUAL HEATING DEGREE DAY NORMALS

STATION	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANNUAL
ABERDEEN EXP STATION	14	44	242	567	915	1221	1290	1047	948	812	382	161	7482
AMERICAN FALLS 1 SW	0	20	178	486	894	1141	1260	986	886	576	335	146	6502
ANDERSON DAM	0	12	143	408	783	1082	1203	863	820	540	284	121	6458
ARROWROCK DAM	0	14	150	480	818	1091	1215	835	857	525	288	117	6461
ASHTON 1 S	70	189	338	638	1036	1298	1460	1187	1188	728	434	251	8793
AVERY R S NO 2	36	90	211	519	870	1068	1183	889	898	573	333	165	6788
BLACKFOOT 2 SSW	7	25	200	487	878	1107	1280	994	883	546	298	118	6822
BLISS	0	13	139	411	788	1045	1144	874	779	474	242	88	5970
BOISE WSO	0	12	127	406	758	1020	1116	826	741	480	262	87	5833
BONNERS FERRY 1 SW	31	71	253	598	918	1125	1240	949	877	558	323	148	7091
BURLEY FAA AIRPORT	0	28	204	505	834	1107	1221	927	850	573	331	141	6731
CALDWELL	8	28	150	440	766	1011	1107	804	681	420	217	95	5736
CAMBRIDGE	12	35	184	512	856	1156	1318	1005	840	584	278	119	6808
CASCADE 1 NW	85	135	354	657	983	1287	1388	1126	1084	758	518	323	8720
CHALLIS	27	68	257	558	848	1305	1407	1072	970	621	381	187	7981
CHILLY BARTON FLAT	159	283	438	749	1118	1488	1603	1291	1208	816	561	351	10000
COEUR D'ALENE 1 E	18	44	182	502	825	1042	1166	886	859	584	316	142	6964
CONDA	88	118	350	670	1050	1352	1491	1212	1206	804	521	312	9132
COUNCIL	0	25	183	474	831	1128	1246	966	853	519	283	122	6610
DEADWOOD DAM	160	202	405	704	1044	1376	1494	1173	1178	864	614	381	8655
DEER FLAT DAM	0	12	137	428	783	1001	1110	818	707	438	230	78	5709
DRIGGS	81	113	349	660	1065	1357	1478	1207	1187	788	524	308	9125
DUBOIS EXP STATION	20	48	298	598	1020	1342	1497	1180	1150	705	419	216	8424
EMMETT 2 E	0	19	138	412	750	986	1084	804	691	423	218	84	5623
FERN RANGER STATION	5	18	187	481	789	1070	1119	852	775	498	283	105	6090
FORT HALL INDIAN AGNCY	8	26	183	505	882	1184	1280	984	911	588	333	138	7044
GARDEN VALLEY RS	18	30	181	508	878	1162	1248	948	862	581	320	145	6862
GLENNS FERRY	0	15	127	380	728	983	1078	788	698	411	187	81	5469
GRACE	47	84	288	611	987	1302	1411	1182	1107	717	450	252	8418
GRAND VIEW 2 W	8	11	134	403	793	1017	1084	780	685	389	178	63	5507
GRANGEVILLE	55	108	251	556	898	1085	1158	902	883	633	425	231	7140
HAILEY RANGER STATION	34	79	258	570	888	1314	1425	1137	1078	681	418	225	8184
HAZELTON	7	22	165	498	804	1078	1187	889	818	522	286	109	6353
HILL CITY	46	98	310	638	1005	1358	1504	1226	1178	758	458	260	8830
HOLLISTER	8	38	207	484	822	1076	1168	918	877	581	362	183	8725
IDAHO CITY	45	91	289	587	906	1190	1296	1025	895	651	412	218	7643
IDAHO FALLS FAA AP	10	47	252	580	963	1302	1428	1117	1008	635	371	178	7888
IDAHO FALLS 46 W	21	67	283	651	1053	1407	1507	1210	1104	690	412	204	8616
ISLAND PARK DAM	147	197	441	786	1181	1487	1603	1330	1342	821	614	375	10394
JEROME	0	18	148	435	782	1078	1181	884	815	504	274	108	6266
KELLOGG	34	76	222	533	848	1073	1181	858	859	573	338	163	6788
KOOSKIA	0	24	147	443	780	992	1088	778	704	447	235	82	5730
KUNA 2 NNE	6	20	186	440	768	1020	1116	826	735	471	267	105	5948
LEWISTON WSO	0	17	124	408	739	936	1048	753	685	441	232	84	5464
LIFTON PUMPING STATION	21	72	316	657	1014	1327	1466	1266	1218	768	440	213	8776
LOWMAN 3 E NO 2	87	102	291	588	939	1218	1296	957	846	636	412	227	7720
MACKAY RANGER STATION	46	91	284	614	1020	1382	1486	1180	1113	717	465	246	8961
MALAD	0	18	188	493	878	1184	1293	1028	924	578	330	147	7061
MAY RANGER STATION	54	89	304	611	1005	1358	1463	1217	1011	675	451	238	8367
MC CALL	86	162	372	678	1014	1286	1411	1158	1183	840	561	330	9077
MONTPELIER RANGER STA	46	84	312	654	1032	1348	1457	1228	1184	780	485	254	8825
MOSCOW U OF I	44	80	208	483	813	1039	1160	866	822	561	357	182	6614
MOUNTAIN HOME	0	20	152	420	768	1028	1125	891	772	483	282	97	5879
NEW MEADOWS RANGER STA	90	154	372	685	980	1308	1429	1123	1078	720	490	276	8716
NEZPERCE	68	97	262	561	873	1088	1200	921	898	630	415	238	7250
OAKLEY	9	28	178	450	786	1051	1144	888	840	581	340	163	6428
OROFINO	0	13	119	426	744	981	1087	768	681	414	200	71	5464
PARMA EXPERIMENT STA	7	18	151	456	783	1035	1144	837	718	441	235	101	5929
PAUL 1 ENE	8	40	218	518	843	1107	1231	952	877	582	339	192	6867
PAYETTE	0	7	128	426	774	1032	1141	840	681	414	188	84	5717
PIERCE	83	133	332	894	966	1218	1321	1033	1030	738	470	248	8216
POCATELLO WSO	0	20	182	515	878	1181	1296	987	918	591	336	138	7063
PORTHILL	38	81	273	617	827	1150	1277	984	921	576	328	158	7330
POTLATCH 3 NNE	67	98	256	533	816	1026	1136	860	840	576	377	200	6789
PRESTON 3 NE	9	27	209	521	881	1209	1336	1084	952	600	343	184	7329
PRIEST RIVER EXP STA	88	117	303	638	957	1189	1280	1000	898	654	400	217	7795
RICHFIELD	20	88	231	549	903	1221	1355	1075	984	618	368	178	7940
RIGGINS RANGER STATION	0	7	92	316	648	877	981	700	826	372	189	61	4849
ST ANTHONY 1 WNW	87	81	288	582	981	1311	1435	1156	1091	675	398	208	8311
SAINT MARIES	40	77	222	521	840	1067	1183	876	840	564	333	155	6888
SALMON 1 W	19	92	288	605	988	1318	1432	1064	933	594	356	184	7788
SANDPOINT EXP STATION	52	97	277	598	897	1113	1218	846	908	600	383	181	7250
SHOSHONE 3 WNW	6	36	185	468	831	1156	1271	883	874	534	282	127	6733
STREVELL	10	34	227	546	921	1203	1299	1036	964	651	404	205	7500
SUGAR	62	85	288	617	990	1324	1448	1156	1076	660	402	204	8520

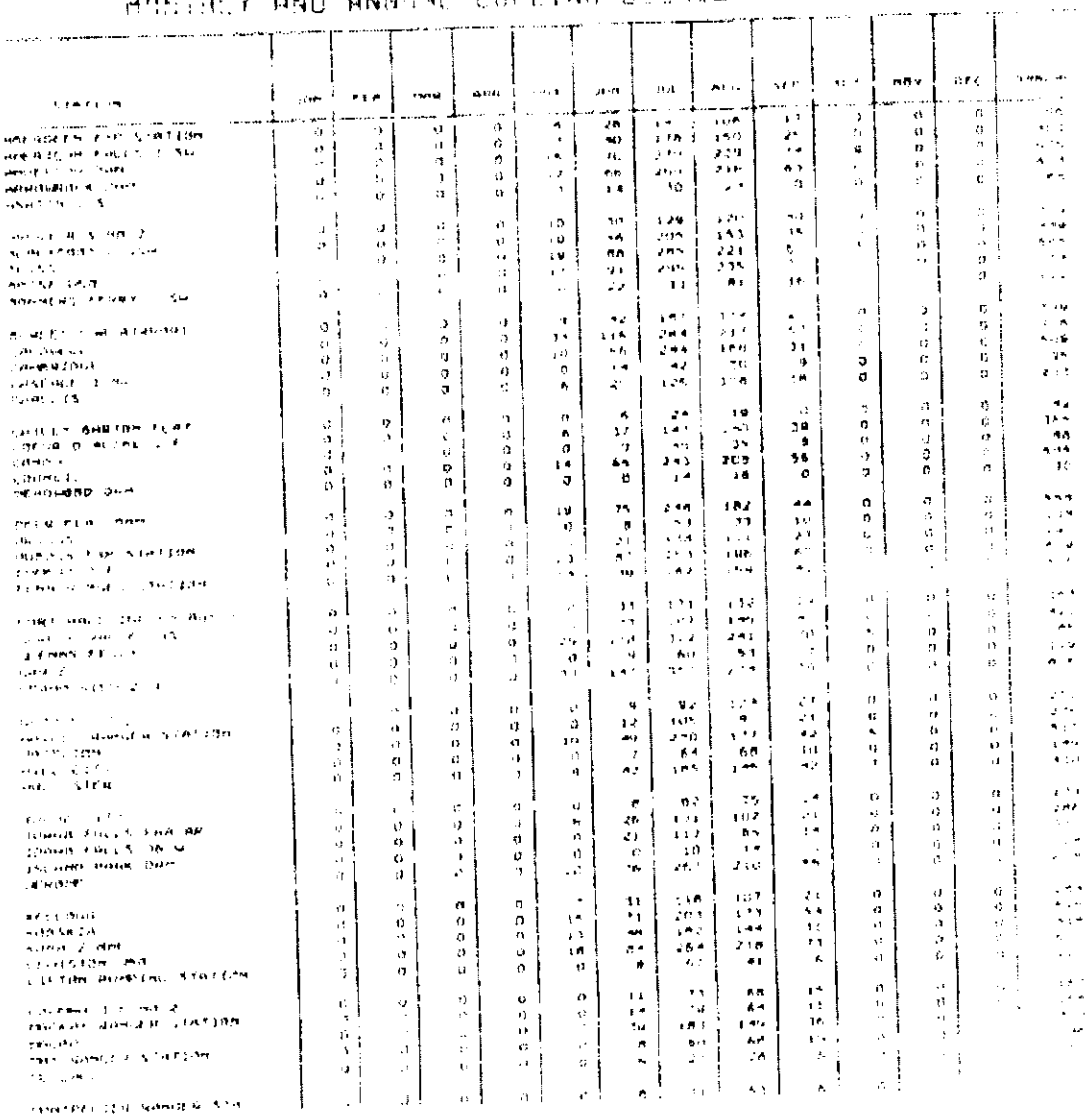
SEP 2 2 2003

LOCKHO

MONTHLY AND ANNUAL HEATING DEGREE DAY NORMALS



MONTHLY AND ANNUAL COOLING DEGREE DAY NORMALS



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IDAHO

MONTHLY AND ANNUAL COOLING DEGREE DAY NORMALS

STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
MOSCOW U OF I	0	0	0	0	6	25	100	102	30	0	0	0	259
MOUNTAIN HOME	0	0	0	0	20	86	281	225	74	11	0	0	698
NEW MEADOWS RANGER STA	0	0	0	0	0	0	28	27	6	0	0	0	61
NEZPERCE	0	0	0	0	0	0	17	73	81	22	0	0	193
OAKLEY	0	0	0	0	11	42	197	155	36	7	0	0	444
OROFINO	0	0	0	0	20	83	251	218	69	0	0	0	640
PARMA EXPERIMENT STA	0	0	0	0	22	88	252	180	43	0	0	0	609
PAUL 1 ENE	0	0	0	0	7	35	158	134	36	0	0	0	370
PAYETTE	0	0	0	0	24	103	304	230	59	0	0	0	720
PIERCE	0	0	0	0	6	31	95	94	31	0	0	0	329
POCATELLO WSO	0	0	0	0	7	48	206	156	94	6	0	0	457
PORTHILL	0	0	0	0	0	21	97	71	32	0	0	0	191
POTLATCH 3 NNE	0	0	0	0	5	17	74	62	18	0	0	0	176
PRESTON 3 NE	0	0	0	0	0	55	161	130	26	0	0	0	372
PRIEST RIVER EXP STA	0	0	0	0	0	11	48	48	8	0	0	0	114
RICHFIELD	0	0	0	0	5	20	101	116	31	0	0	0	312
RIGGINS RANGER STATION	0	0	0	0	34	112	247	227	143	15	0	0	784
ST ANTHONY 1 WNW	0	0	0	0	0	11	116	96	9	0	0	0	192
SAINT MARIES	0	0	0	0	0	28	114	108	27	0	0	0	272
SALMON 1 N	0	0	0	0	5	22	112	87	10	0	0	0	236
SANDPOINT EXP STATION	0	0	0	0	0	13	90	53	5	0	0	0	161
SHOSHONE 1 WNW	0	0	0	0	19	88	273	232	51	0	0	0	643
STANLEY	0	0	0	0	0	34	165	121	32	0	0	0	352
SWEET	0	0	0	0	5	12	83	46	7	0	0	0	153
SWISHER	0	0	0	0	0	0	15	16	0	0	0	0	31
SUN VALLEY	0	0	0	0	0	0	0	0	0	0	0	0	0
SWAN FALLS POWER HOUSE	0	0	0	6	66	188	466	368	146	13	0	0	1275
THREE CREEK	0	0	0	0	0	0	55	47	9	0	0	0	111
TWIN FALLS 4 NNE	0	0	0	0	14	88	242	181	46	0	0	0	552
TWIN FALLS 3 SE	0	0	0	0	16	98	217	155	40	0	0	0	486
WALLACE WOODLAND PARK	0	0	0	0	0	10	90	57	14	0	0	0	171
WEISER 2 SE	0	0	0	0	18	82	286	212	50	0	0	0	650

SEP 2 2 2003

JOHN E. PRIESTER, P.E., L.S.
CONSULTING ENGINEER and LAND SURVEYOR
RT. NO. 3 BUHL, IDAHO 83316
(208) 543-6691

RECEIVED
NOV 25 '81
DIVISION OF
ENVIRONMENT

24 November 1981

Gary Burkett, P.E.
Environmental Engineer
Division of Environment
P. O. Box 1626
Twin Falls, Id 83301

RE: Kanaka Rapids Ranches Water System

Dear Gary;

Transmitted herewith are copies of the revised pages of the plans and specifications for the above referenced project. Please insert the following pages and sheets in your sets:

1. CONSTRUCTION SPECIFICATIONS: Page 1
2. ENGINEERING REPORT: Page 1
3. PLANS: Sheets 2, 3, & 4 of 4

The revisions made on these pages are in response to your letter of September 22, 1981, (i.e. items 2,3 and 4). References to the storage tank capacity was changed from 16,000 gallons to 24,000 gallons. The materials specification requiring 2½" N.S.T. threads for flush hydrants was deleted.

I thank you for your cooperation on this project. If you have any questions, please call me.

Sincerely,

John

John E. Priester, P.E.

ph/

APR 2 2 2002

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DIVISION OF
ENVIRONMENT

CONSTRUCTION SPECIFICATIONS
FOR

KANAKA RAPIDS RANCHES

I. DISTRIBUTION SYSTEM

A. Materials: All materials used shall be without defect and shall be manufactured in accordance with applicable ASTM or AWWA standards.

1. Pipe shall be 10 gauge welded steel having an exterior coating of Coal-tar enamel with asbestos felt shield as provided by AWWA standard C203; or P.V.C. Class 200 with "Ring-Tite" joints as manufactured by Johns-Manville for 6" and smaller pipe.
2. Fittings shall be cast-iron "Ring-Tite" joint.
3. Pressure Reducing Valves for main line shall be 6" Globe with flanged end Class 250 for pressures 20 p.s.i. to 300 p.s.i. Valves shall be able to handle flows from 45 G.P.M. to 1800 G.P.M. For flows of 10 G.P.M. to 208 G.P.M. a 2" Globe valve is required in parallel with the main valve. The 2" Globe valve shall be screw type, Class 250 for pressures 20 p.s.i. to 300 p.s.i. Both valves shall be as manufactured by Cla-Val Company or approved equal.
4. Air and Vacuum Relief Valves shall be single unit, combination air and vacuum relief valves as manufactured by Waterman Industries (Model AVR-2) or approved equal.
5. Gate Valves shall be iron body, bronze mounted, double disc with parallel seat, Class 200 as manufactured by Pacific States Cast Iron Pipe Company or approved equal.
6. Concrete used on the project shall have a 28-day compressive strength of 3,000 p.s.i.
7. Flush Hydrants shall be AWWA approved and be a frost free type.

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NOV 25 '81

DIVISION OF
ENVIRONMENT

GENERAL:

This report was prepared for Collins Brothers Corp., Developers of the Kanaka Rapids Ranches Planned Unit Development. The P.U.D. is located due north of the City of Buhl, Idaho near the Snake River. It is more specifically located in the SE¼ of Section 10 and the S½ of Section 11, and N½ of Section 14, T.9S., R.14E., B.M.

The system is intended to provide water for irrigation, domestic use and geothermal heating. It will consist of two separate and independent units, each with a well and distribution system. The smaller of the two systems will be located on the west side of the development, and will serve lots 85 through 98. It will consist of an artesian well, 24,000 gallon storage tank, booster station with pressure storage tanks and distribution mains. Lots 85 through 92 will be served by gravity from the storage tank. Lots 93 through 98 will be served by the booster station.

The larger of the two systems will serve the balance of the lots. It will consist of an artesian well, pressure reducing stations and distribution mains.

DESIGN BASIS:

1. POPULATION: The P.U.D. has ninty-nine (99) lots. The projected population is 240 people. Using 125 g.p.c.d. the quantity of water required for domestic use is 125 x 240 = 30,000 g.p.d. Peak flow is 30,000 ÷ 1440 x 3 = 62.5 g.p.m.

The applicable figures for the two separate systems are: 1) west side, system 2; Lots - 14; Population - 34 people; quantity of water 4,250 g.p.d.; peak flow is 9 g.p.m. and 2) main system 1; Lots - 85; Population - 206 people; quantity of water 25,750 g.p.d.; peak flow is 53.5 g.p.m.

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NOV 25 '81

DIVISION OF
ENVIRONMENT

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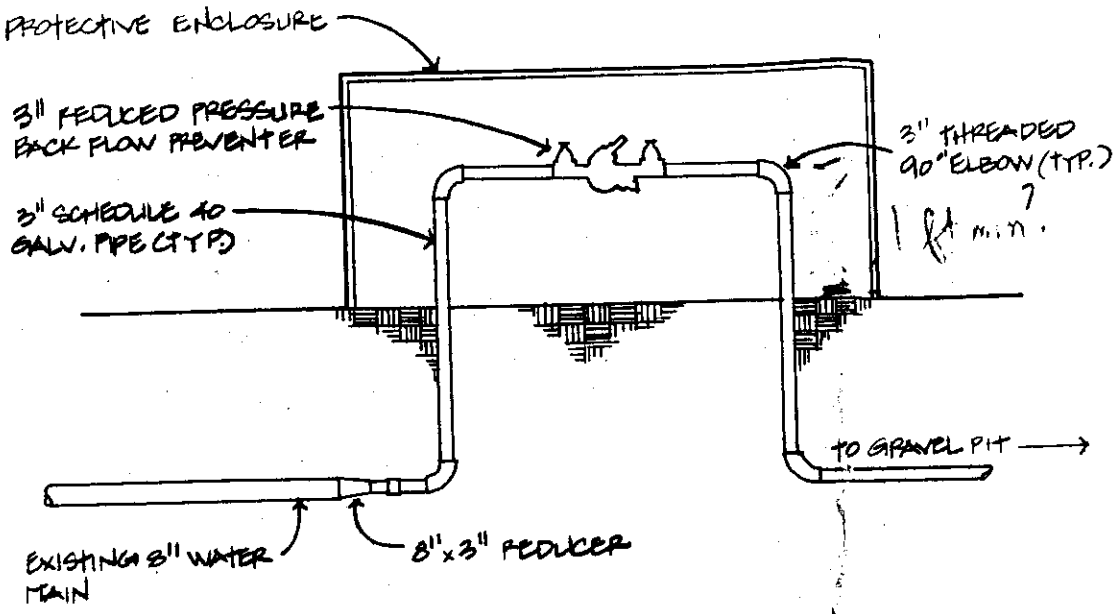
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REDUCED PRESSURE BACKFLOW PREVENTER DETAIL

NOT TO SCALE

PLANS & SPECIFICATIONS REVIEW

By: Gregory T. Mustach P.E.
Environmental Engineer

These plans and/or specifications have been reviewed for compliance with **Idaho Dept. of Health and Welfare** regulations. This review does not relieve the owner, engineer, or the contractor of the responsibility to design or construct these facilities in compliance with all applicable federal, state and local laws, rules, regulations, or ordinances.

Date: 9/9/93

Plans and/or specifications must be resubmitted for review if construction is not initiated on or before: Oct. 1, 1994

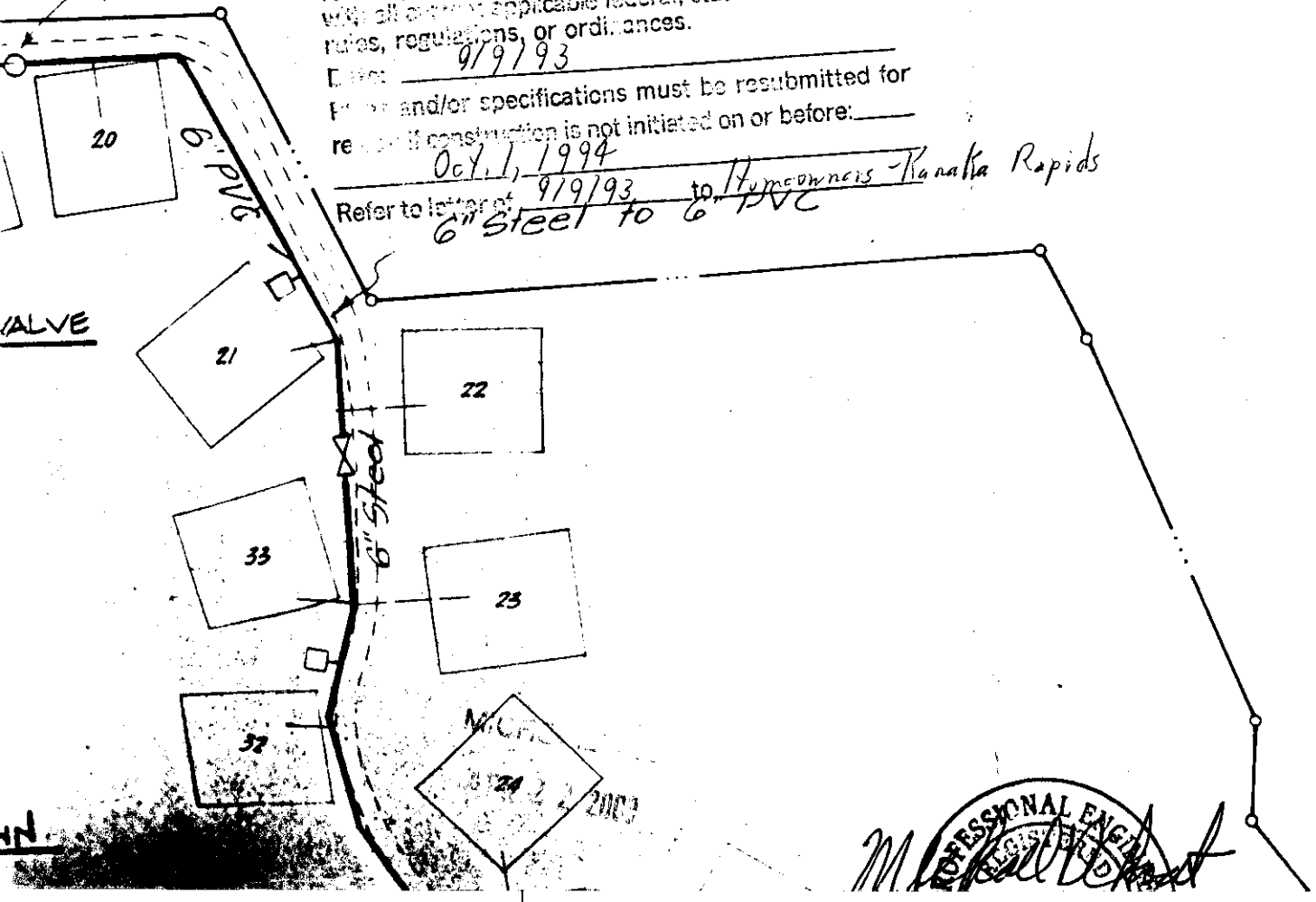
Refer to letter of 9/9/93 to Homeowners - Kanaka Rapids

6" Steel to 6" PVC

vaccum Relief

cer

VALVE



NOTES

1) All cons Standar
2) The cor accurat
3) Water n
4) All wat AWWA perform mains
5) All wat by the forth ir Enviro
6) All tee by sui
7) All val standa
8) All wa AWW

PROFESSIONAL ENGINEER

Michael Stout

RECEIVED

SEP 16 '81

DIVISION OF
ENVIRONMENT

ENGINEERING REPORT

FOR A

PUBLIC WATER SYSTEM

KANAKA RAPIDS RANCHES

BUHL, IDAHO

JULY, 1981

Prepared by

John E. Priester
Consulting Engineer
Buhl, Idaho

7-20-81

MICRO

APR 2 2 200

GENERAL:

This report was prepared for Collins Brothers Corp., Developers of the Kanaka Rapids Ranches Planned Unit Development. The P.U.D. is located due north of the City of Buhl, Idaho near the Snake River. It is more specifically located in the SE¼ of Section 10 and the S½ of Section 11, and N½ of Section 14, T.9S., R.14E., B.M.

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The applicable figures for the two separate systems are: 1) west side, system 2; Lots - 14; Population - 34 people; quantity of water 4,250 g.p.d.; peak flow is 9 g.p.m. and 2) main system 1; Lots - 85; Population - 206 people; quantity of water 25,750 g.p.d.; peak flow is 53.5 g.p.m.

APR 2 2 2009

2. IRRIGATION: The irrigation demand for 216 acres includes common areas and lots and dry land. A flow of 6 g.p.m. per acre was used to calculate irrigation demand (demand taken from well No. 1), 216 x 6 - 1296 g.p.m. Irrigation use is flexible and will be discontinued during periods when the water can be used for heating.

3. HEATING USE: The demand per lot (or residence) was determined to be 6.5 g.p.m. This flow was based on the following data: 1.) Annual degree days (F^{o}) DD - 6146; 2.) Outside temperature t_o - -10° F.; 3.) Inside temperature t_i - 68° F. 4.) A water temperature drop of 15° F. This application will have limited use.

4. PRESSURE: The system was designed to prove a minimum of 28 p.s.i. and a maximum of 75 p.s.i. The average is 55 p.s.i.

Well No. 1 has a shut-in pressure of 130 p.s.i. This pressure has to be reduced to 45 p.s.i. at the well. The pressure at Pressure Reducing Station No. 1 is 90 p.s.i. and has to be reduced to 58 p.s.i. in order to maintain the 75 p.s.i. maximum at the lowest lot.

Well No. 2 will free flow into a storage tank and gravity feed lots 85 through 92 with a pressure range of 32 p.s.i. to 60 p.s.i. The same storage tank provides the reservoir for a booster pump to serve lots 93 through 98. The system is operated using a pressure storage tank with an 87 gallon capacity. The operating pressure range is 40 p.s.i. to 60 p.s.i. at the tank and 30 p.s.i. to 50 p.s.i. at the highest residence.

5. STORAGE CAPACITY: The storage tank will provide water for 14 lots, (lots 85 through 98). Well No. 2 produces 19 g.p.m. artesian flow yielding 27,360 g.p.d. There will be a constant flow through the storage tank during periods of low or no demand. Irrigation and domestic instantaneous demand is determined to be 60 g.p.m. (9 g.p.m. domestic 51 g.p.m. irrigation). Water consumption for 20 minutes of instantaneous flow is 1200 gallons.

APR 2 2 2003

6. PUMP CAPACITY: 40 g.p.m. at an operating head of 138 feet requiring a 2 horsepower motor. The pump will serve a population of 16 people.

WATER SOURCE:

1. Water for the public water system will be provided by two ground water wells. Well No. 1 yields an artesian flow of 2,200 g.p.m. and has a shut-in pressure of 130 p.s.i. Well No. 2 yields an artesian flow of 19 g.p.m.

2. Drillers logs are attached for each well.

3. Water quality tests were made for both wells and the results are attached. Tests were made to determine the corrosive characteristic of the water. Over saturation of $CaCO_3$ is indicated which will deposit a protective film on the pipe. Water quality tests were made of the water at Miracle Hot Springs, a nearby resort, because in 20- years the piping has not been destroyed by corrosion, and the test was to show if the water was characteristic of that of the Kanaka Rapids Ranches' water.

4. Tests of the water do not indicate that any treatment will be necessary

5. The wells are located in areas where flooding is not a problem. No other sources of contamination are known. Possible sources such as irrigation ditches are being abandoned in the area of the wells.

CONSTRUCTION AND INSPECTION:

1. CONSTRUCTION: The developer will construct the system with development of roads, lots, and building sites. Development of Well No. 1 and the main distribution system is planned immediately, while Well No. 2, storage tank, booster station and distribution lines are planned later as development progresses to that area.

2. INSPECTION: The system will be installed and tested under the supervision of a Licensed Professional Engineer to assure compliance with all health concerns.

MICRO
SEP 2 2 2009

OWNERSHIP AND OPERATION:

The Kamiaka Rapids Ranch Homeowner Association, Inc. has been created, and has been vested the police power and responsibility to maintain and operate the total development (see attached "Declaration of Covenants and Restrictions", Preamble, Subpart C). A maintenance manual will be prepared incorporating the "Idaho Regulations for Public Drinking Water Systems", November, 1977 Edition. Sampling and testing schedules and forms for various records and reports will be included.

MICR
APR 2 2 2003

CONSTRUCTION SPECIFICATIONS
FOR

KANAKA RAPIDS RANCHES

I. DISTRIBUTION SYSTEM

A. Materials: All materials used shall be without defect and shall be manufactured in accordance with applicable ASTM or AWWA standards.

1. Pipe shall be 10 gauge welded steel having an exterior coating of Coal-tar enamel with asbestos felt shield as provided by AWWA standard C203; or P.V.C. Class 200 with "Ring-Tite" joints as manufactured by Johns-Manville for 6" and smaller pipe.
2. Fittings shall be cast-iron "Ring-Tite" joint.
3. Pressure Reducing Valves for main line shall be 6" Globe with flanged end Class 250 for pressures 20 p.s.i. to 300 p.s.i. Valves shall be able to handle flows from 45 G.P.M. to 1800 G.P.M. For flows of 10 G.P.M. to 208 G.P.M. a 2" Globe valve is required in parallel with the main valve. The 2" Globe valve shall be screw type, Class 250 for pressures 20 p.s.i. to 300 p.s.i. Both valves shall be as manufactured by Cla-Val Company or approved equal.
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5. Gate Valves shall be iron body, bronze mounted, double disc with parallel seat, Class 200 as manufactured by Pacific States Cast Iron Pipe Company or approved equal.
6. Concrete used on the project shall have a 28-day compressive strength of 3,000 p.s.i.
7. Flush Hydrants shall be AWWA approved and be equipt with a $2\frac{1}{2}$-inch N.S.T. hose nozzle. Hydrants shall be frost free type.

APR 2 2 2003

B. Workmanship: All work performed shall be in accordance with acceptable standards and practices and shall satisfy all requirements of the Idaho Department of Health and Welfare.

1. Thrust blocking shall be provided at all tees and angles.
2. Water lines shall have a minimum cover of 30 inches.
3. The newly laid pipe shall be disinfected according to the "Standard for Disinfecting Water Mains" prepared by the AWWA.
4. Cross Connection Control: There shall be NO arrangement or connection by which any unsafe substance may enter the public water system. Construction shall comply with the requirements of Section 1-8306 of "Idaho Regulations for Public Drinking Water Systems," November, 1977 Edition.
5. There shall be at least six (6) feet horizontal and eighteen (18) inches vertical separation between the water line and any sanitary sewer line, storm sewer or sewer manhole.
6. During installation of the water pipe the ends shall be kept free of dirt or other debris, and at the end of each work day the ends shall be plugged.
7. Pressure Test: The pipe shall be backfilled to the top of the pipe zone, and all thrust blocking in place prior to testing. The pipe shall be tested at 150 p.s.i. This pressure shall be held for one (1) hour. Air shall be released from all high points prior to beginning timing.
8. Leakage Test: It shall be conducted at 90 p.s.i. The leakage amount shall be the amount of water that must be added into the pipe to maintain the required pressure for one (1) hour. The maximum allowable leakage for this pipe line shall be 0.13 gallons/inch pipe diameter/1000 feet pipe/hour.

APR 2 2 2003

II. SUPPLY

A. Wells: To be artesian.

B. Casings: 12-inch diameter extending 12" above ground level and 6" above well house floor elevation.

III. STORAGE (WELL NO. 2)

Storage tank shall be constructed of concrete, wood or steel. Constructic shall be in accordance with and satisfy the requirements of Section 1-830 of "Idaho Regulations for Public Drinking Water Systems", November, 1977 Edition.

IV. BOOSTER STATION

A. Pump shall be a centrifugal type having the following characteristics:

H. P. - 2

Volts 120/240

Flow 40 g.p.m. at 60 p.s.i.

(Operating pressure range 40-60)

B. Pressure storage tanks shall be well-x-trol 252 installed to operate i parallel, and at an operating pressure range of 40 p.s.i. to 60 p.s.i.

C. Electric space heater shall be forced air, wall mounted unit; 120 volt; single phase; 500 watt.

D. Electric power service shall be 200 amp.

E. Pump control shall provide low voltage protection.

F. All electrical work shall be done in accordance with current Electrical Code requirements.

APR 2 2 2003

GALENA ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

January 7, 1994

RECEIVED

JAN 10 1994

DEQ-SCIRO

Mr. Greg Misbach
Department of Health and Welfare
Division of Environmental Quality
601 Pole Line Road, Suite 2
Twin Falls, ID 83301

RE: Kanaka Rapids Water System Improvements

Dear Greg,

Attached you will find two (2) copies of the Record Drawings for 1994 Water Distribution System Improvements. This completes the mainline distribution system improvements for this project.

Also attached you will find three (3) copies of Kanaka Rapids Ranch Well No. 2 Improvements for your review and construction approval. Well No. 2 will act as a second source for all 99 lots within the development. The well was tested this fall and has a sustainable production of 220 GPM. This produces approximately 2.5 GPM per lot for emergency use in the event Well No. 1 becomes unusable. While this is not enough water to meet average domestic and irrigation needs, it will provide adequate water for basic health needs if residents cooperate and conserve. No other pumps are needed to distribute the water throughout the development and maintain minimum pressures. However, a by-pass pipeline must be installed around the proposed booster pump station near Lot 83 and the pressure reducing station near Lot 9. The proposed well pump must be supplied with 3-phase power. Since 3-phase power is not available at the site, we are proposing to power this well with a portable generator. This decision was based on the following:

- The primary source (Well No. 1) is a flowing artesian well which requires no pumps to serve the majority of the development.
- The source of water from this well is extracted from strata approximately 900 feet deep. The water has been carbon dated and is over 1 million years old. Thus, contamination at the site or the source of the water is very unlikely.
- An event which would cause Well No. 1 to quit flowing would probably be so catastrophic that water supply would be the least of the homeowner's problems.
- An emergency power generator can be obtained within a day from either Boise or Salt Lake. At this time, a supplier for a power generator of this size is not available in Twin Falls.
- Walker Water Systems rents generators of this size several times per year for well pump tests and other uses. Kanaka Rapids Ranch uses Walker Water Systems to maintain and help operate this water system. As a result, a generator should be available to periodically exercise the well pump, flush the system and collect required water quality test samples.

3286(15)

APR 2 2 2001

680 SECOND AVENUE NORTH • P.O. BOX 425 • KETCHUM, IDAHO 83340 • TELEPHONE (208) 726-4729 • FAX (208) 726-4783

The control system for the pump will be a manual on-off switch. Control of minimum flows through the pump and excessive high pressure will be provided by a pressure relief valve in the valve pit which will discharge water, during little demand, back down the well.

Also attached you will find three copies of the "1994" Booster Station and Bypass Pipeline Improvement drawing for your review and construction approval. The Booster Station will provide primary source water for Lots 84-98. The pressure at the highest house will normally range between 40 and 50 psi. The highest pressure at the lowest house will be 95 psi. If the second source is required, a bypass pipeline will take this station out of the system. Bypass pipeline details for the pressure reducing station are also shown on this drawing.

The pump system consists of three pumps with the lead pump protected from cycling by a pressure tank which will allow a two-minute cycle time. The lag pumps alternate and will be controlled as described in the plan notes. The pump station will normally operate within a 10 psi pressure range. The maximum output from this booster pump station is approximately 250 GMP.

Any questions or comments please feel free to call.

Sincerely,
Galena Engineering Inc.

Michael D. Choat, P. E.

MDC:cdw

attachments

cc: Carlo Ferreira
Dale Riedesel

MICAE

APR 2 2 2002

3286(15)

MEMORANDUM

To: Jim Johnson — Shelley

From: L. Glen Saxton

RE: **LICENSING OF PERMIT NO. 47-07680 - KANAKA RAPIDS**

Date: December 3, 1997

Approximately a year ago, department staff met with John Rosholt and others in connection with the finding of the field examiner in connection with the above referenced permit. Attached is my memo of December 17, 1996 generally describing the meeting.

After the meeting, I returned the permit file to your section for the normal Permit Section review of the file for licensing purposes, but did not specifically attach priority to its review since I did not want do disrupt ongoing work activities.

The matter has come up again and we now need to attach priority to review of the permit and determine the form of the license the department would issue. At this point, if amendments or other changes are needed in order to issue a license, we should **NOT** correspond with the permit holder seeking the amendment. We need to determine for Karl how we normally would issue the license and what if anything (amendments) etc. would be needed to issue it. Upon this determination, we then need to brief Karl of our findings so he can continue a dialogue with Rosholt if he so chooses.

Please make appropriate assignments so this matter will receive attention. If you have questions, please discuss with me.

c: Norm Young

MICROFILMED
APR 2 2 2003

MEMORANDUM

To: Permit No. 47-07680 - Kanaka Rapids Ranch

From: L. Glen Saxton

RE: **MEETING ON DECEMBER 16, 1996**

Date: December 17, 1996

On December 16, 1996, department staff met with the permit holder and the permit holder's representatives in connection with the development at the Kanaka Rapids project as associated with Permit No. 47-07680.

The meeting was attended by the following parties:

Karl Dreher
Phil Rassier
L. Glen Saxton
Carlo Ferreira
John Rosholt
Mike Felton, Jr.
Norman Semanko
Dr. Charles Brockway

Development at the project and certain elements of the field examination conducted by Allen Merritt were generally discussed. Among other items, the following were noted from the discussion:

- Well No. 1 is the production well.
- Well No. 2 is a back-up well.
- Well No. 3 has not been pumped yet.

- The major issue appeared to be the rate for which a license would be issued.

- The developer is willing to self impose rate of flow limitations to each new home to be constructed in the development but water use for the existing 25 homes would have to be grandfathered in.

- One existing home uses as much as 25 gallons per minute for heating use. New technology would allow heating with a flow rate of about 5 or 6 gpm.

- The phase 1 development (Original) consists of 99 lots.
- The phase 2 development (Riverside) consists of 42 five acre lots.
- The phase 3 development (Bluffs) consists of 50 one-quarter acre size lots.

APR 2 2 2003

- The intended maximum lot sell out is 191 lots.
- 141 or 142 lots have water stubbed off to them.
- Ninety (90) lots have been sold.
- 25 homes have been constructed.
- 12 more applications to build homes have been approved.

- There was discussion about allowing the "commercial use" be licensed to provide domestic heat.

- The next homeowner's meeting is scheduled for about April 1, 1997.

- Semanko suggested the permit holder might file a future transfer on the license to allow a "new hole" to be drilled on the Phase 3 part of the development.

- Dreher suggested the department would review the matter and advise the permit holder of how the department intended to issue the license before the license is actually issued.

MCR
APR 22 2009

MEMORANDUM

To: License Reviewer

From: L. Glen Saxton

RE: **PERMIT NO. 47-7680 - KANAKA RAPIDS RANCH**

Date: December 17, 1996

The above referenced permit file has a long history including a decision from the Idaho Supreme Court and a number of meetings during the last two (2) years between department staff, the permit holder and the permit holder's attorneys.

Since this permit is quite complex, it is OK to start reviewing the file to initially determine what the department might issue in terms of a license. Please note, however, that department staff should **NOT** contact the permit holder or the permit holder's attorneys for information related to the development, amendments which may appear to be needed or for any other reason unless the contact has been approved in advance by the Director.

The meeting attended by department staff, the permit holder and the permit holder's attorneys on December 16, 1996, may change the field examiner's recommendations relative to the specifics of how the department intends to will issue the license.

If you have questions about this memo, please feel free to contact me.

MICR[illegible]
APR 2 2 2003

MEMORANDUM

To: Permit No. 47-07680 - Kanaka Rapids Ranch

From: L. Glen Saxton LGS

RE: **MEETING ON DECEMBER 16, 1996**

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MICRO

APR 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
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P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
DEC 0 9 1996
Department of Water Resources

December 6, 1996

Karl Dreher, Director
Idaho Dept. of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

RE: Kanaka Rapids Ranch - Licensing of Permit No. 47-07680

Dear Karl:

This letter is meant to confirm our meeting at **9:00 a.m.** (rescheduled from 10:00 am) on **Monday, December 16, 1996** at your office regarding the licensing of Kanaka Rapids Ranch's Permit No. 47-07680. For your information, Carlo Ferreira of the Collins Brothers Corp., Mike Felton, Jr., Norm Semanko, and Dr. Charles E. Brockway will be accompanying me to the meeting. I understand that Phil Rassier and Glen Saxton will also be in attendance. We will attempt to contact Phil Rassier before the meeting in an effort to refine the issues and keep the meeting as short as possible.

We look forward to meeting with you and appreciate your cooperation.

Respectfully submitted,

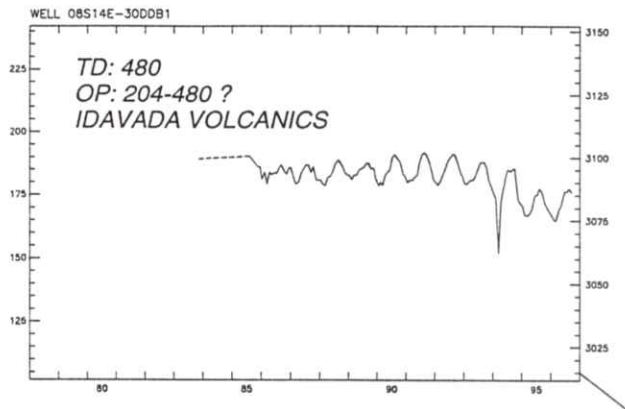
John A. Rosholt

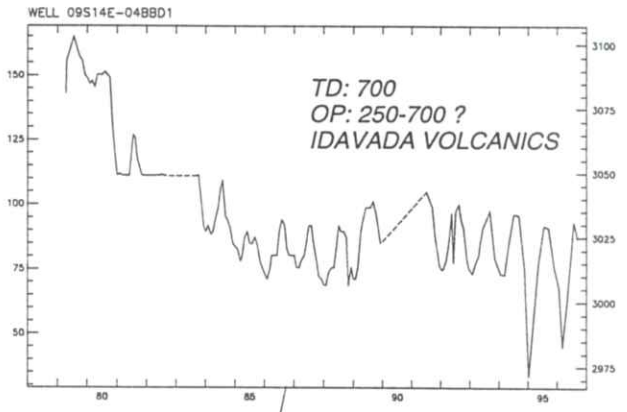
JOHN A. ROSHOLT

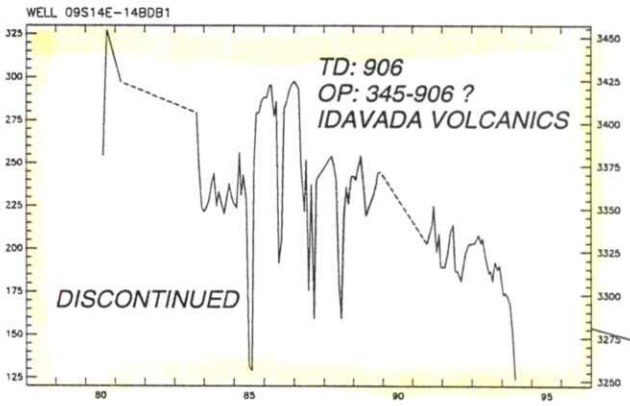
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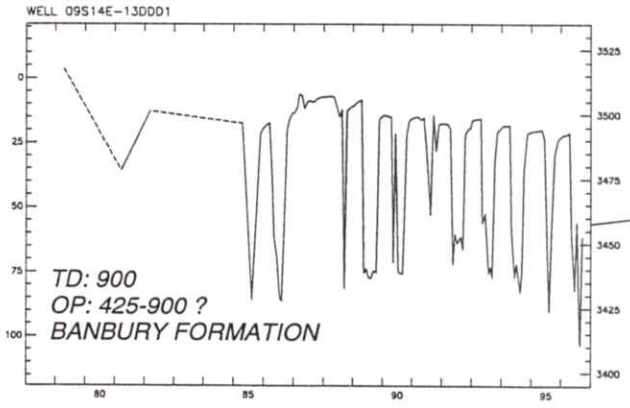
cc: Carlo Ferreira
Dr. Charles E. Brockway
Mike Felton, Jr.
Phil Rassier

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APR 2 2 2003



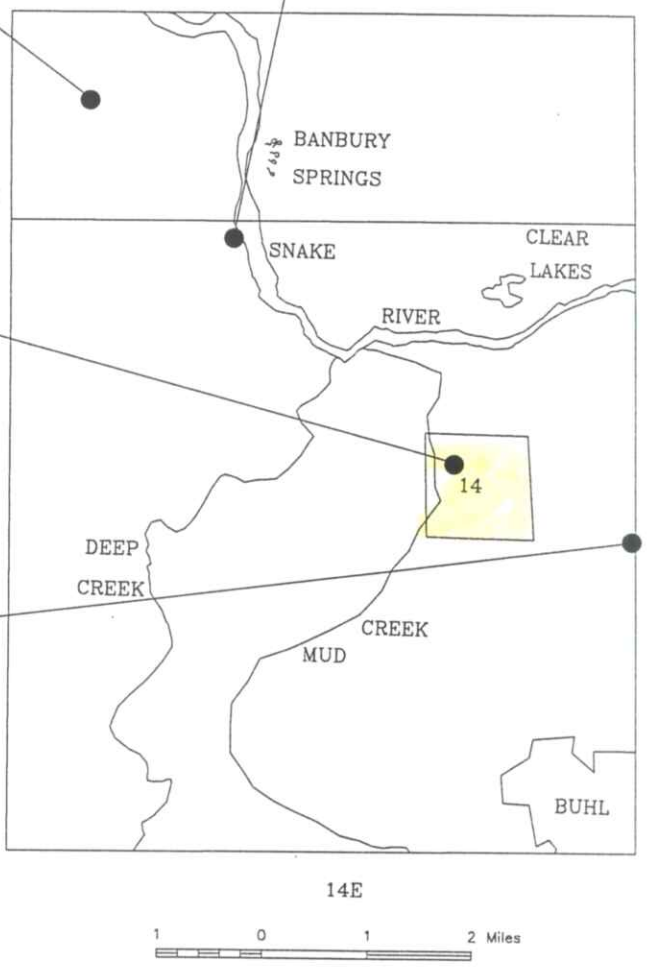






WATER LEVEL, IN FEET ABOVE / BELOW LAND SURFACE

WATER LEVEL, IN FEET ABOVE MEAN SEA LEVEL



LEGEND

TD: TOTAL DEPTH
OP: INTERVAL AT WHICH THE WELL IS PERFORATED OR OPEN TO THE AQUIFER.
WATER BEARING FORMATION
LEFT SIDE: DEPTH TO WATER
RIGHT SIDE: WATER ELEVATION
BASE: YEAR
CURRENT TO FALL 1996
ALL MEASUREMENTS IN FEET

GROUND WATER HYDROGRAPHS

12-11-96 SB

MICHAEL
APR 2 2 2003

IDWR

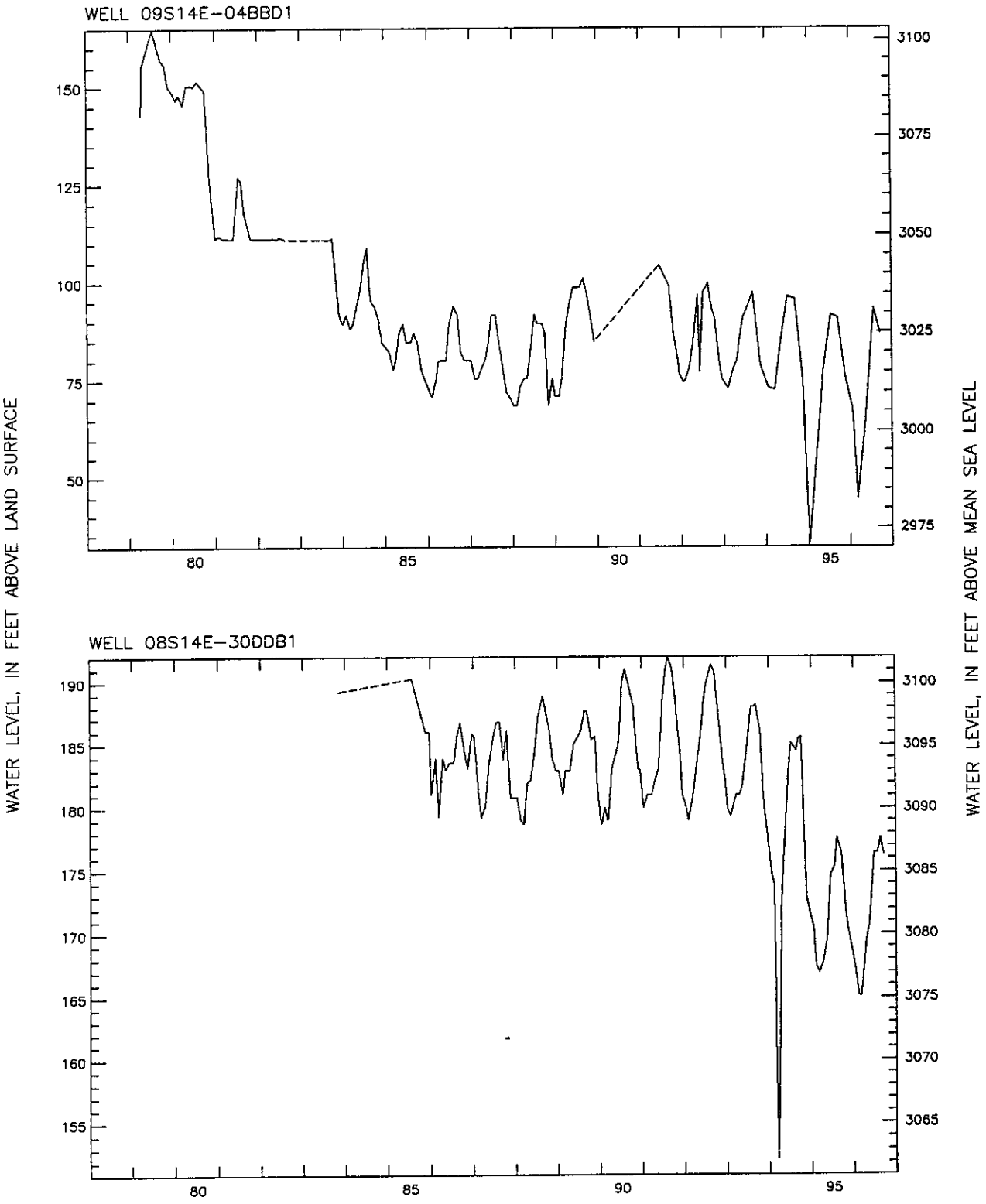


Figure 1. HYDROGRAPHS OF WELLS 09S14E-04BBD1 AND 08S14E-30DDB1

MICRO

APR 2 2 2003

IDWR

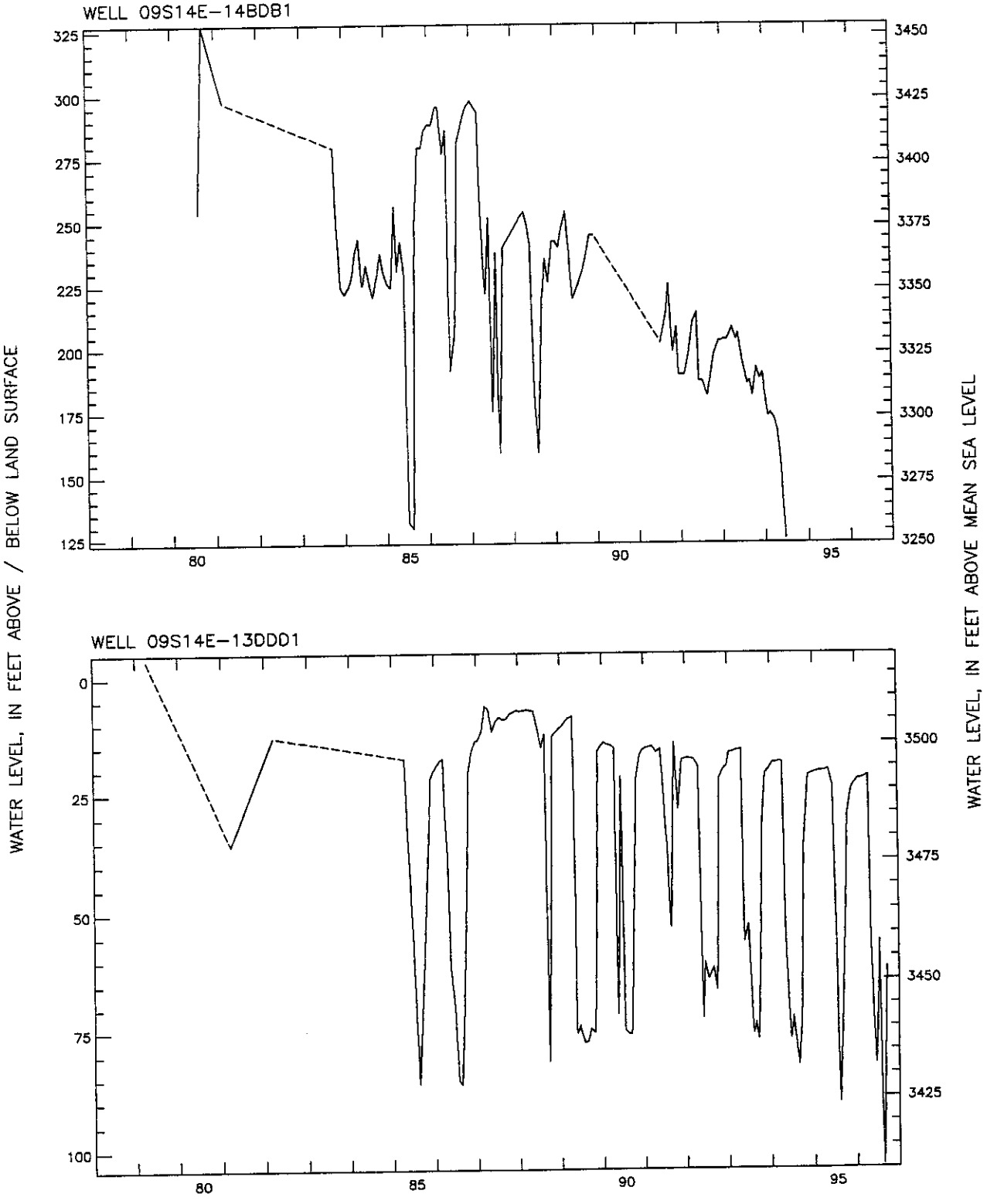
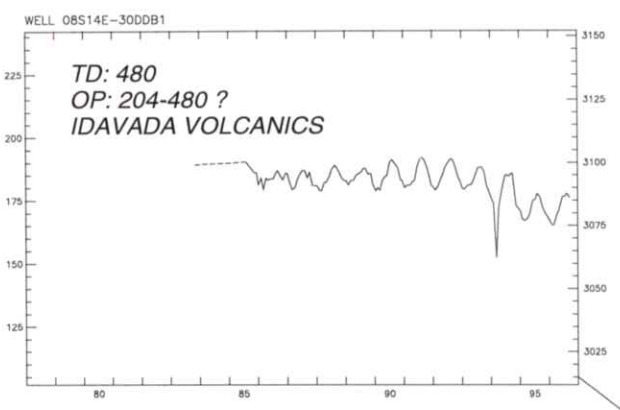
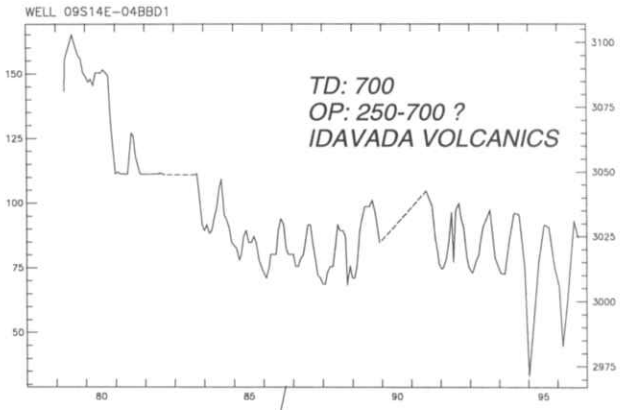


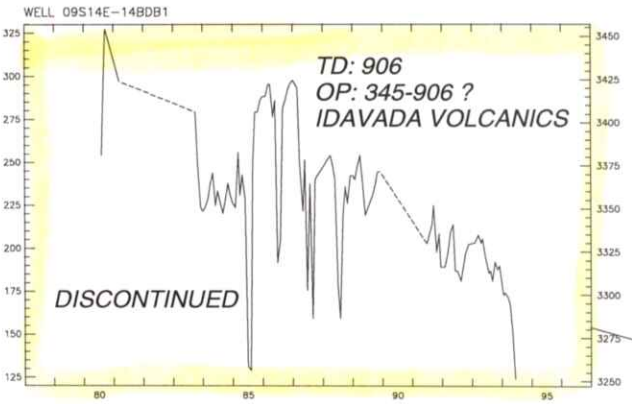
Figure 1. HYDROGRAPHS OF WELLS 09S14E-14BDB1 AND 09S14E-13DDD1

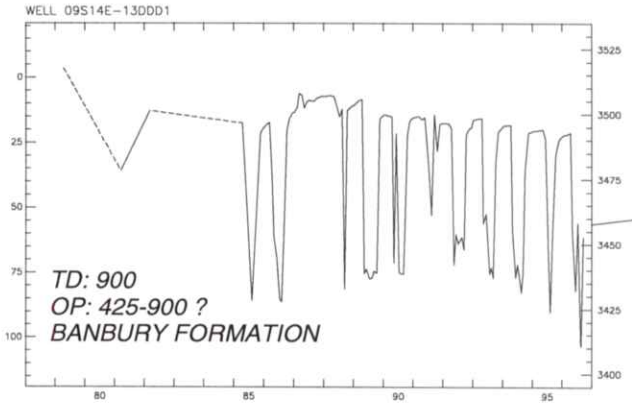
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APR 2 2 2003



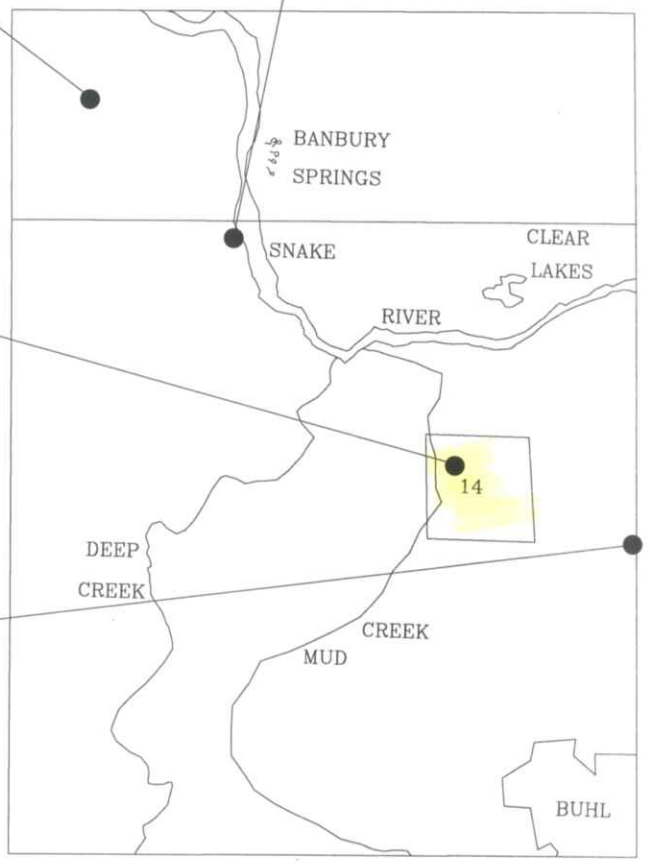






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MICRO
APR 2 2 2003

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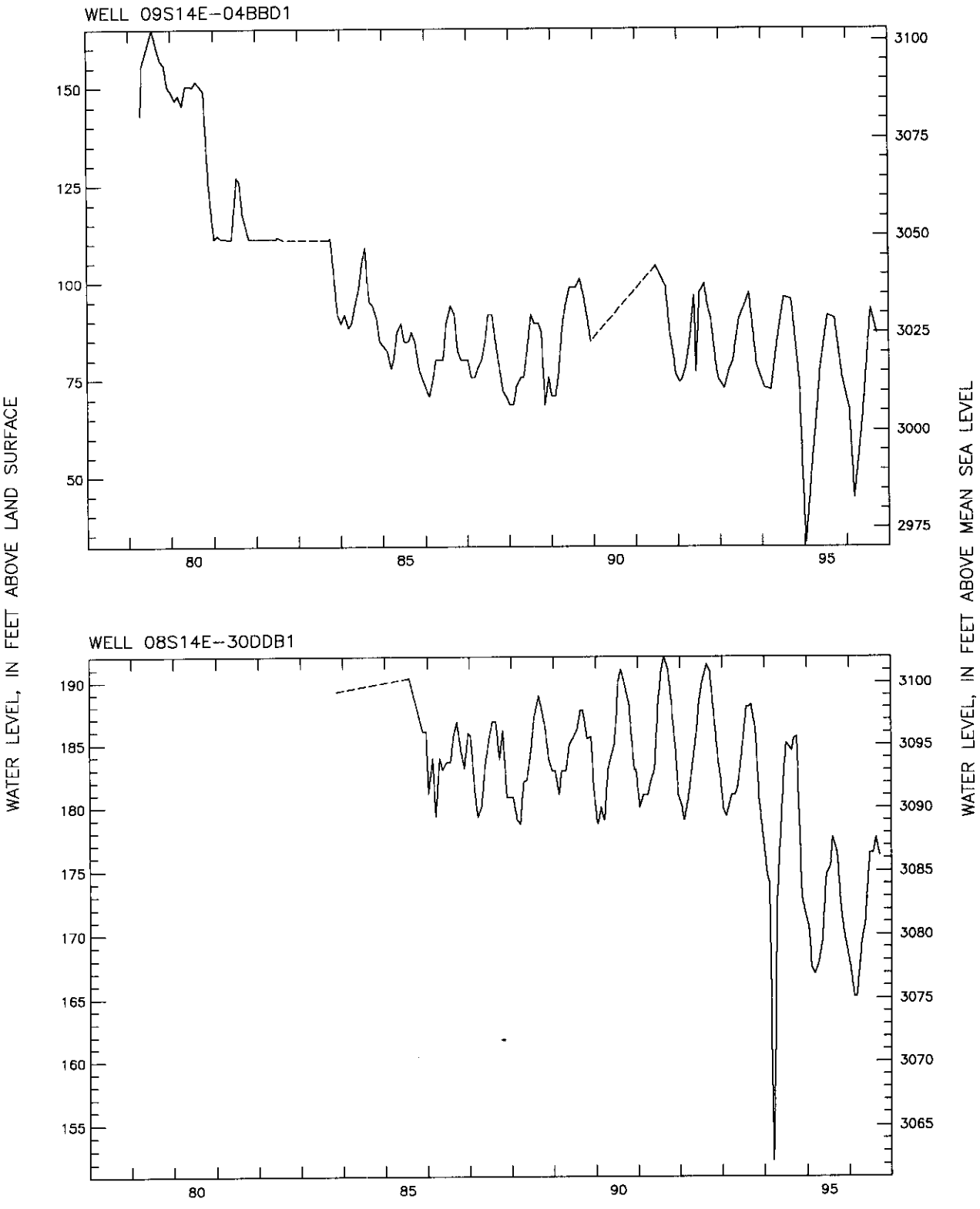


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APR 2 2 2003

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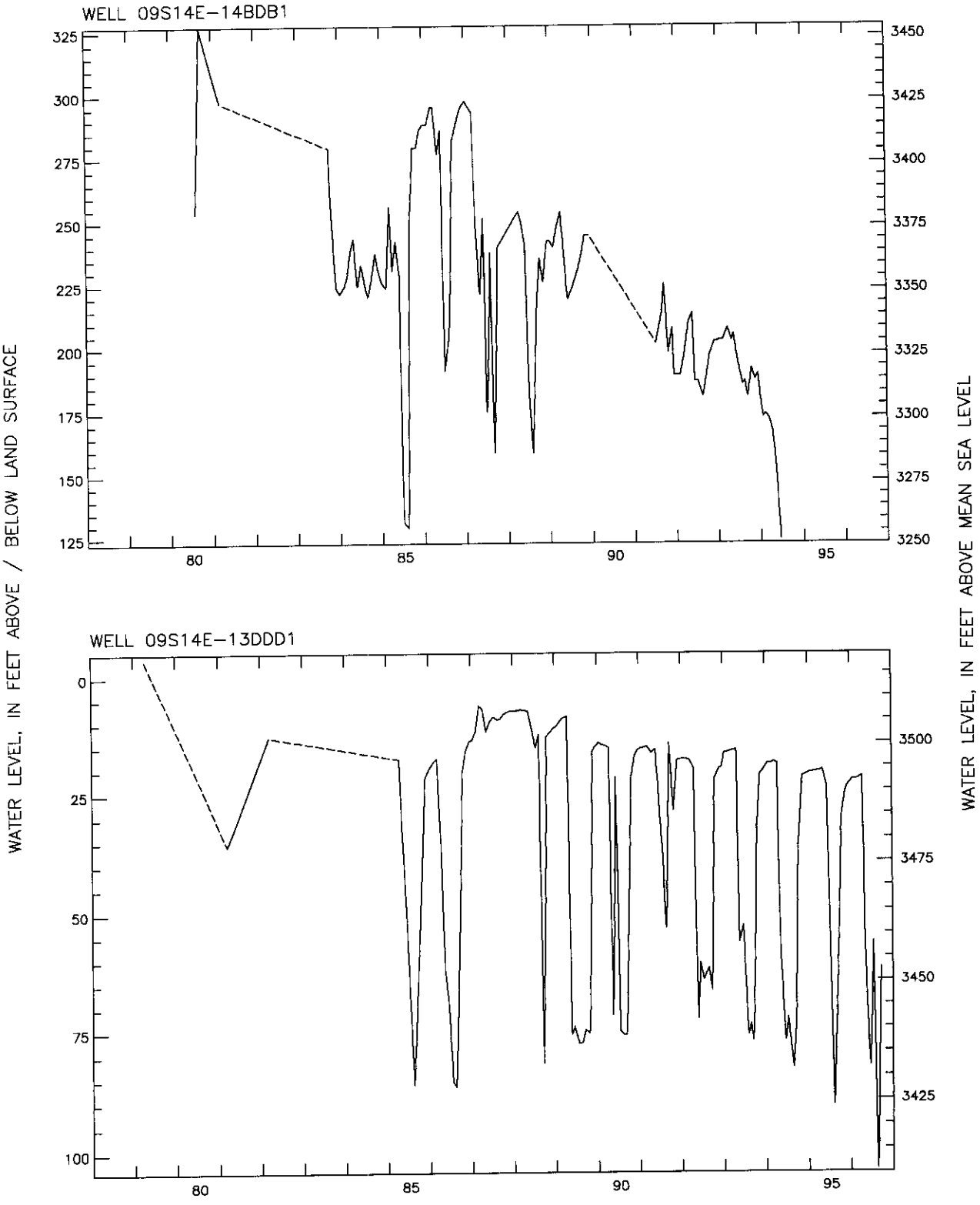
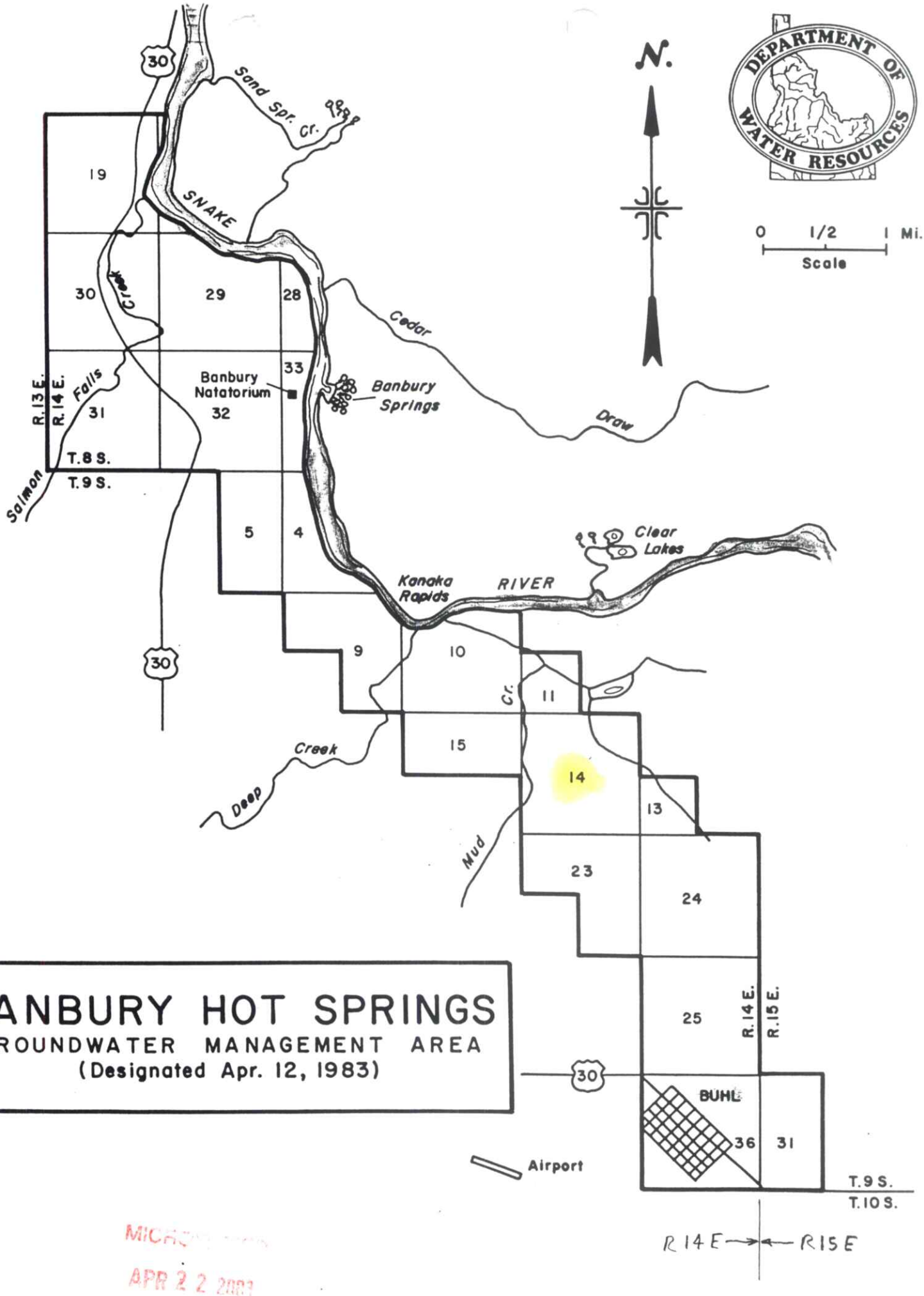


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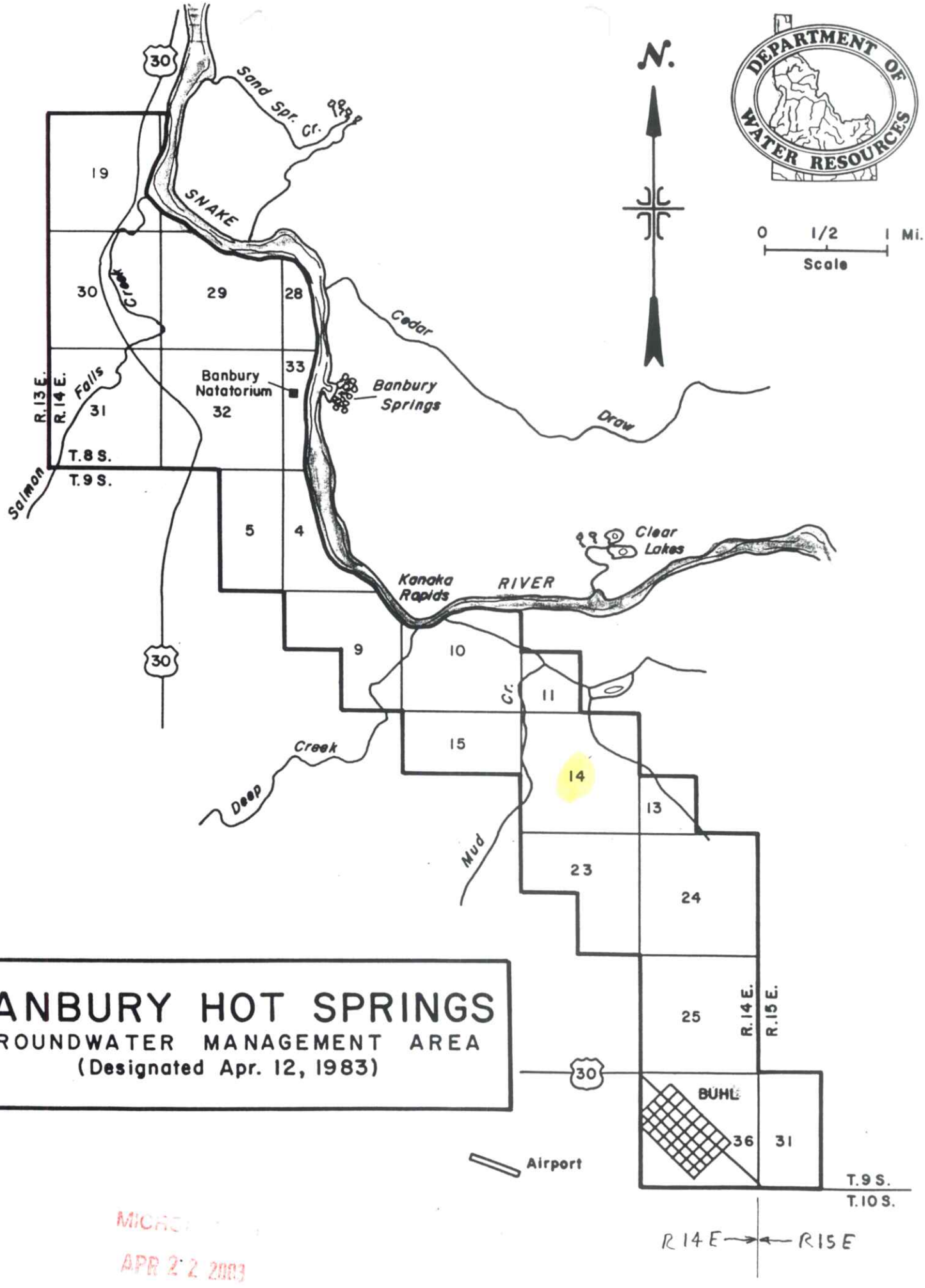


BANBURY HOT SPRINGS

GROUNDWATER MANAGEMENT AREA

(Designated Apr. 12, 1983)

MICR[illegible]
APR 2 2 2003



BANBURY HOT SPRINGS

GROUNDWATER MANAGEMENT AREA

(Designated Apr. 12, 1983)

MICRO
APR 22 2003

Form 219-S.A.
drt. 6/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Permit No. 47-7680

STAFF ANALYSIS SHEET
For
BENEFICIAL USE FIELD REPORT

A. **Prior to Conducting the Exam, the file contains:**

[✓] Blank Field Report Form

[✓] Copy of Permit

[✓] Copies of any Amendments/Orders with conditions of approval.

[✓] Computer Data Proof Report

[✓] Copy of USGS Quad Map

[] Check for Government Lots. If so, make a copy of Gov. plat.
Check of P/D index_____(Initial & Date)

Overlap? []Yes []No If Yes: []Copy of Exam(s) Attached?
Type of Overlap [] Add acres or uses to existing system.
[] Increase rate of flow or volume.
[] Other_____

Check of PU Index_____(Initial & Date)

Overlap? []Yes []No If yes: []Copy of Water Right(s) Attached?
Type of Overlap [] Increase rate or flow volume.
[] Add P/D's
[] Increase No. of acres within tracts.
[] Other_____.

Aerial Photo
[] Required? []Yes []No If yes: [] copy attached?
Scheduling letter sent?_____(Initial & Date)
[] Appointment made and telephone conversation memo attached.

B. **After Conducting the Exam, the file contains:**

[✓] Fully completed and signed Field Report Form

[✓] Photographs of Point of Diversion and Place of Use

[] Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. **Review and Processing:**

Exam completed [signature] 10/11/96 (Signature of Examiner(date)
Exam reviewed by Sr. Water Res. Agent_____(Init & date)
Exam reviewed by Mgr of Reg. Office [signature] 10/11/96 (Init & date)
Exam date entered in computer_____(Init & date)
Exam sent to S.O._____(Init & date)
Copy of Staff Analysis Sheet sent to Mgr. of Reg. Office and Orig. re-filed in White File._____(Init & date)

MAR 22 2003

Beneficial

Use Field Exam

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 17 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-07680

1. Owner: KanaKa Rapids Ranch Homowners Phone No. 208-543-6767

Current Address: 176 KanaKa Rapids Ranch Rd., Buhl, ID 83316

2. Accompanied by: Carlo Ferreira (Rep for KRRH) Chuck Brockway (Engr. Consult for KRRH) EXAM DATE: 7/7/95

Address: Same Phone No.

Relationship to Permit Holder: (See Above)

3. Source: Ground water * tributary to

*(Hot Wells)

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None for Same Use

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

	Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
South	1		NW	SE	NW	14	9S.	14E.	Twin Falls	U.S.G.S. Quad & Subdiv Map
West	2		NW	SE	SE	10	9S.	14E.	"	"
North	3		NE	SE	NE	10	9S.	14E.	"	"

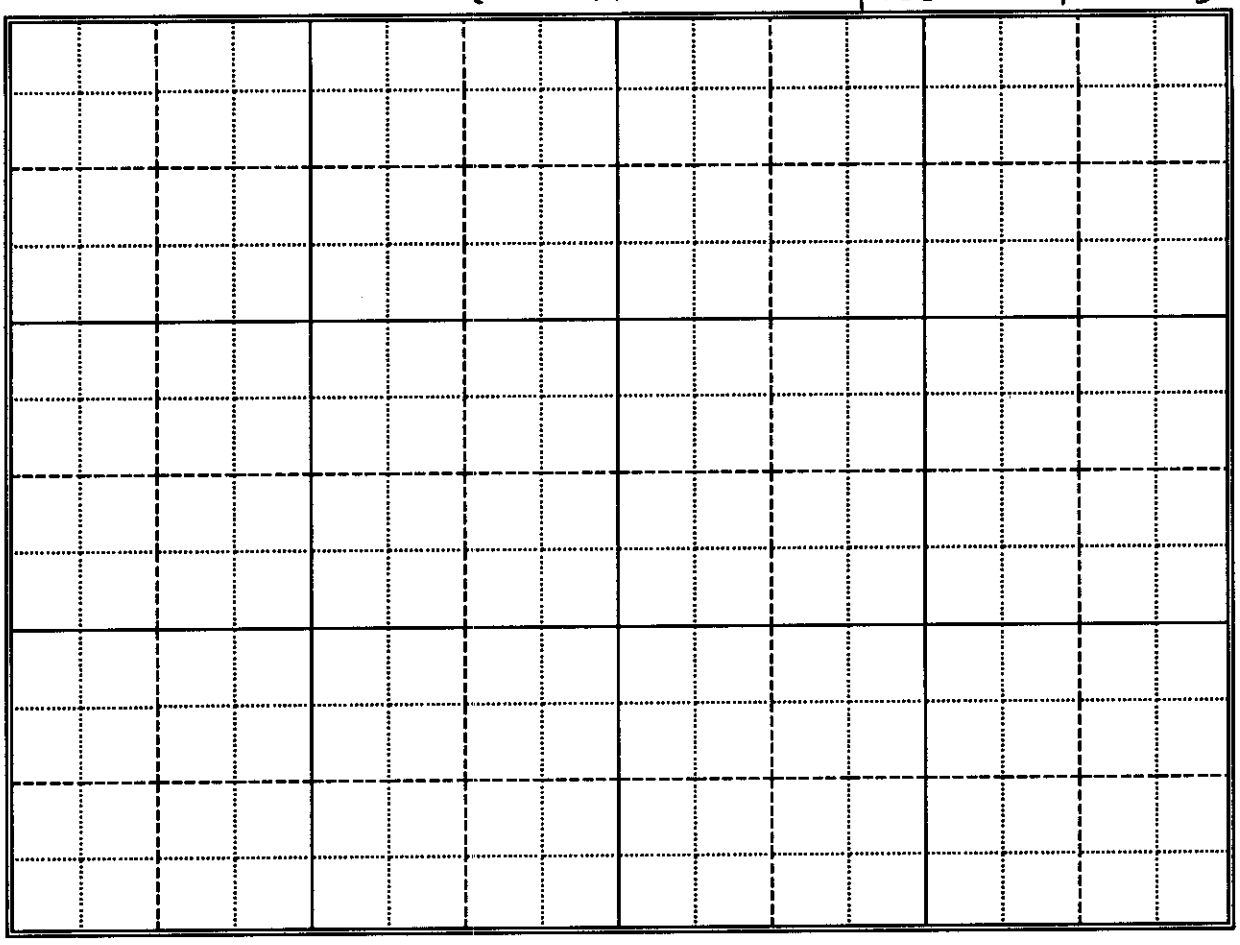
2. **Place(s) of Use:** Indicate Method of Determination Same as with P/D

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S.	14E.	10	DH	DH	DH	DH	DH			DH					D,H			DH	
9S.	14E	11		DH			DH	DH	DH CS	DH		DH	DH	DH					
9S.	14E	14		DH	DH		DH	DH		DH									

D- Domestic in-house use
H - Heating of homes
C - Commercial use
S - Stockwater for 15 horses

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NOV 22 2003

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. (See Attached copies of plans)



Scale: 1" = _____.

_____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	None	(Well is artesian flowing)			
2	?	(Submersible		Pump)	
3	*				

*Code to correspond with No. on map and aerial photo (Booster Plan being installed.

D. FLOW MEASUREMENTS (None - See Narrative)

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** _____

MICH...

APR 2 2 2003

E. NARRATIVE/REMARKS/COMMENTS

See attached Narrative, Timeline & Maps

Have conditions of permit approval been met? __ yes X no (See narrative)

Use of hot water for
Micrrigation continues.

APR 2 2 2003

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method:

(See Narrative)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

(See Narrative)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic	1/1	12/31	0.45	63.6
Heating	9/1	6/1	*~~2.57~~ 4.46	564.3
Commercial	1/1	12/31	0.01	0.1
Stockwater	1/1	12/31	0.01	0.2
		Totals:	*~~3.04~~ 4.46	628.2

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

X Change P.U. as reflected above (Reduce) ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name _____ Date 1-30-96 * Revised 10/11/96

Reviewer _____ Date _____ SEAL

MICROFILMED

APR 2 2 2003

BENEFICIAL USE FIELD REPORT **DATE: January 30, 1996**
FOR PERMIT 47-07680 ***REVISED: October 11, 1996***

PART E. NARRATIVE/REMARKS/COMMENTS

This Beneficial Use Field Report was started the day of the initial field review and incorporates additional information gathered later in time from the developer's consultant (Dr. Charles Brockway), from review of DEQ files of the water systems, and from conversations with Mike Choat from Galena Engineers.

At present the water system consists of three wells connected together in a pipeline network supplying water to the original Kanaka Rapids Ranches (KRR) P.U.D. (99 homes) and to the Riverside at Kanaka Rapids Ranch (43 lots; lot #235 not counted because it is a small pasture). The adjacent Bluffs development does not have a water system installed but it is the expressed intent of the developers to connect the Bluffs to the system in the future if water right approvals can be secured. (The Bluffs is not recommended as part of this licensing recommendation.) The three wells can presently serve the KRR and the Riverside for inhouse domestic use and heating. It is my understanding that well #1 is the one that presently serves most of the current needs with well #2 being used as a backup. Well #3 is a production well that is being modified to supply some needs but the new pumping plant may not be on line yet due to power line capacity problems. At the current extent of development well #1 generally meets all needs.

Irrigation Recommendation Analysis
The field review finds that in addition to the domestic and heating uses the water has been and continues to be used for irrigation directly from the well. This irrigation use is summarized on the attached lists and is broken down as: 1) Tree Drip Irrigation System; 2) Homesite Lawn Irrigation; 3) Subdivision Common Area Landscape Irrigation. The tree drip system exists at KRR and Riverside but the extent of area irrigated was not readily measurable. I assumed that the drip system supplies water to mature trees and affects an area around 40' in diameter of each tree. Based on trees at 50' centers and considering some roads have trees on both sides while others have trees only on one side, I have calculated there is approximately 1356 trees and the affected area of these trees is 39 acres. The homesite irrigation is not totally developed. It was noted during the field review that some of the existing houses have extensive irrigation around them while others had very limited irrigation development. Based on Mr. Ferreira's estimate of the average lawn size (0.13 acres/home) and assuming 99 home sites are to be developed in KRR and 43 lots in Riverside, the potential irrigation use would be 18.5 acres (12.9 in KRR & 5.6 in Riverside). The subdivision landscape areas presently exist and are irrigated directly from the wells. These areas are common areas in the KRR and Riverside

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APR 22 2003

irrigated to enhance the subdivision environs and are areas such as parks, turn-arounds, focal areas, etc. The measurement of these areas was provided by Dr. Brockway and total 15.5 acres. In total these wells could ultimately serve 73.0 acres irrigation. (At present there is approximately 60 acres being directly irrigated from the wells). In reviewing the permit file the original application proposed to use the water for irrigation. My understanding of the 1983 Director's Order and the 1988 Supreme Court Decision does not allow any direct irrigation from the wells. The developer contends that the irrigation not allowed by the court was that which was agricultural in nature. During the field review large tracts of land were pointed out that used to be hay fields reportedly irrigated directly from the wells. According to Mr. Ferreira these fields have not been irrigated since around 1988. The developer contends that the irrigation associated with domestic use, the trees and the landscape for the subdivision are not agricultural in nature and can be irrigated. I do not agree and do not recommend any of the water use listed above for irrigation. It is listed for information purposes only and may be used to further the discussion which may ultimately resolve the irrigation issue. (The department should issue an order to cease irrigation if my recommendation is accepted.)

Place of Use Recommendation Analysis

The base water permit has undergone quite an interesting evolutionary history which bears directly on the recommendation. The attached "Timeline for Development" hits many of the important events that must be considered. The water right associated with this permit has become a point of contention between the developer, some of the residents, some of the surrounding neighbors and some other hot water well owners in the area. At issue is the extent of development allowed under the permit. As can be seen from the timeline the wells were initially developed without a water right permit and then the water right was applied for after the fact. The initial application envisioned a slightly different project than that which was ultimately approved or that which was developed. On initial approval the permit was limited by condition by the director. The limits imposed were disputed by the developer and ultimately taken to court with the final decision coming from the State Supreme Court. The court upheld the conditions of the director. On 7/30/1991 the developer filed proof of beneficial use which stopped the development period of the permit. After proof was filed it is evident from DEQ records that the water delivery system was continued to be developed, particularly on the Riverside portion. On 5/10/1994 the department approved an amendment of the permit which changed the place of use to include the ~~Bluffs~~ area. (The KRR and Riverside were already identified as a place of use.) I have struggled with condition #3 of the amendment which limits the use to 99 lots or that which had been stubbed in. It is clear from the record that 99 lots were stubbed in on the original KRR prior to filing proof. It is also clear that well #3 was not connected to the system until after 5/10/1994. It is not clear as

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to the development and use of well #3 on the Riverside prior to filing proof and it is questionable what lots were stubbed in prior to 5/10/1994. The data from DEQ supports that the public water domestic system was installed sometime in 1994 on the Riverside. The developer contends the tree drip system existed and was for a time the domestic system for development of the area. The developer also points out that the pipeline installed in 1994 replaced a pipeline that existed before. Mr. Choat described the pipeline hooked to well #3 as an irrigation pipeline. If I interpret Condition #3 one way, I would recommend that the permit would be licensed in two parts with one part for wells #1 & #2 and the southern portion of the development and the second part for well #3 and the northern part of the development. The trouble with this is that it is not clear as to how many homes to associate with each part. In total the limit of homes would still be 99 as permitted. If I interpret Condition #3 to allow the connecting of the wells on the entire place of use described but limit the use to the number of homes found stubbed in prior to 7/30/1991 the total use will remain the same (water for 99 homes) and I would recommend the right as a single right and it would reflect the way the system is currently configured. I discussed this matter with Norm Young this day and he indicates that the latter interpretation was what was intended. Based on this analysis I recommend the Place of Use be that which is comprised of the KRR and the Riverside. The attached maps document the legal location of the place of use.

Use and Amount Recommendation Analysis

The permit was approved for:

Irrigation	6.60 cfs*
Commercial	2.70 cfs
Heating	4.90 cfs
Domestic	0.40 cfs
Total	14.60 cfs*

*Limited by order to allow irrigation only after heat is used. Limits irrigation to be supplemental to other irrigation rights.
Limits other uses for domestic, commercial and heating for 99 homes.
Commercial use listed as greenhouses.

The Proof of Beneficial Use Statement was for:

Irrigation	0.08 cfs
Commercial	0.14 cfs
Heating/Cool	3.57 cfs
Domestic	1.98 cfs
Stockwater	0.02 cfs
Total	5.79 cfs*

*Irrigation listed as 2200 trees.

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Commercial listed as 7 RV spaces and irrigation of 99½ lots 1 acre RV.
Heating/Cooling listed for 99 homes (hot tubs use effluent).
Domestic listed for 99 homes.
Stockwater listed for 15 horses.

The field exam found that the following uses exist today:

Domestic hookups:	99 lots in KRR and 43 lots in Riverside
Commercial:	1 Subdivision maintenance shop
Heating:	For domestic units described above
Stockwater:	Near Maintenance shop of limited horses

*See the attached map which shows which lots have been built on, which lots where construction has started or will start shortly and which lots are sold and not sold.

The exam and review of documents found that the development reasonably existing at the time of filing Proof of Beneficial Use to be:

Domestic hookups:	99 homes
Heating:	99 homes
Commercial:	Shop & 7 RV sites
Stockwater:	15 horses

Maximum Recommendation limits:

		Max. cfs	AFA
Domestic:	106 homes	0.45	63.6
Heating:	99 homes	4.99	564.3
Commercial:	1 shop	0.01	0.1
Stockwater:	15 horses	0.01	0.2
		5.46	628.2

The above uses are from 1/1 to 12/31.
The domestic rate is based on Exhibit #12 of FE handbook.
The domestic volume is based on 0.6 AFA/house or 100 gpd for 6 residents per house per Table #3 of FE handbook.
Note that the 7 RV hookups that existed are recommended as domestic.
The Heating rate and volume are estimated from the attached analysis sheets assuming average insulated houses.
The Stockwater rate and volume is based on 15 horses and Exhibit #13 & Exhibit #15 of FE handbook.
The Commercial rate is based on 50 gpd for 2 workers at the site of the shop and Table #3 of the FE handbook.

Measurement of Diversion Capacity

During the licensing field review it was noted that all three wells have meters installed. At that time I requested that the wells be opened discharged so that the capacity of diversion system could be

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measured. The owner indicated that this could not be done since they had no place fixed to dump the water and also they feared that if water was discharged through the pipeline network at a large rate that the wells would carry sediment out of the wells which would clog pressure reducing valves and the emitters on the drip system. Apparently they had experienced problems with sediment in the past as they indicated that repair of these features have cost them many hundreds of dollars. They indicated that the wells had been measured in the past and would submit that information. I told them the department would consider their request and after reviewing the submitted information and calculating the maximum allowable rates may yet require the wells to be tested.

The owner's engineer (Mr. Choat) has supplied the attached information summarized as:

Well #1	2200 gpm max.	4.90
Well #2	250 gpm max. with pump	0.56
Well #3*	850 gpm max. with pump	1.89
	3300 gpm max	7.35 cfs

*Note that well #3 has only recently had a booster pump system installed. It was being installed the day of the field exam. In a phone conversation with Mr. Choat on 1/12/96 he indicated that due to problems with the power company the plant may not yet be operational.

In retrospect an instantaneous capacity measurement from the wells as listed above or that which would have been made had the wells been measured on 7/7/95 does not accurately reflect what the system is capable of supplying on a sustained basis. I have discussed this matter with Paul Castelin, IDWR groundwater geologist, and Paul's opinion is that a stepped test would give a better measure of what the well or wells are capable of supplying on a sustained rate. He indicated that a maximum type rate measurement would deteriorate fairly rapidly. I believe this is evident in the record of well #2. When it was originally drilled it flowed 19 gpm. The well has never been used and the well currently has a pump in it with a static water level of around 41 feet below land surface and pumps at a level around 260' per Walker's well test. It appears from the deterioration of the static level in this well the wells in the area influence each other. I would suspect that Well #1's discharge rate would also deteriorate as development of the project unfolds and the sustainable rate would be less than 2200 gpm.

Review of the Brockway letter finds that at the maximum the developer wishes to achieve 192 homes at 6 gpm/home for heating or a maximum of 1152 gpm (2.57 cfs) for heating. Based on this analysis on 1/30/96 I drafted the following preliminary recommendation and on 1/31/96 met with representatives of the permit holder (Brockway, Semanko & Ferreira) to review it. They

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objected to the amounts and I expressed my concern about the system capacity. We settled on me holding the recommendation and allowing them time to prepare an engineering report to support a larger system capacity. Initial Preliminary Recommendation:

Domestic	1/1 to 12/31	0.45 cfs	63.6 AFA
Heating	9/1 to 6/1	2.57 cfs	564.3 AFA
Commercial	1/1 to 12/31	0.01 cfs	0.1 AFA
Stockwater	1/1 to 12/31	0.01 cfs	0.2 AFA
Total		3.04 cfs	628.2 AFA

Domestic is for 106 homes
Heating is for 99 homes, season is estimated season for heating
Commercial is for 1 shop
Stockwater is for 15 horses

On 10/4/1996 I revisited the issue of the system capacity during a conference call (Semanko, Choat & Ferreira). On that date nothing further had been submitted by the permit holder or his representatives. On 10/10/1996 I received the letter from Semanko with attachments. This submittal provides no further information regarding system capacity than has already been reviewed other than the entire Priester Report was submitted instead of just a portion.

I have re-evaluated my preliminary recommendation and have decided that it's basis is weak. I continue to have concerns regarding the system capacity but have decided to base the recommendation on the lowest capacity value of well #1 (2000 gpm). I discount the other two well values since I strongly suspect that they interfere with the capacity of well #1 so should not provide additional capacity to the system. Short of recommending the permit be canceled I believe this is the most conservative approach. Therefore I recommend the right be licensed as follows:

PART H. RECOMMENDATIONS

Domestic	**1/1 to 12/31**	**0.45 cfs**	**63.6 AFA**
Heating	**9/1 to 6/1**	**4.46 cfs**	**564.3 AFA**
Commercial	**1/1 to 12/31**	**0.01 cfs**	**0.1 AFA**
Stockwater	**1/1 to 12/31**	**0.01 cfs**	**0.2 AFA**
Total		**4.46 cfs**	**628.2 AFA**

Domestic is for 106 homes (In house use only)
Heating is for 99 homes, season is estimated season for heating
Commercial is for 1 shop
Stockwater is for 15 horses

ADDITIONAL RECOMMENDATIONS

Due to the question of the use of the water for irrigation I recommend that the matter be reviewed by the departments' legal staff and administration prior to license. Also at issue is the

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measurement of the system. As discussed there has not been a measurement of the system as it exists today nor was there one made as the system was configured in 1991.

Another issue is the proper construction of the wells. The original permit was granted with a condition about the Director retaining jurisdiction over the casing and sealing of the wells. The problem with the wells pulling material at large discharge and in light of the 8/10/95 letter from Eggleston point to the need to carry forward language about the well construction. I recommend that any license carry a condition regarding well construction and/or monitoring and that the well drilling staff review the well logs and construction of the wells.

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TIMELINE FOR DEVELOPMENT OF 47-07680

10/10/1979	WELL #3 COMPLETED
07/10/1980	WELL #2 COMPLETED
08/11/1980	WELL #1 COMPLETED
11/20/1980	APPLICATION FILED BY ROYAL CREST 14.6 CFS
09/02/1981	PLAT OF KANAKA RAPIDS RANCHES PUD 99 HOMES SENT TO DEQ
09/16/1981	KANAKA RAPIDS RANCHES WATER SYSTEM PLANS RECEIVED BY DEQ (PLANS BY PRIESTER) APPROVED 11/25/1981
12/15/1981	ROYAL CREST ASSIGNS TO COLLINS BROTHERS
12/30/1981	APPLICATION AMENDED DOMESTIC - 110 HOMES 0.40 CFS IRRIGATION - 430 ACRES 6.60 CFS COMMERCIAL - GREENHOUSES 2.70 CFS HEATING - 110 HOMES 4.90 CFS 14.60 CFS
01/01/1982	APPLICATION PROTESTED (KAMBRICK, DURRANT, ANDERSON, LUNTY)
03/31/1982	CONFERENCE HELD ON PROTEST
04/12/1983	ESTABLISHED BANBURY GROUNDWATER MANAGEMENT AREA
08/04/1983	PROPOSED MEMORANDUM DECISION (NO DIRECT IRRIG, DOMESTIC & HEATING FOR 99 HOMES, PROOF DUE 8/1/1988)
08/31/1983	ORDER ADOPTING PROPOSED DECISION, PERMIT ISSUED
10/05/1983	MOTION TO MODIFY ORDER BY APPLICANT
12/05/1983	MOTION TO MODIFY DENIED BY DIRECTOR
01/04/1984	COLLINS STARTS APPEAL TO DISTRICT COURT
12/04/1985	BANBURY GMA ORDER STAYING PERMIT DEVELOPMENT (REQUIRED ALL PERMITS TO FILE PROOF)

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04/02/1986	DISTRICT COURT (HURLBUTT) REVERSES DIRECTORS ORDER (GRANTS PERMIT WITHOUT CONDITIONS)
07/21/1988	SUPREME COURT DECISION (CASE 16844) REVERSING DISTRICT COURT AND REINSTATING DIRECTORS ORDER
10/11/1988	ORDER EXTENDING PROOF DUE TO 8/1/1989
06/22/1989	EXTENSION OF TIME REQUEST FILED
08/11/1989	IDWR REQUESTS INFO ON EXTENT OF DEVELOPMENT
02/08/1990	EXTENSION OF TIME APPROVED (PROOF DUE 8/1/1991)
07/30/1991	ASSIGNMENT FROM COLLINS BROTHERS TO KANAKA RAPIDS RANCH HOMEOWNERS WATER SYSTEM, INC.
07/30/1991	PROOF OF BENEFICIAL USE FILED COMMERCIAL - 14 RV SPACES 0.14 CFS DOMESTIC - 99 HOMES 1.98 CFS STOCKWATER - 15 HORSES 0.02 CFS HEATING/COOLING- 99 HOMES 3.57 CFS IRRIGATION - 2200 TREES 0.08 CFS 5.79 CFS *IRRIG OF 99 ½ LOTS & 1 AC RV INCLUDED IN COMMERCIAL
08/16/1993	KRR WATER SYSTEM AS-BUILT PLANS RECEIVED BY DEQ APPROVED 8/24/93 (PLANS BY REIDESEL)
08/??/1993	KRR WATER SYSTEM IMPROVEMENT PLANS APPROVED AS-BUILTS 1/21/94 (PLANS BY GALENA ENGINEERS) [TIE WELLS #1 & #2 TOGETHER INTO COMMON NETWORK]
04/18/1994	COLLINS BROTHERS SUBMIT 63 DRILLING PERMIT APPLICATIONS FOR WELL #3 IN AN ATTEMPT TO ADD DOMESTIC USES FOR ADDITIONAL LOTS.
04/20/1994	SAXTON MEMO REGARDING 63 DRILLING PERMITS. DOUG JONES LETTER RETURNING 63 DRILLING PERMIT APPLICATIONS WITH NO ACTION.
04/??/1994	RIVERSIDE PHASE I WATER SYSTEM IMPROVEMENT PLANS APPROVED AS-BUILTS 1/30/95 (PLANS BY GALENDA ENGINEERS) [INSTALLED PUBLIC WATER SUPPLY PIPELINE NORTH OF MUD CREEK IN RIVERSIDE].
05/10/1994	AMENDMENT OF PERMIT APPROVED TO CHANGE P/U (P/U IS KRR, RIVERSIDE & BLUFFS)

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07/??/1994	RIVERSIDE PHASE II WATER SYSTEM IMPROVEMENT PLANS APPROVED AS-BUILTS 1/30/95 (PLANS BY GALENA ENGINEERS) [TIE WELL #3 INTO SYSTEM AND PUT PIPELINE ALONG RIVER ROAD SOUTH OF MUD CREEK IN RIVERSIDE].
08/12/1994	WELL #3 BOOSTER PLAN APPROVED BY DEQ 9/13/94 (PLANS BY GALENA ENGINEERS)
10/12/1994	APPLICATION FOR AMENDMENT OF PERMIT AGAIN FILED WITH LETTER FROM ROSHALT.
10/19/1994	LETTER FROM HIGGINSON TO ROSHALT (HOLDING PROCESSING OF AMENDMENT- OFFERED TO DO FE THEN CONSIDER TRANSFER)
11/??/1994	IDWR STAFF OBSERVE CONSTRUCTION OF PIPELINES ON RIVERSIDE
07/07/1995	LICENSING FIELD EXAM BY ADM OBSERVED COMPLETION OF INSTALLATION OF BOOSTER PLANT ON WELL #3.
07/18/1995	SEMANKO LETTER TO ADM.
08/04/1995	ADM RESPONSE TO SEMANKO.
01/30/1996	*DRAFT FIELD EXAM REPORT COMPLETED BY ADM*
01/31/1996	*MEETING WITH SEMANKO, BROCKWAY & FERREIRA TO DISCUSS DRAFT RECOMMENDATION. (HOLD SUBMISSION OF REPORT TO ALLOW SUBMISSION OF ENGINEERING REPORT FROM BROCKWAY REGARDING WELL CAPACITIES)*
10/04/1996	*CONFERENCE CALL WITH SEMANKO, FERREIRA & CHOAT TO DISCUSS REQUESTED ENGINEERING REPORT & CONCERNS OF MEASUREMENT.*
10/10/1996	*LETTER FROM SEMANKO WITH ATTACHMENTS IN EFFORT TO DOCUMENT SYSTEM CAPACITY AND ARGUE FOR RECONSIDERATION OF NON ALLOWANCE OF IRRIGATION.*
10/11/1996	*ADM FINALIZE EXAM REPORT.*

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$$V_{heat} = \frac{(HL)(DD)(C_D)\ 24}{(\Delta T_1)(K)(C)(\Delta T_2)}$$

$HL = (2750\ sq.ft)(.67)(70)$

$= 128,975.$

$DD = \cancel{6146}\ 6000$

$C_D = 0.6 \quad 0.3$ Conversion factor?

$\Delta T_1 = 70$ inside temp

$K = 0.90$

$C = 2.72 \times 10^6 \quad 2,720,000$

$\Delta T_2 = 11.4 \quad 5.7$ Temp drop across system

$\therefore V_{heat} = 5.7$ AF / House

$\therefore V_{heat}$ for 99 homes $= 5.7 \times 99 = 564.3$ AFA

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$$Q_{heat} = \frac{HL}{(500)(\Delta T_2)(448.8)}$$

$$HL = (2750 \text{ sq. ft.})(.67)(70)$$

$$= 128{,}975$$

$$\Delta T_2 = 11.4$$

$\therefore Q_{heat} = 0.0504$ cfs / House

$\therefore Q_{heat}$ for 99 homes $= 0.0504 \times 99 = 4.99$ cfs

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Lists for Irrigation Analysis

2. Place(s) of Use: Trees (Existing) Indic. Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9S.	14E.	10	36	60	28	95				27					170			68	484	
			1.0	1.7	0.8	2.7				0.8					4.9			2.0		13.9
9S.	14E.	11		42			56	40	80	28		148	164	50					608	
				1.2			1.6	1.2	2.3	0.8		4.3	4.7	1.4						17.5
9S.	14E.	14		38	30		64	112		20										
				1.1	0.9		1.8	3.2		0.6									264	7.6

1356 trees 39.0 Acres

2. Place(s) of Use: Irrigated Common (Existing) Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	14E.	10		0.1											3.6				3.7
9S.	14E.	11		0.2					0.8			7.3	1.5	0.1					9.9
9S.	14E.	14					1.5	0.4											
																			1.9

15.5 Acres

2. Place(s) of Use: Home sites (Not all exist) Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9S.	14E.	10	4	5	4	6	1			4					19			16	59	
			0.5	0.7	0.5	0.7	0.1			0.5					2.5			2.1		7.6
9S.	14E.	11		2			5	5	5	2		10	19	1					49	
				0.3			0.7	0.7	0.7	0.3		1.3	2.5	0.1						6.6
9S.	14E.	14		4	3		11	12		4									34	
				0.5	0.4		1.4	1.5		0.5										4.3

142 home sites 18.5 Acres

2. Place(s) of Use: Total Potential Irrigation Indicate Method of Determination

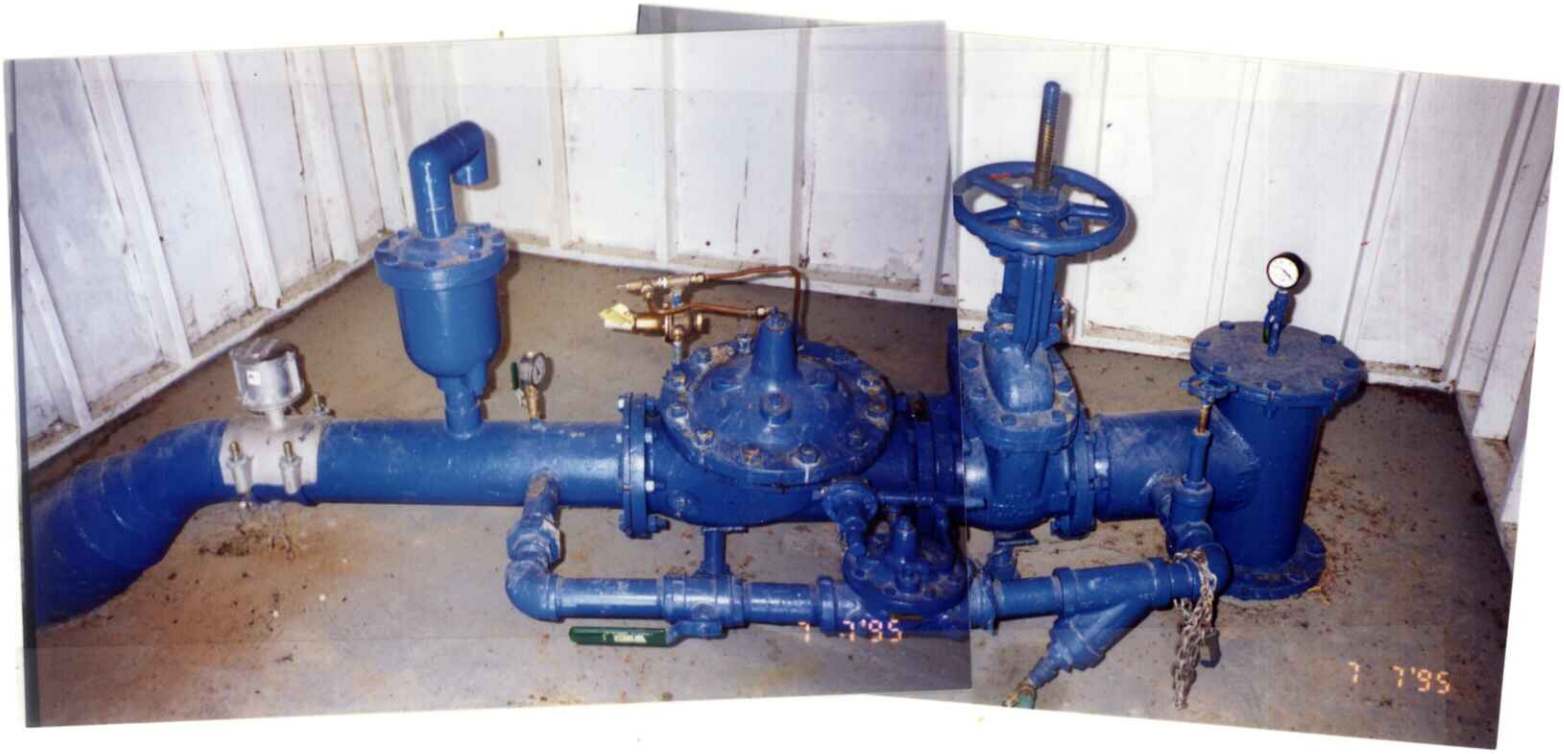
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S.	14E.	10	1.5	2.5	1.3	3.4	0.1			1.3					11.0			4.1	25.2	
9S.	14E.	11		1.7			2.3	1.9	3.8	1.1		12.9	8.7	1.6					34.0	
9S.	14E.	14		1.6	1.3		4.7	5.1		1.1										
																			13.8	

73.0 Acres

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Well #1 inside pump house.

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Fence Enclosure for well #2



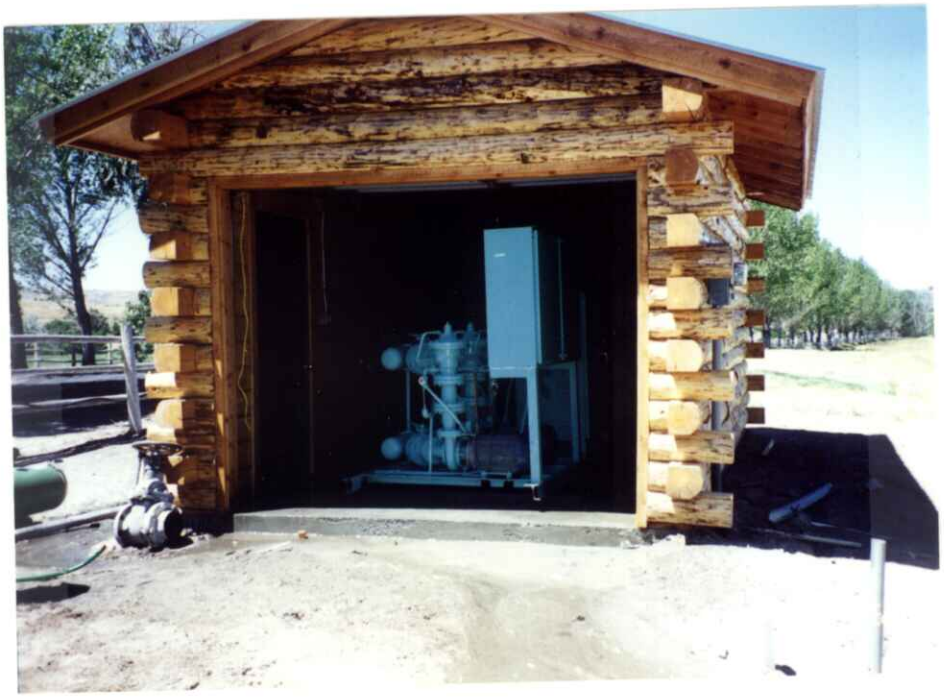
Well #2



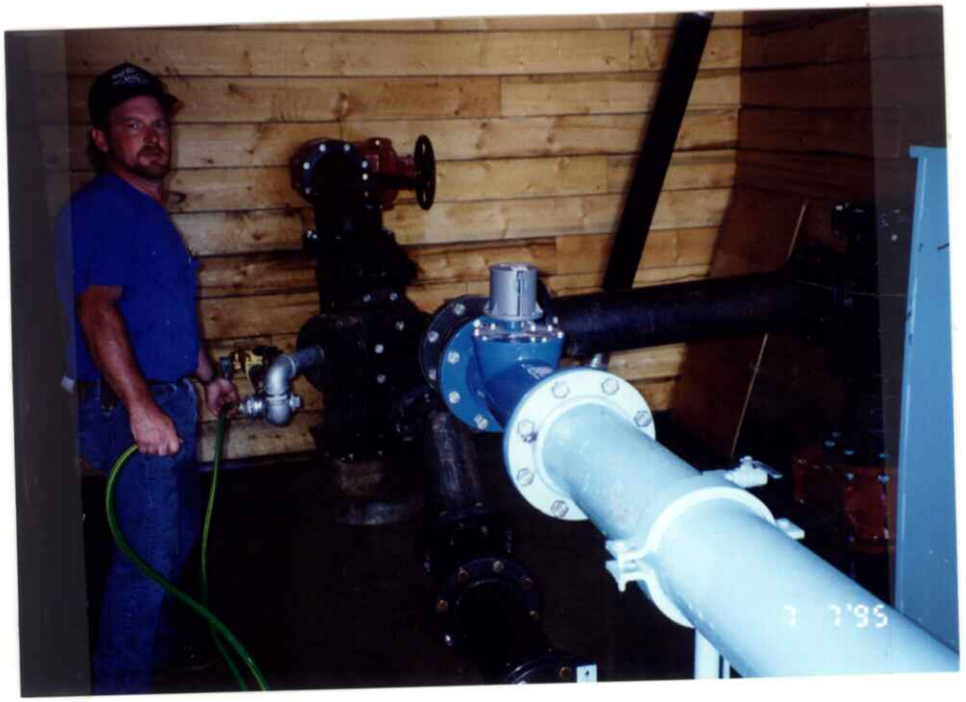
Values & meter inside concrete vault inside fence enclosure.

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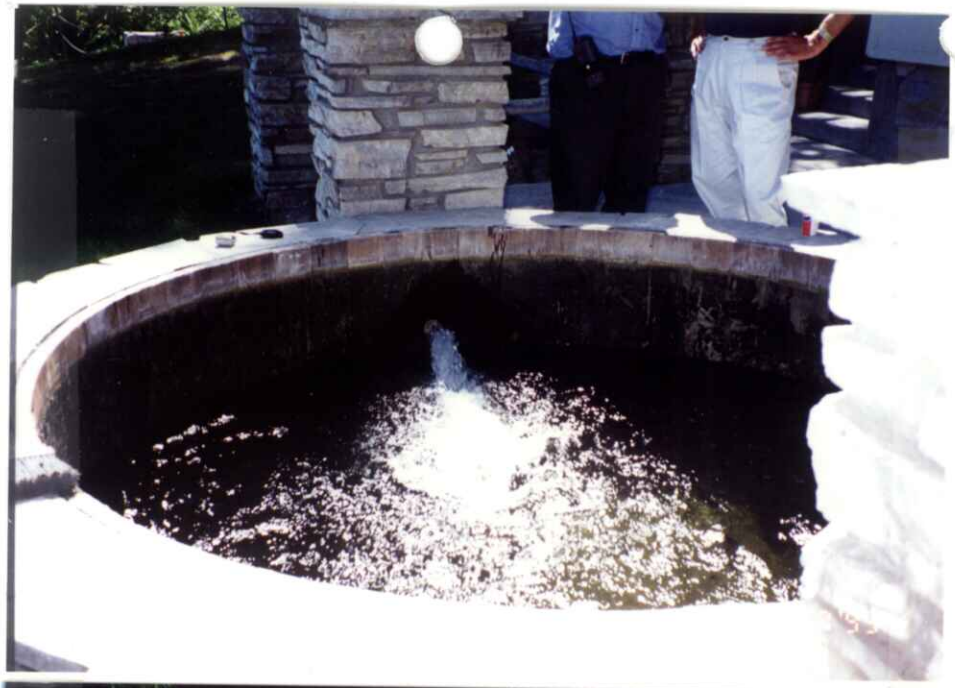
New pump house & booster pump on well #3



well #3
inside pump house.

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Hot Tub at office



Discharge from heating system thru office



Typical in floor heating lines. This is a house being built on lot 234 of Riverside.

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Silver Lake (Pond #2 on 47-0755(13))
Note that green vegetation along shore is sprinkler irrigated from hot water system.

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View from Silver Creek Road looking North. Note that grassed areas of trees along roads are irrigated from hot water system.

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View from Silver Creek Road
North. Note that grassed areas
along roads are irrigated from
system.

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Typical drip irrigation of trees which line roadways in subdivision



House on lot #25.

Note sprinklers going from hot water system.



Riser in dry field where irrigation of hay field was discontinued after court decision in 1988.

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KANAKA RAPIDS RANCHES P.U.D.

50 — 140' — 160'

TYPICAL LOT

(X) Const. in progress

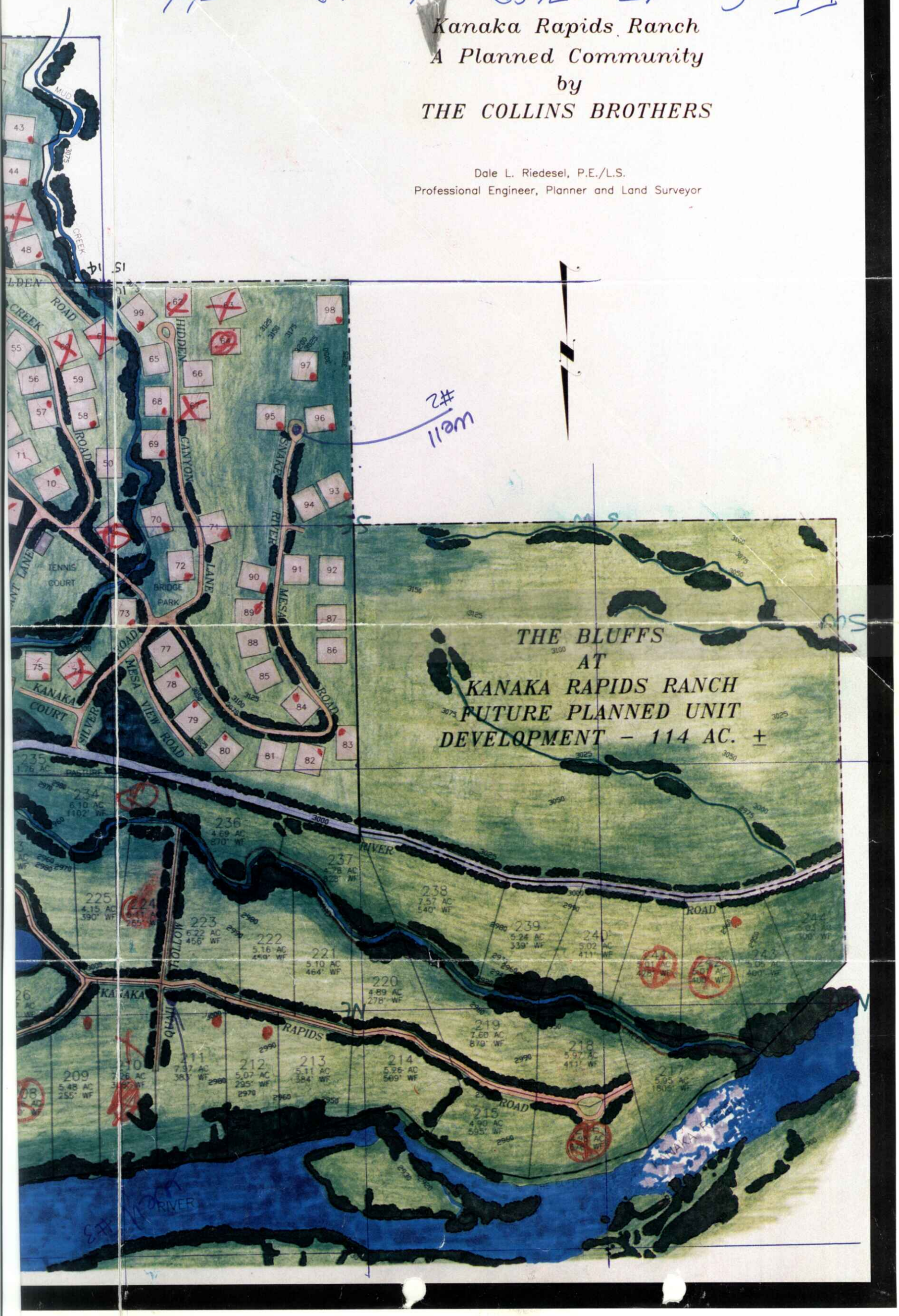
X Existing house

● Sold

THE RIVERSIDE AT KANAKA RAPIDS RANCH

Kanaka Rapids Ranch
A Planned Community
by
THE COLLINS BROTHERS

Dale L. Riedesel, P.E./L.S.
Professional Engineer, Planner and Land Surveyor



F.E. 47-07680

T14N
R8W
Sec 58
Apps from B.B. slide

Riverside
42 lots

Well #3

NW 12.1
NW 9.0
W
NW 6.0
NW 17.5
NW 7.8
NW 2.5
NW 4.3
NW 3.0
NW 3.0
W
AW

The Bluffs
50 lots

T14N
R8W
Sec 58

Kanzka Rapids Ranch (99 home sites)

Well #2

T13N
R8W
Sec 4

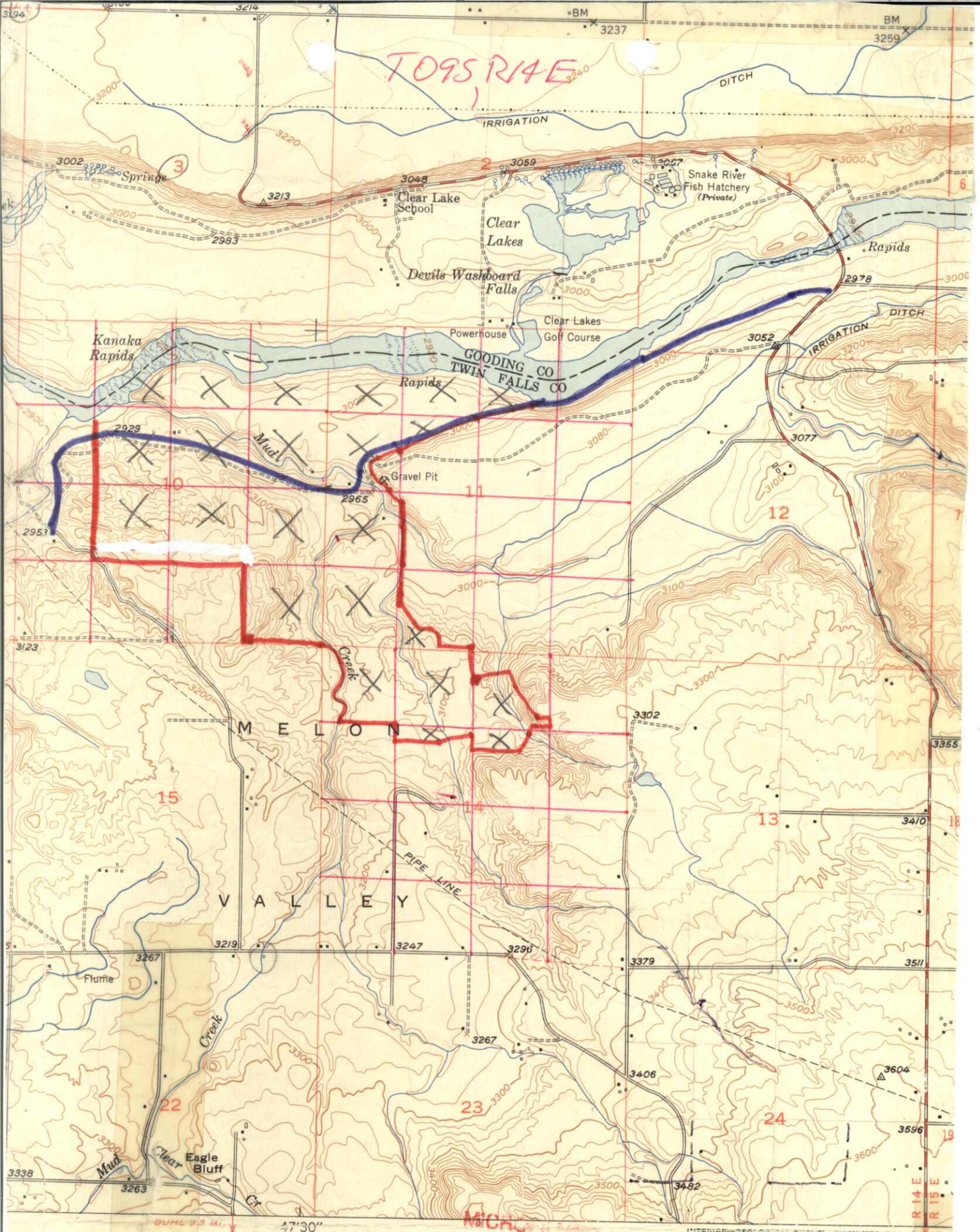
15 14

15.9

See H-9

Well #1

4



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources
Southern Region Office

1. WELL OWNER

Name
Address RT 4 Buhl Idaho
Owner's Permit No. 47-7650

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
inches	10 3/4 inches	1 feet	22 feet
inches	8 5/8 inches	1 feet	748 feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel
Placed from feet to feet
Surface seal depth 20 ft. Material used in seal: ☒ Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Cemented between strata ☐ Weld
Describe access port

6. LOCATION OF WELL

Sketch map location must agree with written location.

N
W E

Subdivision Name
Lot No. Block No.
County Twin Falls
SE NW ¼ ¼ Sec. 14 T. S N/S, R. 19 E/W.

7. WATER LEVEL

Static water level feet below land surface
Flowing? ☒ Yes ☐ No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature °F. Quality

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
15	0	2			
	2	8	clay & rock		
	8	12			
	12	20	clay boulders		
10	20	22			
	22	60			
	60	80			
	80	90			
	90	95			
	95	97			
	97	120			
	120	145	broken lava		
	145	170			
	170	204			
	204	225			
	225	240	broken lava & cinders		
8	240	260			
	260	280			
	280	300			
	300	320			
	320	340			
	340	360			
6	360	640			
	640	660			
	660	720			
	720	740			
	740				

WATER

10.

Work started 7-14-80 finished 8-11-80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Firm No. 161
Address Date
Signed by (Firm Official)
and
(Operator)

USE ADDITIONAL SHEETS IF NECESSARY – FORWARD THE WHITE COPY TO THE DEPARTMENT

MICRO

APR 22 2001

Well #1

Form 238-7
1/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER
BALLPOINT PEN

WELL DRILLER'S REPORT

RECEIVED
SEP 10 1980
Department of Water Resources
Southern Idaho District Office

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name COLLINS BROS, KANAKA RAPIDS RANCH

Address RT 4 Buhl Idaho

Owner's Permit No. 47-7680

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
4 inches	10 3/4 inches +	1 feet	79 feet
4 inches	8 5/8 inches	1 feet	480 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

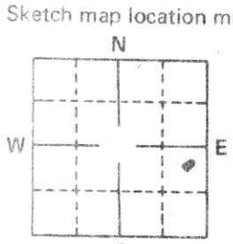
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 79 Material used in seal: ☒ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Weld ☒ Cemented between strata
Cemented Between 10" casing & 8" Casing
Describe access port artesian flow, plate on top of valve

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County _____
SE ¼ SE ¼ Sec. 10, T. 9 ☒ S, R. 14 E/☒ W.

MICROFILMED
APR 22 2003

7. WATER LEVEL

Static water level _____ feet above land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow 45
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 82 °F. Quality good

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
15	0	2	topsoil		
	2	18	brown clay		
	18	35	yellow clay		
	35	76	gray clay		
10	76	80	gray lava solid		
	80	145	gray lava solid		
	145	151	gray lava loose		
	151	209	gray lava solid		
	209	212	gray lava soft		
	212	266	gray & brown lava firm		
	266	290	gray lava hard		
	290	327	gray lava solid		
	327	329	crevice of loose lava		
	329	364	gray lava solid		
	364	375	gray lava broken		
	375	410	gray lava solid		
	410	413	gray lava loose		
	413	468	gray lava solid		
8	468	511	gray lava firm		
	511	526	gray lava broken	X	
	526	544	gray lava hard		
	544	609	gray lava solid		
	609	618	gray lava soft		
	618	673	gray lava solid		
	673	745	gray lava firm		
	745	960	lava ash & sand		
	960	1005	gray lava solid		
	1005	1090	gray lava firm No increase in yield		
	1090	1230	gray lava solid		
6	1230	1267	gray lava firm		X
	1267	1345	gray lava hard		
	1345	1510	gray lava solid		
	1510	1560	gray lava firm		X
	1560	1635	gray lava solid		
	1635	1660	gray lava firm		X
	1660	1695	gray lava solid		

10.

Work started 4-14-80 finished 7-1080

11. DRILLERS CERTIFICATION

Well #2

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Sherman Couch Well Drilling Firm No. 161
Address 340 Wauna Vista Dr. Burley, Idaho 83318 Date 8-10-80
Signed by (Firm Official) Sherman Couch
and
(Operator) Rodney Couch
Sherman Couch

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

orm 238-7
/78

STATE OF I HO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER O
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name COLLINS BROS

Address

Owner's Permit No.

2. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
inches	inches +	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

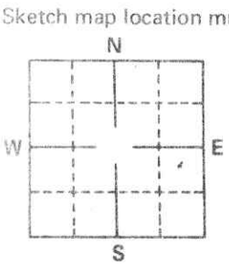
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel
Placed from feet to feet
Surface seal depth Material used in seal: ☐ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name

Lot No. Block No.

County

¼ ¼ Sec. , T. N/S, R. E/W.

7. WATER LEVEL

Static water level feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature °F. Quality

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water N
	1695	1755	gray lava firm		x
	1755	1782	gray lava hard		
	1782	1835	gray lava firm		x
	1835	1910	gray lava solid		
	1910	1920	gray lava firm or soft		
	1920	2030	gray lava mostly solid no increse in water		

10.

Work started 4-14-80 finished 7-10-80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name SHERMAN COUCH WELL DRILLING Firm No. 161
Address 340 WAUNA VISTA DR. BURLEY IDAHO 83318 Date
Signed by (Firm Official) Sherman Couch
and
(Operator) Sherman Couch

MICROFILMED APR 22 2003

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

orm 238-7
78

STATE OF IDAHO
EPARTMENT OF WATER RESOURC

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

gb

1. WELL OWNER

Name Al Collins

Address Las Vegas Nev.

Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste D posal or Injection
☐ Other (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
.250 inches	8 5/8 inches	+ 1 feet	156 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel
Placed from feet to feet
Surface seal depth 156 Material used in seal: ☒ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☒ Cemented between strata
Describe access port

7. WATER LEVEL

Static water level 0 feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow
Artesian closed in pressure p.s.i.
Controlled by ☒ Valve ☐ Cap ☐ Plug
Temperature °F. Quality

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
12	0	156	Top Soil + Boulders	X	
8	156	312	Black Lava	X	X
	312	540	Dary Rock		
	540	952	Blue Clay		X
			+ Broken Rock	X	

RECEIVED
MAR 4 1982
Department of Water Resources

10.

Work started Sept 6, 79 finished Oct 10, 79

6. LOCATION OF WELL legal wrong

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name

Lot No. Block No.

County Twin Falls

NE ¼ NW ¼ Sec. 11 T. 9 N(S) R. 14 (E)W.

RECEIVED
MAR 4 1982
Department of Water Resources
Southern District Office

11. DRILLERS CERTIFICATION Well #3

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Elsing Dr. Firm No. 31

Address Box 919 Date Nov. 15, 79

Signed by (Firm Official) Arnold Elsing

and (Operator) Earl Gallagher

MAR 22 2003

USE ADDITIONAL SHEETS IF NECESSARY -- FORWARD THE WHITE COPY TO THE DEPARTMENT

IDAHO DEPARTMENT OF WATER RESOURCES 343-6767 Page 1 of ___
GEOTHERMAL MONITORING WELL DATA SHEET

Well Owner: Collins Bros Address: _____

Phone No.: _____ USGS 7½-min. Quad.: _____ USGS Well No.: 09S-14E-14BDB1

Well legal description: NW ¼ SE ¼ NW ¼ Section: 14 Township: 9S Range: 14E, Boise Meridian

Description of pressure and temperature measuring points:(Sketch on reverse) _____

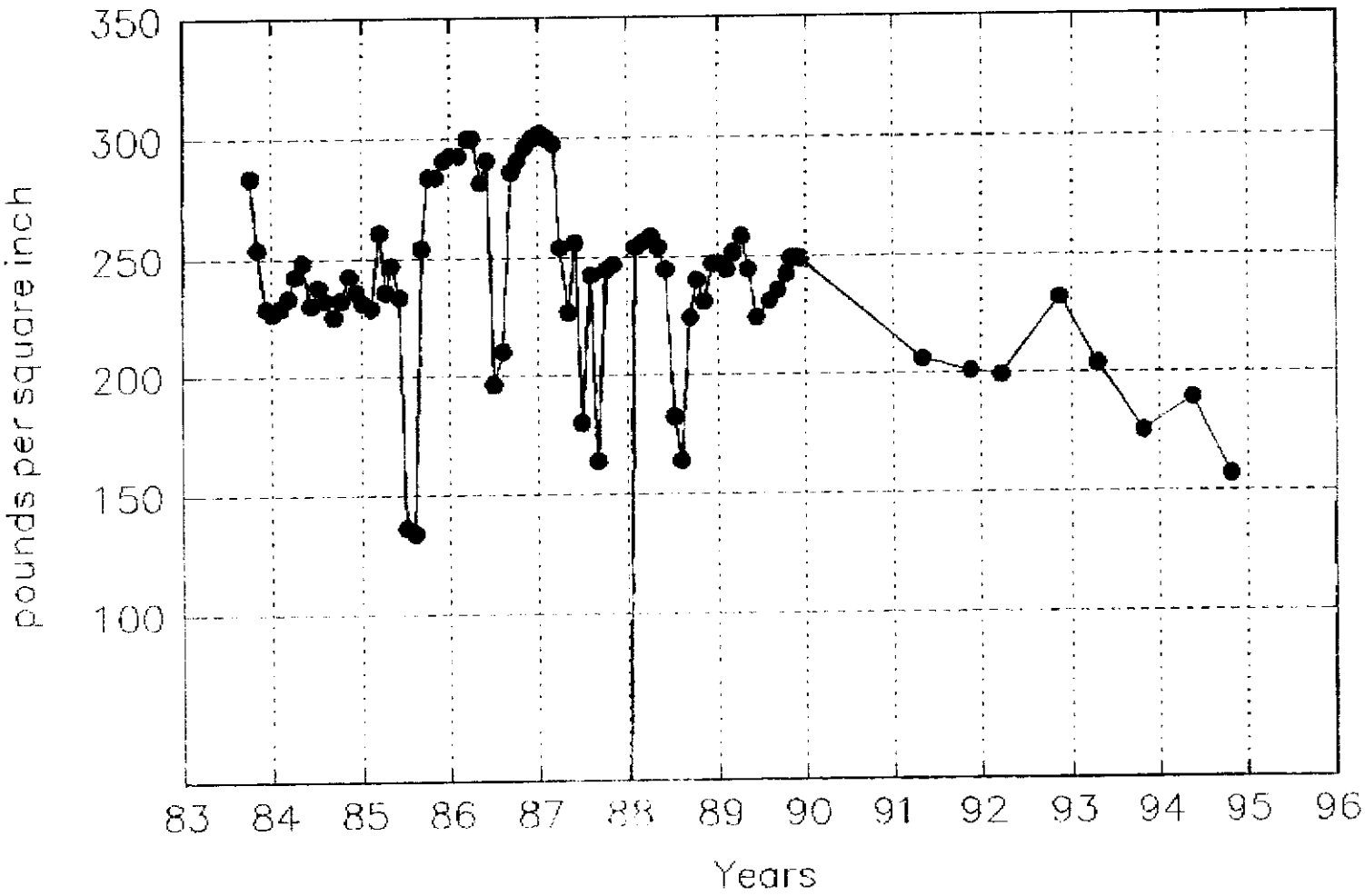
Date	Time (24-hr.)	Water Temp. °F.	Water Temp. °C.	Pressure before shut-in	10-min. shut-in pressure, psig	10-min. shut-in pressure, ft.H_2O	Discharge, totalized (units)	Discharge, Instant.	Remarks (Pressures Corrected to W&T Master Gage)	Meas. by
5/2/91	1030	93	34	86	88	203[3]				ZH
11/19/91	1000	93	34	80	86	198[2]	27372 gals gal	1949pm	New Flow Meter Q: 1949pm @ 80psi	ZH
3/19/92	1000	93	34	80	85	196[4]	595 8400 gal	659pm	Q:	ZH
11/10/92	930	91.4	33°	96	99	228[2]		100gpm		CH
4/16/93	11:18	93	34	on 2"s 82	87	201[2]	538023000	30gpm max (150 500)	open 8" valve to 700# gage open 8,5 valve to pressure in this line one	DK
10/26/93	0934	91.4	33	*66-72	*75	173[2]	963558900	0-500	Flow Sutgage 0 to 500 gpm in 30sec cycles	
5/18/94	1320	91	33	CZ on well 87 on sp	81	187[1]	36849200	300-450		DJ/MTS
10/26/94	1215		34	31 next meter 69-65	67	154[8]		150-300		GP/KW

MICROFILMED APR 22 2003

* Corrected to W&T Master Gage

K.W. Neely Jan. 31, 1996 2:49:00 PM

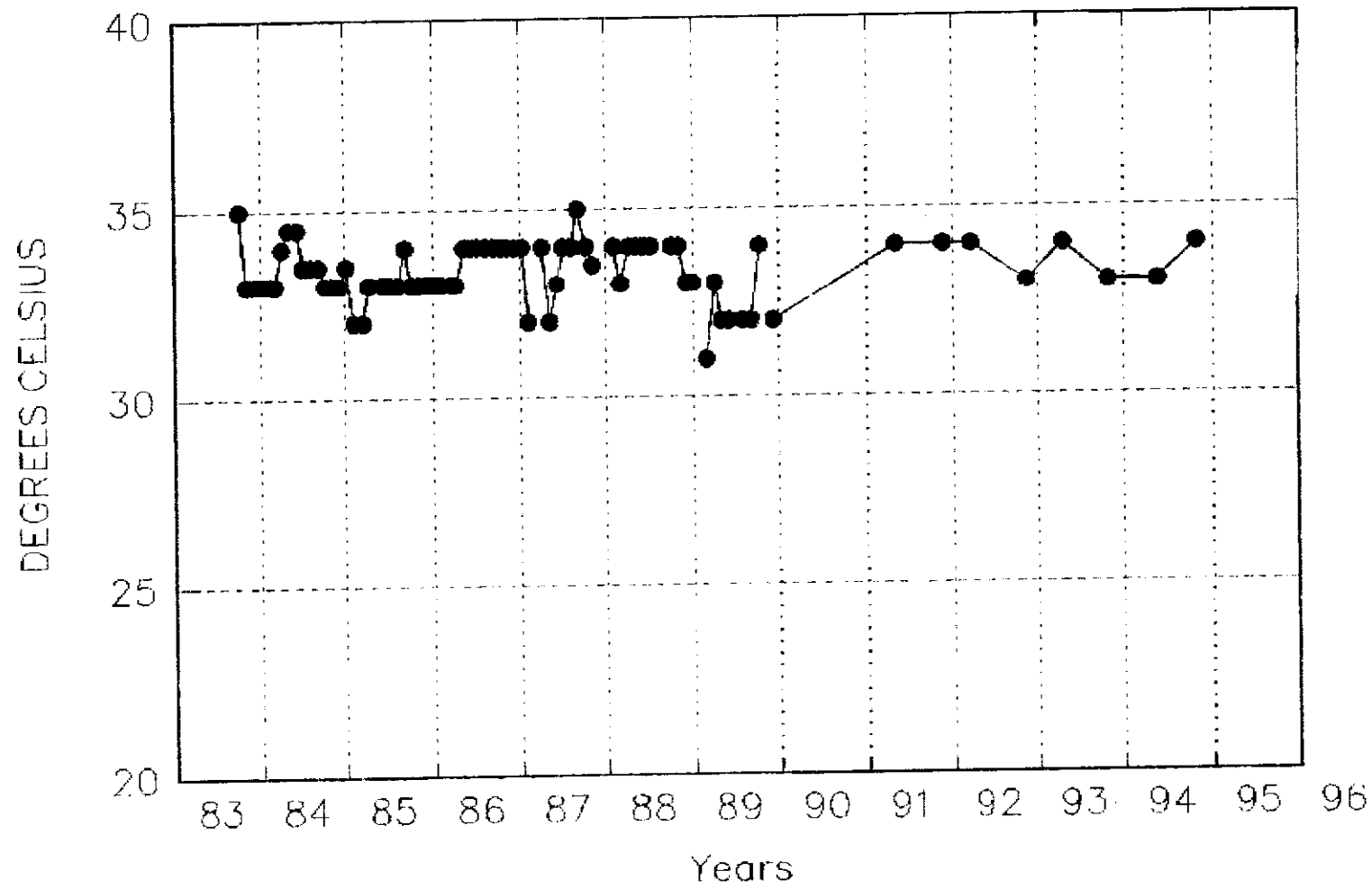
COLLINS (KANAKA RAPIDS) GEOTHERMAL WELL (09S 14E 14BDB1)
SHUTIN PRESSURE DATA



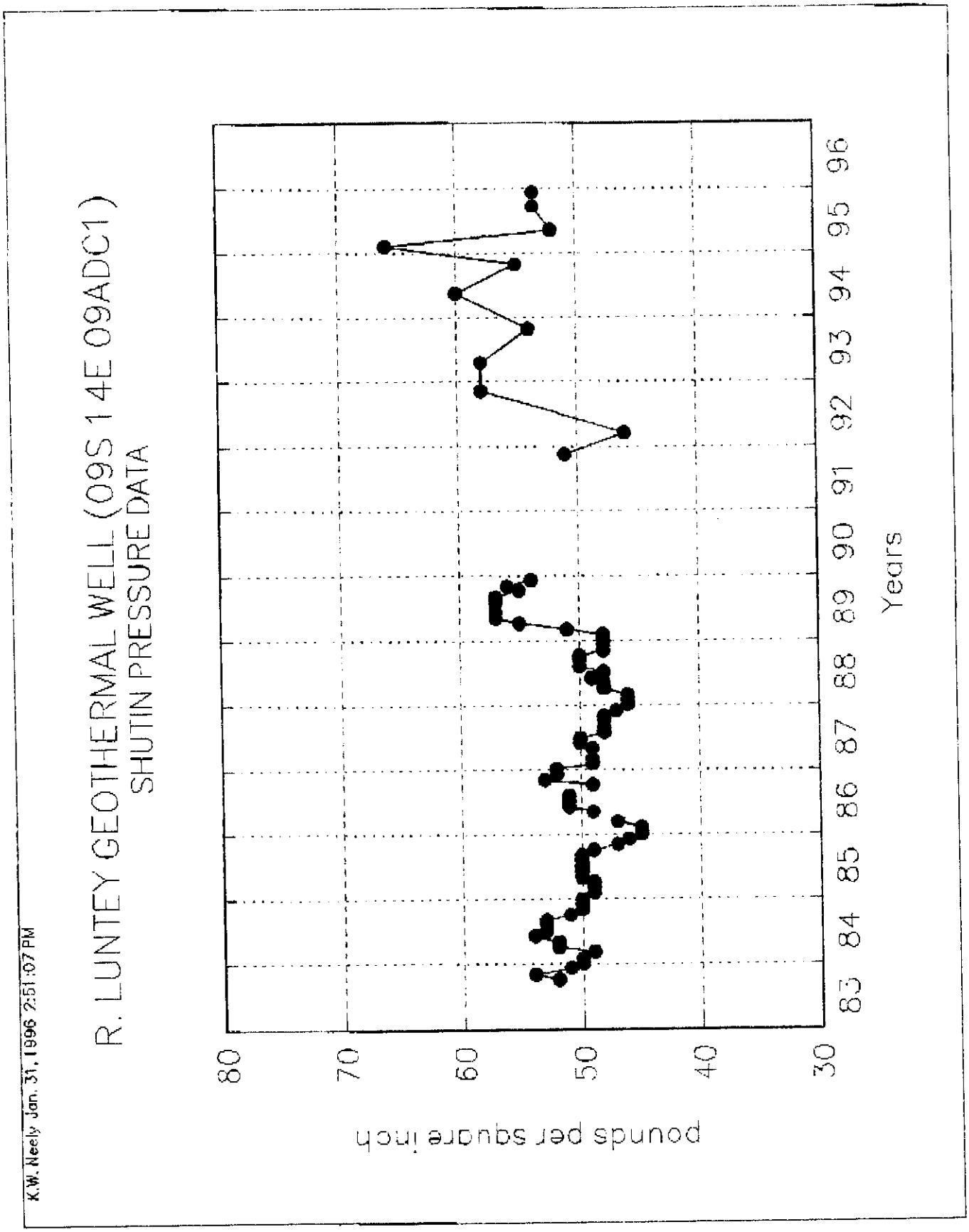
MICROFILMED
APR 2 2 2003

K.W. Neely Jan. 31, 1996 2:54:02 PM

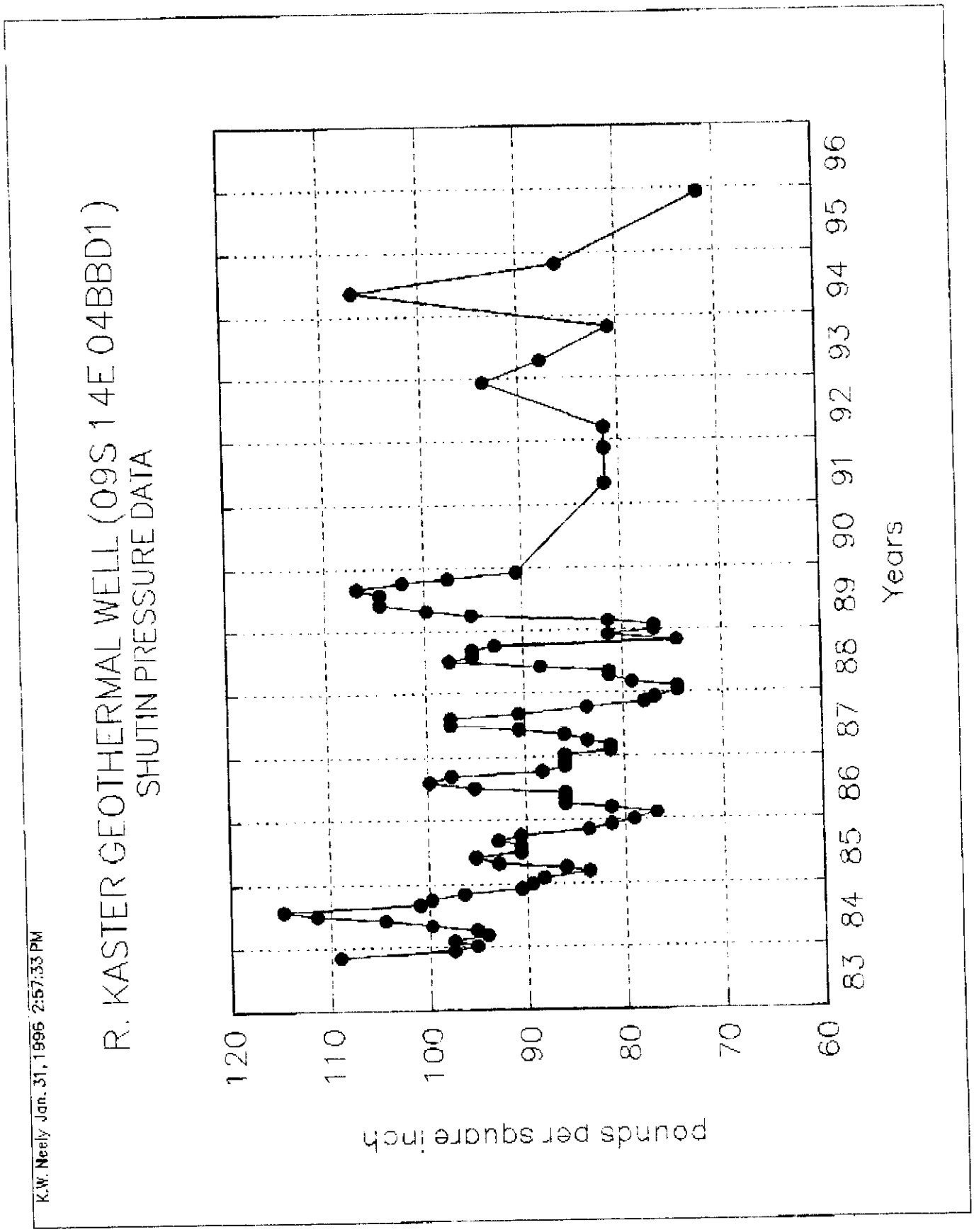
COLLINS (KANAKA RAPIDS) GEOTHERMAL WELL (09S 14E 14BDB1)
TEMPERATURE DATA



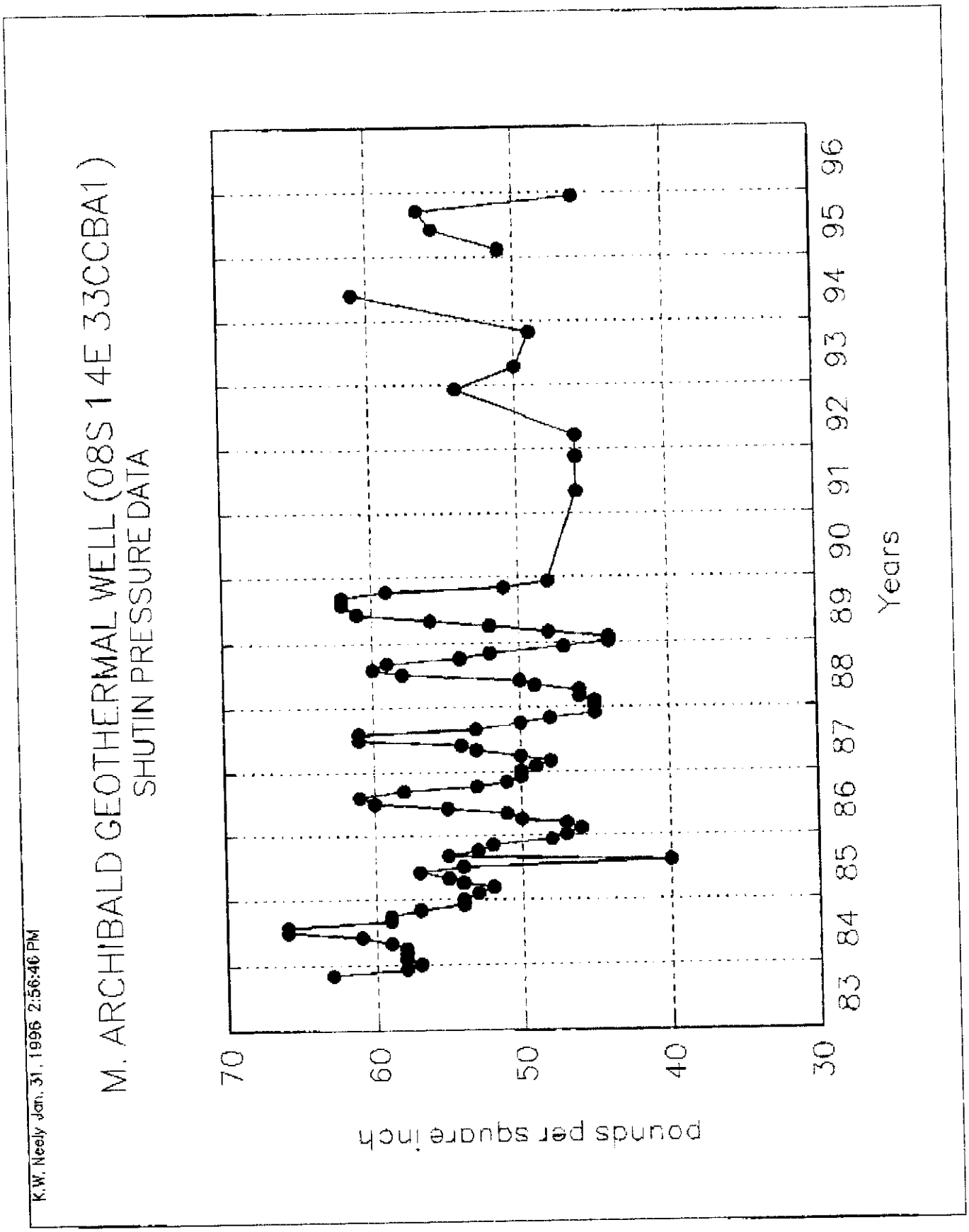
MICROFILMED
APR 2 2 2003



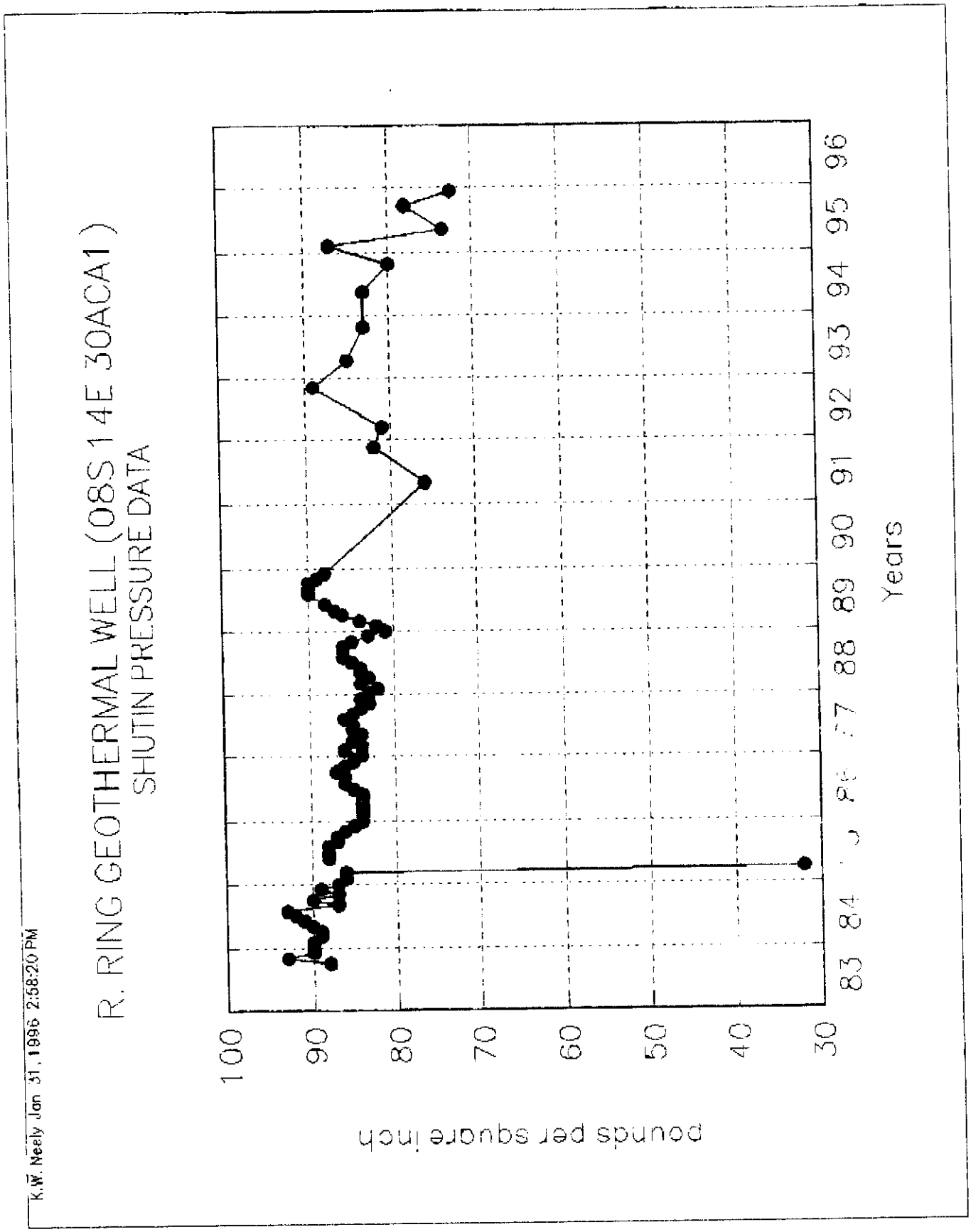
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APR 2 2 2003



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APR 2 2 2003



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APR 2 2 2003



MICROFILMED
APR 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

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Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 11 1996
Department of Water Resources
Southern Region

October 10, 1996

Allen Merritt
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Kanaka Rapids -- Licensing Recommendation for Permit No. 47-07680

Dear Allen:

As promised during our telephonic meeting last Friday, October 4, please find enclosed a copy of the "Engineering Report for a Public Water System, Kanaka Rapids Ranch", prepared by Professional Engineer John E. Priester in July, 1981. Page 3 of the report states: "Well No. 1 yields an artesian flow of 2,200 g.p.m.". The cover of the report contains the required Professional Engineer's stamp. In addition, the results of pump tests for Well No. 2 and flow tests for Well No. 3 are enclosed. This information was previously provided to you with a cover letter from Michael D. Choat, P.E., also enclosed. Charles Brockway informs me that he has also discussed the Priester report with you.

From this information, it is apparent that the total capacity of the three wells has previously been determined to be beyond the amount of water for which proof of beneficial use was submitted (5.79 cfs). We believe this meets the requirements of the Beneficial Use Examination Rules and ask that you revise your January 30, 1996 licensing recommendation to reflect this higher capacity.

In addition, we believe the amount of water licensed for each home heating use should be consistent with the Administrator's Memorandum of May 9, 1984 regarding the rate of flow for heating uses (IDWR Memo No. 23 Amended) and Charles E. Brockway's estimates derived from the guidelines contained in the Administrator's Memorandum and reflected in the Proof of Beneficial Use, or 15.8 gpm per home. This more accurately reflects actual use under the currently required technology than does the 6 gpm per home figure included in your January 30, 1996 recommendation.

MICROFILMED
APR 2 2 2003

Finally, we ask you to reconsider your conclusion that the conditions of permit approval have not been met. The "irrigation" conditions that you conclude has been violated were designed as a limitation on using the low-temperature geothermal water for alfalfa crops. As you will recall, the permit application included a proposal to irrigate 430 acres of alfalfa. The "irrigation" conditions, based on the "local public interest" criteria of I.C. Sec. 42-203A(5) rejected the direct irrigation of these 430 acres of alfalfa and ultimately resulted in an Idaho Supreme Court decision upholding the conditions. See, Collins Bros. Corp. v. Dunn, 114 Idaho 600, 606-607 (1988) ("The department. . .found that. . .it was 'not in the public interest' to use the water from this geothermal aquifer to irrigate crops. . . .In this case the department's determination that it was not in the public interest to use the water from this geothermal aquifer to irrigate crops is not 'clearly erroneous. . .'") (emphasis added).

In the aftermath of the permit approval process and the Supreme Court case, the permit holder complied with the conditions of the permit, as interpreted in the Supreme Court case, by refraining from irrigating alfalfa crops with the permit. However, the remainder of the permit was available and developed to cover the residential subdivision. As you know, a residential subdivision necessarily includes lawns, yards, trees and common areas. These are not irrigated "crops" and the permit development properly included these items, as well as the other uses recognized in your recommendation. As a result, we encourage you to revise your recommendation to recognize that these uses are consistent with the approved permit.

If there is additional information that we can provide, please let us know. Otherwise, we ask that you let us know when you have revised your recommendation for forwarding to the State Office and provide us with an opportunity to again discuss it with you prior to sending it off.

We appreciate your continued cooperation.

Sincerely,

NORMAN M. SEMANKO

10099606.NMS
cc: Carlo Ferreira
Charles E. Brockway
Michael D. Choat

MICROFILMED
SEP 2 2 2003

RECEIVED
OCT 11 1996
Department of Water Resources
Southern Region

ENGINEERING REPORT

FOR A

PUBLIC WATER SYSTEM

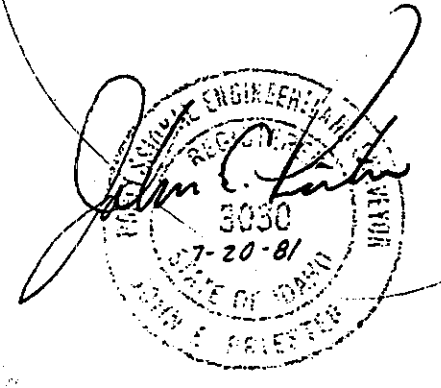
KANAKA RAPIDS RANCHES

BUHL, IDAHO

JULY, 1981

Prepared by

John E. Priester
Consulting Engineer
Buhl, Idaho



MICROFILMED
SEP 2 2 2009

GENERAL:

This report was prepared for Collins Brothers Corp., Developers of the Kanaka Rapids Ranches Planned Unit Development. The P.U.D. is located due north of the City of Buhl, Idaho near the Snake River. It is more specifically located in the SE¼ of Section 10 and the S½ of Section 11, and N½ of Section 14, T.9S., R.14E., B.M.

The system is intended to provide water for irrigation, domestic use and geothermal heating. It will consist of two separate and independent units, each with a well and distribution system. The smaller of the two systems will be located on the west side of the development, and will serve lots 85 through 98. It will consist of an artesian well, 24,000 gallon storage tank, booster station with pressure storage tanks and distribution mains. Lots 85 through 92 will be served by gravity from the storage tank. Lots 93 through 98 will be served by the booster station.

The larger of the two systems will serve the balance of the lots. It will consist of an artesian well, pressure reducing stations and distribution mains.

DESIGN BASIS:

1. POPULATION: The P.U.D. has ninty-nine (99) lots. The projected population is 240 people. Using 125 g.p.c.d. the quantity of water required for domestic use is 125 x 240 = 30,000 g.p.d. Peak flow is 30,000 ÷ 1440 x 3 = 62.5 g.p.m.

The applicable figures for the two separate systems are: 1) west side, system 2; Lots - 14; Population - 34 people; quantity of water 4,250 g.p.d.; peak flow is 9 g.p.m. and 2) main system 1; Lots - 85; Population - 206 people; quantity of water 25,750 g.p.d.; peak flow is 53.5 g.p.m.

MICRO
APR 2 2 2003

2. IRRIGATION: The irrigation demand for 216 acres includes common areas and lots and dry land. A flow of 6 g.p.m. per acre was used to calculate irrigation demand (demand taken from well No. 1), 216 x 6 - 1296 g.p.m. Irrigation use is flexible and will be discontinued during periods when the water can be used for heating.

3. HEATING USE: The demand per lot (or residence) was determined to be 6.5 g.p.m. This flow was based on the following data: 1.) Annual degree days (F°) DD - 6146; 2.) Outside temperature t_o - -10° F.; 3.) Inside temperature t_i - 68° F. 4.) A water temperature drop of 15° F. This application will have limited use.

4. PRESSURE: The system was designed to prove a minimum of 28 p.s.i. and a maximum of 75 p.s.i. The average is 55 p.s.i.

Well No. 1 has a shut-in pressure of 130 p.s.i. This pressure has to be reduced to 45 p.s.i. at the well. The pressure at Pressure Reducing Station No. 1 is 90 p.s.i. and has to be reduced to 58 p.s.i. in order to maintain the 75 p.s.i. maximum at the lowest lot.

Well No. 2 will free flow into a storage tank and gravity feed lots 85 through 92 with a pressure range of 32 p.s.i. to 60 p.s.i. The same storage tank provides the reservoir for a booster pump to serve lots 93 through 98. The system is operated using a pressure storage tank with an 87 gallon capacity. The operating pressure range is 40 p.s.i. to 60 p.s.i. at the tank and 30 p.s.i. to 50 p.s.i. at the highest residence.

5. STORAGE CAPACITY: The storage tank will provide water for 14 lots, (lots 85 through 98). Well No. 2 produces 19 g.p.m. artesian flow yielding 27,360 g.p.d. There will be a constant flow through the storage tank during periods of low or no demand. Irrigation and domestic instantaneous demand is determined to be 60 g.p.m. (9 g.p.m. domestic 51 g.p.m. irrigation). Water consumption for 20 minutes of instantaneous flow is 1200 gallons.

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APR 2 2 2003

6. PUMP CAPACITY: 40 g.p.m. at an operating head of 138 feet requiring a 2 horsepower motor. The pump will serve a population of 14 people.

WATER SOURCE:

1. Water for the public water system will be provided by two ground water wells. Well No. 1 yields an artesian flow of 2,200 g.p.m. and has a shut-in pressure of 130 p.s.i. Well No. 2 yields an artesian flow of 19 g.p.m.

2. Drillers logs are attached for each well.

3. Water quality tests were made for both wells and the results are attached. Tests were made to determine the corrosive characteristic of the water. Over saturation of $CaCO_3$ is indicated which will deposit a protective film on the pipe. Water quality tests were made of the water at Miracle Hot Springs, a nearby resort, because in 20- years the piping has not been destroyed by corrosion, and the test was to show if the water was characteristic of that of the Kanaka Rapids Ranches' water.

4. Tests of the water do not indicate that any treatment will be necessary

5. The wells are located in areas where flooding is not a problem. No other sources of contamination are known. Possible sources such as irrigation ditches are being abandoned in the area of the wells.

CONSTRUCTION AND INSPECTION:

1. CONSTRUCTION: The developer will construct the system with development of roads, lots, and building sites. Development of Well No. 1 and the main distribution system is planned immediately, while Well No. 2, storage tank, booster station and distribution lines are planned later as development progresse to that area.

2. INSPECTION: The system will be installed and tested under the supervision of a Licensed Professional Engineer to assure compliance with all health concerns.

MICROFILMED
APR 2 2 2003

OWNERSHIP AND OPERATION:

The Kanaka Rapids Ranch Homeowner Association, Inc. has been created, and has been vested the police power and responsibility to maintain and operate the total development (see attached "Declaration of Covenants and Restrictions", Preamble, Subpart C). A maintenance manual will be prepared incorporating the "Idaho Regulations for Public Drinking Water Systems", November, 1977 Edition. Sampling and testing schedules and forms for various records and reports will be included.

MICRO
APR 2 2 2003

GALENA ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS

July 24, 1995

FILE COPY

Allen Merritt
IDWR - Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

Re: Kanaka Rapids Ranch Wells

Dear Mr. Merritt,

Attached you will find flow information for wells at Kanaka Rapids Ranch. This information is being transmitted to you as requested by Carlo Ferreria. The enclosed information was used by our company to design improvements to the public water system.

Attached you will find one (1) sheet with flow test data for Well #3. This test was conducted by opening a valve at the head of the well and recording the flow from a propeller flow meter and the pressure from a gage on the well head.

You will also find two (2) sheets with pump test information for Well #2. This pump test was performed by Walker Water Systems, Inc.

In addition to the above mentioned attachments, you will find three (3) sheets for Well #1. The first sheet is the cover of a report prepared by John Priester. The second sheet is a page from that report which states the artesian well yields 2200 g.p.m. and has a shut-in pressure of 130 p.s.i. The third sheet is the Driller's report which indicates a flow of 2,000 g.p.m.

This is all the information we have relative to the wells at Kanaka Rapids Ranch. If you have questions or need additional information, please feel free to call.

Sincerely,
Galena Engineering, Inc.

Michael D. Choat, P.E.

MDC:vkw

Enclosures

cc: Carlo Ferreria

3286.01

APR 2 2 2003

680 SECOND AVENUE NORTH • P.O. BOX 425 • KETCHUM, IDAHO 83340 • TELEPHONE (208) 726-4729 • FAX (208) 726-4783

GALENA ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

FAX TRANSMITTAL COVER SHEET

Date: 7-20-95

JOB # 3286

TO: Carlo
Kanaka Rapids Ranch

FAX NUMBER: _____

Number of Pages (including this cover sheet): 7

If this transmission is illegible or incomplete, please call our office at (208) 726-4729. Our fax line is (208) 726-4783.

Per your request attached you will find

- one sheet w/ well #3 Flow test Data
- two sheets w/ well #2 Pump test Data
- Cover of Priesters Report & Page 3 which discusses well #1 flow rate
- Well #1 Drillers Report which shows GPM flow of 2000 GPM.

GALENA ENGINEERING, INC.

BY: _____

DISTRIBUTION: _____

MICRO

Post-it™ Fax Note 7671	Date 7/20/95	# of pages ▶
To CARLO FERRARI	From MIKE CHOAT	
Co./Dept.	Co. GALENA ENG.	
Phone # 208-543-6767	Phone # 208-726-4729	
Fax # 208-543-5223	Fax # 208-726-4783	

FAXED 7/20

APR 2 7 2023

680 SECOND AVENUE NORTH • P.O. BOX 425 • KETCHUM, IDAHO 83340 • TELEPHONE (208) 726-4729 • FAX (208) 726-4783

KANAKA RAPIDS RANCH
WELL #3 FLOW TEST

Artesian Well
Test Date: November 3, 1993

100-150 GPM	49 PSI
150-350 GPM	49 PSI
350-550 GPM	46 PSI
550-650 GPM	40 PSI
650-750 GPM	38 PSI
750-850 GPM	36 PSI

MICRO
APR 2 2 2002

SINCE 1947

WALKER WATER SYSTEMS, INC.

624 Pierce Street Twin Falls, Idaho 83301
208-733-4744 • 208-726-5145 • 208-324-8907

RECEIVED
OCT 22 1993

well #2
Well Test: Kanaka Rapids Ranch
Date: 10-1-93
Static Water Level: 41'3"

	Time	P-Tube Level	Pumping Level	G.P.M.	Temp.
			177	250	80 F
Start	9:31AM	35	177.8	250	
	9:39	35	181.9	250	
	9:40	35	184.25	250	
	9:43	35	188.7	250	
	9:45	35	191.4	250	
	9:46	35	193.3	250	
	9:47	35	195.4	250	
	9:48	35	196.4	250	
	9:49	35	197.1	250	
	9:50	35	197.7	250	
	9:52	35	200.6	250	
	9:53	35	201.7	250	
	9:54	35	203.0	250	
	9:55	35	204.3	250	
	9:57	35	205.8	250	
	9:58	35	206.4	250	
	10:00	35	208.2	250	
	10:01	35	209.0	250	
	10:02	35	210.4	250	
	10:03	35	211.0	250	
	10:03	35	211.9	250	
	10:04	35	212.2	250	
	10:05	35	212.5	250	
	10:06	35	213.0	250	
	10:07	35	213.0	250	
	10:08	35	213.0	250	
	10:09	35	216.2	250	
	10:15				72
	10:18	35	219.0	250	
	10:20	35	221.6	250	
	10:25	35	224.4	250	
	10:30	35	226.4	250	
	10:35	35	228.0	250	
	10:40	35	229.3	250	
	10:45	35	231.5	250	
	10:50	35	233.0	250	
	10:55	35	233.0	250	
	11:00	35	233.0	250	
	11:05	35	233.0	250	
	11:10	35	234.0	250	
	11:15				

MICRO
NOV 22 2003

	11:20	35	231.0	250	
	11:25	35	235.8	250	
	11:30	35	236.4	250	
	11:45	35	238.8	250	
	12:00PM	35	241.5	250	
	12:15	35	243.6	250	78
	12:30	35	246.0	250	
	12:45	35	248.4	250	
	1:15	35	251.0	250	
	1:45	35	251.5	250	
	2:15	35	257.5	250	
	2:45	35	261.0	250	78
	3:00		263.0	250	
	3:15	35	262.0	242	
	3:45	33	260.7	232	
	4:15	30.5	261.5	232	
	4:45	28.5	260.1	222	
	5:15	28.0	260.2	222	78
Stop	5:30	28.0			

Recovery:
5:30 Static Water Level 260.2
6:30 Static Water Level 137.0

MICHC
SEP 2 2 2003

ENGINEERING REPORT

FOR A

PUBLIC WATER SYSTEM

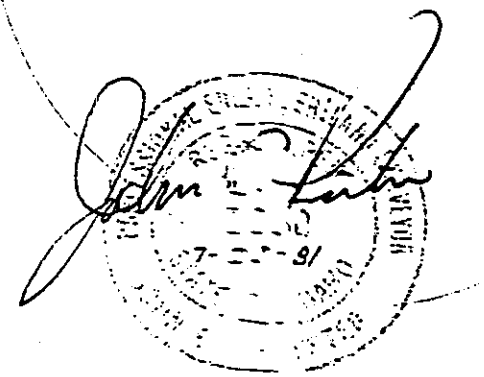
KANAKA RAPIDS RANCHES

BUHL, IDAHO

JULY, 1981

Prepared by

John E. Priester
Consulting Engineer
Buhl, Idaho



Micro...

APR 2 2 2003

6. PUMP CAPACITY: 40 g.p.m. at an operating head of 138 feet requiring a 2 horsepower motor. The pump will serve a population of 14 people.

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1. CONSTRUCTION: The developer will construct the system with development of roads, lots, and building sites. Development of Well No. 1 and the main distribution system is planned immediately, while Well No. 2, storage tank, booster station and distribution lines are planned later as development progresses to that area.

2. INSPECTION: The system will be installed and tested under the supervision of a Licensed Professional Engineer to assure compliance with all health concerns.

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APR 2 2 2003

RECEIVED
SEP 27 1982
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 20 1982
Department of Water Resources

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
SEP 13 1982
Department of Water Resources
Southern District Office

WELL OWNER

Name Collins Bros. Kanaka Rapids Ranch

Address Rt 4 Buhl Idaho

Owner's Permit No. 47-17680

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning) _____

PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

From 30 to 110

WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
¼ inches	10 3/4 inches	+ 1 feet	29 feet
¼ inches	8 5/8 inches	+ 1 feet	346 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 30ft. Material used in seal: ☒ Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Jointed between 10 casing & 8" casing Weld
☒ Cemented between strata
Describe access port artesian flow plate on top of valve

LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. _____

County S.C. Twin Falls

7. WATER LEVEL

Static water level _____ feet below land surface
Flowing? ☒ Yes ☐ No G.P.M. flow 2000
Artesian closed-in pressure 110 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 93 °F. Quality good

Department of Water Resources
Southern District Office

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
15	0	2	topsoil		
	2	8	clay & rock		
	8	16	gray lava solid		
	16	22	clay boulders		
10	22	65	gray lava solid		
	65	69	gray lava loose (1st water)		
	69	95	gray lava solid	X	
	95	97	crevice	X	
	97	130	gray lava firm	X	
	130	145	broken lava	X	
	145	179	gray lava firm	X	
	179	204	gray & brown lava broken	X	
	204	265	gray lava solid	X	
	265	291	broken lava & cinders	X	
	291	335	gray lava firm	X	
8	335	390	gray lava solid		X
	390	393	gray lava loose	X	
	393	482	gray lava mostly solid		X
	482	603	green clay stone or sand	X	
6	603	640	gray lava solid		X
	640	668	gray lava soft	X	
	668	720	gray lava firm	X	
	720	906	gray lava mostly solid with crevices & broken areas		X

MICRO

SEP 22 2003

10.

Work started 7-14-80 finished 5-11-80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Sherman Couch well drilling Firm No. 161

Address 340 Wain Vista Dr Date 9-13-80
Burley, Idaho 83318

Signed by (Firm Official) Sherman Couch

and

Driller Clarence Couch

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Allen D Merritt

DATE
October 4, 1996 4:05pm

CUSTOMER
KANAKA RAPIDS RANCH

SUBJECT: LICENSING OF 47-07680
phone call (XX.) walk-in (.)

I WAS INVOLVED WITH A CONFERENCE CALL WITH: NORM SEMANKO, CARLOS FARRERRA AND MIKE CHOATE. DR. CHUCK BROCKWAY WAS TO BE INCLUDED BUT COULD NOT ATTEND. THE SUBJECT WAS DETERMINATION OF THE CAPACITY OF THE SYSTEM.

WE HAD MET PREVIOUSLY TO DISCUSS THIS SAME MATTER AND BROCKWAY WAS TO SUBMIT A REPORT PROVIDING AN ANALYSIS OF THE CAPACITY OF THE SYSTEM. DURING MY FIELD EXAM OF THE SYSTEM A CAPACITY MEASUREMENT WAS NOT MADE SINCE THE WELLS ARE ARTESIAN AND PIPED TO A CLOSED SYSTEM PROVIDING WATER TO A SUBDIVISION WITH MANY HOOKUPS NOT DEVELOPED. SINCE THEY COULD NOT FLOW THE WELL AT CAPACITY I ESTIMATED A FLOW BASED ON SOME ESTIMATES OF BENEFICIAL USE PROVIDED BY BROCKWAY. I DISCUSSED THIS WITH THE APPLICANT AND THEY DID NOT FEEL THE RATE WAS ADEQUATE

THE PHONE CALL TODAY REVISED THIS ISSUE. THEY WANTED TO KNOW AGAIN WHAT I NEEDED. I EXPLAINED THAT I NEEDED TO EITHER TO MEASURE THE CAPACITY OF THE SYSTEM OR HAVE SOME REASONABLE ASSURANCE THAT THE CAPACITY OF THE SYSTEM WAS THUS AND SO (LIKE AN ENGINEERING REPORT). I REVIEWED WITH THEM RULE 40 OF THE BENEFICIAL EXAMINATION RULES. THEY INDICATED THAT HAD AN OLD REPORT BY PREISTER INDICATING WELL CAPACITIES. THEY ASKED IF I WOULD ACCEPT THAT. I TOLD THEM THEY COULD SEND IT TO ME BUT I THOUGHT SOME OF THE FIGURES USED WAS FROM THE WELL DRILLING REPORT AND THOUGHT THAT MAY NOT BE SUFFICIENT. THEY POINTED OUT THAT THEY COULD PUT A PUMP IN AND PUMP AS MUCH AS THEY NEEDED. THEY AGAIN INDICATED THEY THOUGHT IT UNREASONABLE TO HAVE TO DIG UP LINES TO FLOW THE WELLS FOR A MEASUREMENT. THEY WANTED TO KNOW HOW THIS COULD MOVE FORWARD

MICRO
APR 2 2 2003

WITHOUT A MEASUREMENT. I TOLD THEM THAT WITHOUT SOME REASONABLE DETERMINATION OF THE CAPACITY I COULD JUST RECOMMEND THE PERMIT BE CANCELED. I ASKED IF BROCKWAY WAS STILL GOING TO SUBMIT SOMETHING AND THEY SAID THEY WOULD CHECK WITH HIM. THEY SAID THEY WOULD SEND THE COPY OF PRIESTER REPORT.

MICH...

APR 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. [illegible]LETTE
JERR[illegible]SEN
BRUA[illegible]ITH
JOHN K[illegible]PSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 2, 1996

RECEIVED
OCT 02 1996
Department of Water Resources
Southern Region

VIA FACSIMILE: 736-3037

Allen Merritt
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Kanaka Rapids

Dear Allen:

Carlo Ferreira asked me to find out if you could be available for a telephone conference to discuss the current licensing effort for Kanaka Rapids Ranch at approximately 4:00 p.m. this Friday, October 4. We will be meeting at Galena Engineering in Ketchum and will try to include all of the relevant players by telephone.

Please let me know if you have a scheduling conflict.

Sincerely,

NORMAN M. SEMANKO

NMS:kn
cc: Carlo Ferreira
10029602.NMS

MICR[illegible]
APR 2 2 2003

FROM: Allen Merritt DATE: January 12, 1996

TO: PERMIT 47-07680 FILE

SUBJECT: PHONE CONVERSATION WITH MIKE CHOAT (GALENA ENGINEERS)

THIS DAY I PHONED MIKE (726-4729) THEN HE RETURNED MY CALL. WE DISCUSSED THE PIPELINE NETWORK ON THE RIVERSIDE PORTION OF THE KANAKA RAPIDS RANCH. I TOLD HIM THAT I HAD VISITED DEQ AND OBTAINED COPIES OF PLANS FOR THE PIPELINE NETWORK ON THE ORIGINAL DEVELOPMENT (KRR 99 LOTS) AND ALSO PLANS FOR THE PIPELINE ALONG THE COUNTY ROAD IN THE RIVERSIDE AREA. I TOLD HIM I DIDN'T FIND PLANS FOR THE NETWORK ON THE RIVERSIDE NORTH OF MUD CREEK. MIKE INDICATED THAT THE RIVERSIDE WATER SYSTEM WAS IN TWO PHASES. PHASE I WAS FOR THE AREA NORTH OF MUD CREEK AND PHASE II WAS FOR THE LOTS ALONG THE COUNTY ROAD WHICH APPARENTLY I HAD. HE INDICATED THAT HE WOULD SEND ME A COPY OF PHASE I. I ASKED ABOUT WHAT TYPE OF SYSTEM WAS ON RIVERSIDE BEFORE PHASE I & II WERE PUT IN. HE INDICATED THAT THE WELL ON RIVERSIDE (WELL #3) WAS HOOKED TO AN IRRIGATION SYSTEM THAT WAS ALSO HOOKED TO WHAT HE CALLED THE WEIR PIPELINE (MUD CREEK). HE SAID THAT WELL HAS HAD A BOOSTER PLANT INSTALLED BUT POWER HAS NOT YET BEEN HOOKED UP BECAUSE OF PROBLEMS WITH IPCO BUT THIS WILL BE RESOLVED SOON. HE SAID THE DESIGN CAPACITY OF THE PUMPS IS 750-800 GPM. HE INDICATED THAT THE BOOSTER PLANT WAS BROUGHT IN FROM NEVADA BY COLLINS BROTHERS FROM ANOTHER PROJECT OF THEIRS.

MICRO

APR 2 2 2003

CHARLES
BROCKWAY
ENGINEERING

RECEIVED
OCT 12 1995
Department of Water Resources
Southern Region

October 10, 1995

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

Subject: Kanaka Rapids Ranch-Beneficial Use Examination Information
Permit 47-07680

Dear Allen:

This letter is meant to provide the information that you requested following the July 7, 1995 field examination of Kanaka Rapids Ranch

1. Kanaka Ponds

As I indicated to you during the beneficial use exam site visit , the areas of ponds on the Silver Creek system and Canvas Back lake were being determined for use in evaluating storage allocable to the permits. That has been completed and a table including the total area and average depth for each pond is included below. The area was determined by measuring the average length and width and the average depth was determined by sounding from a boat across several transects on each pond. The average dimensions and depths were determined by Earl Jones and checked by myself.

KANAKA RAPIDS RANCH
Areas and Volumes of Ponds
Data compiled by Earl Jones, checked by C.E. Brockway

Pond	Area ft^2	Area acres	Average Depth	Volume acre feet
Trumpeter Pond	17800	0.409	4.0	1.63
Silver Lake	67082	1.540	10.2	15.71
Meadow View Pond	18992	0.436	4.6	2.01
Silver Creek Pond	4639	0.107	3.1	0.33
Bugby Pond	8499	0.195	2.3	0.45
Canvas Back Lake	331056	7.600	3.6	27.36
Aspen Wood Pond	15359	0.353	2.0	0.71

Trumpeter Pond is located near the entrance road by the ranch shop
Silver Lake is located on Silver Creek in the south east area of the ranch
Meadow View Pond is the southernmost pond by the playground

CHARLES E. BROCKWAY, PHD, P.E.

706 SUNRISE BOULEVARD NORTH

TWIN FALLS, IDAHO 83301

208•733•0938
FAX: 733•1746

SEP 22 2023

Silver Creek Pond is the northernmost lake by the playground
Bugby Pond is a small pond furnished from Mud Creek
Canvas Back Lake is the larger pond near the northwest entrance to the ranch
Aspen Wood Pond is located near Lots 1 and 2 of the ranch.

2 Average Home Size and Flow Requirements

To evaluate the low temperature geothermal water use and requirements, the average square footage of the houses currently built or under construction on the Ranch was determined. The average area is 2750 square feet which does not include ancillary buildings or unattached garages. Based on this average area, I used the guidelines for use of geothermal water in effect at the time of filing of the permit application as contained in the Administrator's Memorandum of May 9, 1984, to determine estimated flow requirements for heating purposes. The calculated heat load using the 1991 Uniform Building Code insulation specifications as average, an inside temperature of 70°F and outside temperature of 0°F for Buhl and vicinity, is 128,975 BTU/hr. The design temperatures for the area were confirmed with Don Louder of Magic Valley Refrigeration in Twin Falls. Using a temperature drop across the system of 11.4°F, the flow rate required for radiant heating is 22.6 gpm per residence(see attached worksheet). This value is somewhat higher than the 15.8 gpm calculated previously and utilized for preparation of the application for beneficial use filed for Permit 47-07680. The primary reason is that the average residential home area utilized in the initial calculation was less than the current as-built average of 2750 square feet.

If the 22.6 gpm/residence were to be utilized for 99 homes, the withdrawal from the aquifer would be 2237.4 gpm or 4.99 cfs. As you are aware, the Kanaka Rapids Ranch Owner's Association is willing to impose a strict water conservation program on new users to decrease the extraction from the low temperature geothermal aquifer. Mr. Don Louder of Magic Valley Refrigeration has many years of experience with water to air heat pumps utilizing ground water sources. He has evaluated the heat load requirement for the 2750 square foot house with current insulation requirements which could be imposed under a conservation program for the Ranch. Based on Mr. Louder's analysis(attached), the heat load is estimated at 56096 BTU/hour. Utilizing current technology, water to air heat pumps operating on 89°F water can achieve CP's(coefficient of performance) of 1.3. With this equipment, the estimated flow requirement is 3 gpm per residence.

If the increased heating efficiency as indicated by Mr. Louder were possible for all houses under a conservation program including enhanced building insulation programs and mandatory use of high efficiency water to air heat pumps, the project can effectively heat over 740 homes utilizing the same flow of geothermal water as could be allowed under the 1984 IDWR guidelines for use. Because of the homes already built which are not utilizing current achievable efficiencies and recognizing

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that some units may not be maintain the as-built efficiencies, it is reasonable to assume that an average flow of 6 gpm per unit would adequately heat the average home within the entire project. On this basis, the flow allowable under 1984 IDWR guidelines for use would effectively heat 372 homes with current and future attainable efficiencies..

The beneficial use filing indicated 99 homes prepared to be served as of July 30,1991 which anticipated a total use of .02 per unit or 1.98 cfs for domestic use from the geothermal source, 0.08 cfs for irrigation of 2200 trees, 0.02 cfs for stock water, 0.14 cfs for commercial, and 15.8 gpm per unit or 3.57 cfs for heating purposes. The total ranch plan and distribution system at that time included the 192 units including clubhouse with individual services for domestic and heating and stubs from the mainline for the 50 unit "Bluffs" phase of the total project. If a total of 192 units were heated using advanced technology equipment and facilities, the total water use for heating would be 6x 192 units or 1152 gpm (2.57cfs). If only 99 homes are allowed under the permit and standard radiant heating equipment is utilized using IDWR flow guidelines, it is possible that up to 4.99 cfs could be required from the geothermal aquifer for heating purposes. The 3.57 cfs for heating purposes under the beneficial use claim would heat 267 homes utilizing 6 gpm per unit.

I am therefore requesting, on behalf of the applicants, that you suggest appropriate amendments to the permit to allow service to the 192 planned units, conditioned on the strict water conservation program described above. This will allow the entire development to be served within the confines of the single permit , minimize extraction of the low-temperature geothermal aquifer and minimize the potential for contamination of all aquifers from the numerous individual wells which might be necessary.

Please contact me if you need additional information

Sincerely,

C. E. Brockway, P.E.

enclosures

Geothermal flow analysis-IDWR guidelines-C.E.Brockway
Geothermal flow requirement-high performance heatpumps-D. Louder

cc Norm Semanko, Rosholt Robertson and Tucker
Carlo Ferreira, Kanaka Rapids Ranch

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APR 2 2 2003

JULY 27, 1995

TO: CARLO
KANAKA RAPIDS RANCH/COLLINS BROTHERS
RT 3 KANAKA RAPIDS ROAD
BUHL, IDAHO 83316

FROM: ROGER LOUDER

RE: WATER USAGE

EXAMPLE OF GEOTHERMAL USAGE ON AN AVERAGE 2750 SQUARE FOOT HOUSE, BUILT WITH R38 CEILINGS, R19 WALLS AND USING A WATER TO AIR HEAT PUMP:

HEAT LOSS AT O DEGREES OUTDOOR 70 DEGREE INDOOR = 56096 BTUH
DEGREE DAYS 5700 X 24 HOUR/DAY = 136800 DEGREE HOURS
HEAT LOSS/DEGREE TEMPERATURE DIFFERENCE 801 BTU/F DEGREE
DEGREE HOURS 136800 X 801 BTU/F DEGREE = 109,576,800
CALCULATED 109,576,800 TOTAL BTU LOSS PER YEAR
WATER REQUIRED WITH 88 DEGREES WATER IN
60 DEGREES WATER OUT AND HEAT PUMP OUTPUT 1.3 TIMES HEAT ABSORBED FROM WATER
8.33LB PER GALLON X 28BTU/LB X 1.3 = 303 BTU PER GALLON
56099 DIVIDED BY 303 = 185 GALLON PER HOUR = 3GPM
109,576,800 DIVIDED BY 303 = 36164 GALLONS PER YEAR

THE FIGURES ABOVE REFLECT A REASONABLY CALCULATED HEAT LOSS AND ASSUME THAT THE HEAT PUMP IS PROPERLY INSTALLED AND MAINTAINED.

ACTUAL PERFORMANCE OF ANY HOUSE WILL VARY DEPENDING UPON OWNERS PERFORMANCE IN TEMPERATURE, VENTILATION, FREQUENCY IN DOOR OPENINGS, INTERNAL HEAT SOURCES, ETC.....

THANK YOU,

ROGER LOUDER
PRESIDENT

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APR 2 2 2003

Kanaka Rapids Ranch

Space Heating Utilizing Geothermal Water

Estimate of design flow requirements using IDWR guidelines

IDWR Administrator's Memorandum May 9, 1984

RE: Rate of Flow for Heating Use. Application Processing No. 23 (Amended)

Residential Space Heating

Design Heat Load

E= (e * delT)*A

E=BTU/hr required

e=House efficiency factor BTU/hr-sq.ft.-deg F

delT= Design Temperature difference (ti-to) in deg F for residence

A= Area of livable floor space in the house in sq.ft.

ti= the inside design temperature for residence

to=the outside design temperature deg F

For the Kanaka Rapids Ranch Arera, the following parameter values were used:

House efficiency	0.67	Average house insulation walls: R11, attic: R30	
		(1991 Uniform Bldg Code)	
ti	70	deg F	
to	0	deg F	(Buhl and vicinity: Magic Valley Refrig., Don Louder)
Area of avg. hous	2750	sq ft	(based on avg. of homes built on the Ranch through 1995)

Design Head Load, E= 128975 BTU/hr

Rate of Flow Determination

Temperature Drop Across System

delTs=0.6(S-t)

delTs= temperature drop across the system- deg F

S= Geothermal source temperature- deg F

t= temperature required by the system deg F

Flow Rate Required

MICA

APR 2 2 2003

W= Q/(500*delTs)								
W= Flow rate in gallons per minute								
Q=System heat Load in BTU/Hr								
delTs= Temperature drop across system deg F								
For the Kanaka Rapids Ranch the following parameters are applicable:								
S=	89	deg F(based on avg geothermal well temp and distribution system loss)						
t=	70	deg F						
Q=	128975	BTU/hr						
delTs=	11.4	deg F						
W=	**22.6**	**gpm/residence**						

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GALENA ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS

July 24, 1995

Allen Merritt
IDWR - Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

RECEIVED
JUL 27 1995
Department of Water Resources
Southern Region

Re: Kanaka Rapids Ranch Wells

Dear Mr. Merritt,

Attached you will find flow information for wells at Kanaka Rapids Ranch. This information is being transmitted to you as requested by Carlo Ferreria. The enclosed information was used by our company to design improvements to the public water system.

Attached you will find one (1) sheet with flow test data for Well #3. This test was conducted by opening a valve at the head of the well and recording the flow from a propeller flow meter and the pressure from a gage on the well head.

You will also find two (2) sheets with pump test information for Well #2. This pump test was performed by Walker Water Systems, Inc.

In addition to the above mentioned attachments, you will find three (3) sheets for Well #1. The first sheet is the cover of a report prepared by John Priester. The second sheet is a page from that report which states the artesian well yields 2200 g.p.m. and has a shut-in pressure of 130 p.s.i. The third sheet is the Driller's report which indicates a flow of 2,000 g.p.m.

This is all the information we have relative to the wells at Kanaka Rapids Ranch. If you have questions or need additional information, please feel free to call.

Sincerely,
Galena Engineering, Inc.

Michael D. Choat, P.E.

MDC:vkw

Enclosures

cc: Carlo Ferreria

3286.01

APR 22 2003

680 SECOND AVENUE NORTH • P.O. BOX 425 • KETCHUM, IDAHO 83340 • TELEPHONE (208) 726-4729 • FAX (208) 726-4783

KANAKA RAPIDS RANCH
WELL #3 FLOW TEST

RECEIVED
JUL 27 1995
Department of Water Resources
Southern Region

Artesian Well
Test Date: November 3, 1993

100-150 GPM	49 PSI
150-350 GPM	49 PSI
350-550 GPM	46 PSI
550-650 GPM	40 PSI
650-750 GPM	38 PSI
750-850 GPM	36 PSI

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APR 2 2 2003

SINCE 1947

WALKER WATER SYSTEMS, INC.

624 Pierce Street Twin Falls, Idaho 83301
208-733-4744 • 208-726-5145 • 208-324-8907

OCT 22 1993

well #2
Well Test: Kanaka Rapids Ranch
Date: 10-1-93
Static Water Level: 41'3"

	Time	P-Tube Level	Pumping Level	G.P.M.	Temp.
			177	250	80 F
Start	9:31AM	35			
	9:39	35	177.8	250	
	9:40	35	181.9	250	
	9:43	35	184.25	250	
	9:45	35	188.7	250	
	9:46	35	191.4	250	
	9:47	35	193.3	250	
	9:48	35	195.4	250	
	9:49	35	196.4	250	
	9:50	35	197.1	250	
	9:52	35	197.7	250	
	9:53	35	200.6	250	
	9:54	35	201.7	250	
	9:55	35	203.0	250	
	9:57	35	204.3	250	
	9:58	35	205.8	250	
	10:00	35	206.4	250	
	10:01	35	208.2	250	
	10:02	35	209.0	250	
	10:03	35	210.4	250	
	10:03	35	211.0	250	
	10:04	35	211.9	250	
	10:05	35	212.2	250	
	10:06	35	212.5	250	
	10:07	35	213.0	250	
	10:08	35	213.0	250	
	10:09	35	213.0	250	
	10:15	35	216.2	250	
	10:18				72
	10:20	35	219.0	250	
	10:25	35	221.6	250	
	10:30	35	224.4	250	
	10:35	35	226.4	250	
	10:40	35	228.0	250	
	10:45	35	229.3	250	
	10:50	35	231.5	250	
	10:55	35	233.0	250	
	11:00	35	233.0	250	
	11:05	35	233.0	250	
	11:10	35	233.0	250	
	11:15	35	234.0	250	

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	11:20	35	231.0	250	
	11:25	35	235.8	250	
	11:30	35	236.4	250	
	11:45	35	238.8	250	
	12:00PM	35	241.5	250	
	12:15	35	243.6	250	78
	12:30	35	246.0	250	
	12:45	35	248.4	250	
	1:15	35	251.0	250	
	1:45	35	251.5	250	
	2:15	35	257.5	250	
	2:45	35	261.0	250	
	3:00				78
	3:15	35	263.0	250	
	3:45	33	262.0	242	
	4:15	30.5	260.7	232	
	4:45	28.5	261.5	232	
	5:15	28.0	260.1	222	
Stop	5:30	28.0	260.2	222	78

Recovery:
5:30 Static Water Level 260.2
6:30 Static Water Level 137.0

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ENGINEERING REPORT

FOR A

PUBLIC WATER SYSTEM

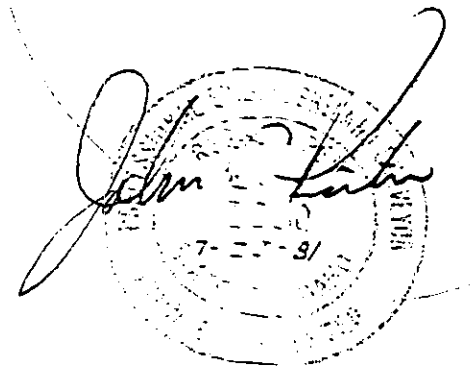
KANAKA RAPIDS RANCHES

BUHL, IDAHO

JULY, 1981

Prepared by

John E. Priester
Consulting Engineer
Buhl, Idaho



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6. PUMP CAPACITY: 40 g.p.m. at an operating head of 138 feet requiring a 2 horsepower motor. The pump will serve a population of 14 people.

WATER SOURCE:

1. Water for the public water system will be provided by two ground water wells. Well No. 1 yields an artesian flow of 2,200 g.p.m. and has a shut-in pressure of 130 p.s.i. Well No. 2 yields an artesian flow of 19 g.p.m.

2. Drillers logs are attached for each well.

3. Water quality tests were made for both wells and the results are attached. Tests were made to determine the corrosive characteristic of the water. Over saturation of $CaCO_3$ is indicated which will deposit a protective film on the pipe. Water quality tests were made of the water at Miracle Hot Springs, a nearby resort, because in 20- years the piping has not been destroyed by corrosion, and the test was to show if the water was characteristic of that of the Kanaka Rapids Ranches' water.

4. Tests of the water do not indicate that any treatment will be necessary

5. The wells are located in areas where flooding is not a problem. No other sources of contamination are known. Possible sources such as irrigation ditches are being abandoned in the area of the wells.

CONSTRUCTION AND INSPECTION:

1. CONSTRUCTION: The developer will construct the system with development of roads, lots, and building sites. Development of Well No. 1 and the main distribution system is planned immediately, while Well No. 2, storage tank, booster station and distribution lines are planned later as development progresses to that area.

2. INSPECTION: The system will be installed and tested under the supervision of a Licensed Professional Engineer to assure compliance with all health concerns.

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SEP 27 1982
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

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SEP 20 1982
Department of Water Resources

RECEIVED
SEP 12 1982
Department of Water Resources
Southern District Office

WELL OWNER

Name Collins Bros., Kanaka Rapids Ranch

Address Rt 4 Buhl Idaho

Owner's Permit No. 47-7680

NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning) _____

PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

METHOD DRILLED

☐ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary

☐ Cable ☐ Dug ☐ Other _____ From 30

WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
5 inches	10 3/4 inches	+ 1 feet	29 feet
1/4 inches	8 5/8 inches	+ 1 feet	246 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ____ Slot size ____ Set from _____ feet to _____ feet

Diameter ____ Slot size ____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 30ft Material used in seal: ☒ Cement grout ☐ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

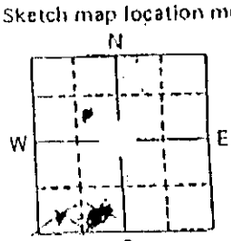
Welded between 0 to 29 & 5' Cement Weld

☒ Cemented between strata

Describe access port artesian flow plate on top of valve

LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County S.C. Twin Falls

7. WATER LEVEL

Static water level _____ feet below land surface.

Flowing? ☒ Yes ☐ No G.P.M. flow 2000

Artesian closed-in pressure 110 p.s.i.

Controlled by: ☒ Valve ☐ Cap ☐ Plug

Temperature 93 °F. Quality good

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
15	0	2	topsoil		
	2	8	clay & rock		
	8	16	gray lava solid		
	16	22	clay boldars		
110	22	65	gray lava solid		
	65	69	gray lava loose (1st wate	X	
	69	95	gray lava solid	X	
	95	97	crevice	X	
	97	130	gray lave firm	X	
	130	145	broken lava	X	
	145	179	gray lava firm	X	
	179	204	gray & brown lava broken	X	
	204	265	gray lava solid	X	
	265	291	broken lava & cinders	X	
	291	338	gray lava firm	X	
8	338	390	gray lava solid	X	
	390	393	gray lava loose		X
	393	482	gray lava mostly solid	X	
	482	603	green clay stone or sand	boul	
6	603	640	gray lava solid	X	
	640	668	gray lava soft	X	
	668	720	gray lava firm		
	720	800	gray lava mostly solid with crevices & broken areas		

(1st Water)

10.

Work started 7-14-80 finished 5-11-80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Sherman Couch well drilling Firm No. 161

Address 340 Wauna Vista Dr Date 9-13-80
Burley, Idaho 83318

Signed by (Firm Official) Sherman Couch

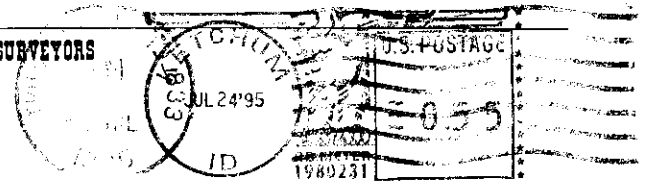
and

(Operator) Robert Couch

GALENA ENGINEERING, INC.

680 SECOND AVENUE NORTH
P.O. BOX 425 • KETCHUM, IDAHO 83340

CIVIL ENGINEERS AND LAND SURVEYORS



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JUL 27 1995

Department of Water Resources
Southern Region

Allen Merritt
IDWR - Southern Region
222 Shoshone Street - East
Twin Falls, ID 83301

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JUL 26 1996
Department of Water Resources
Southern Region

TWIN FALLS COUNTY
PLANNING & ZONING
246 3RD AVENUE EAST TWIN FALLS, IDAHO 83301
(208) 734-9490

July 25, 1996

Mr. Norman M. Semanko
Rosholt, Robertson & Tucker
Attorney's at Law
PO Box 1906
Twin Falls, Idaho 83301-1906

RE: The Bluff/s Kanaka Rapids Ranch - Extension of Time

Dear Norman:

This is in reference to your letter, dated July 23, 1996, and our telephone conversation on July 24, 1996. After reviewing Twin Falls County Ordinance #21, Article 7-28 and Ordinance #23, Article 5.5 and Article 6.0, I agree with your assessment that the County Commissioners, under Ordinance #23, Article 6.0, can hear your request for an extension of time.

Therefore, I have scheduled a meeting for 10:00 a.m., Wednesday, July 31, 1996. The meeting will be at the Commissioners' office at the County Courthouse, 425 Shoshone, 4th Floor.

Because of Idaho Department of Water Resource's role in your request for an extension, I have invited Allen Merritt of IDWR to attend the hearing.

Respectfully,

Doug Howard
Director

DH/pjr

cc: County Commissioners
Ax Yewer with enclosure
Allen Merritt with enclosure ✓

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APR 2 2 2003

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JUL 26 1996
Department of Water Resource
Southern Region

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
JUL 23 1996

July 23, 1996

Doug Howard
Twin Falls County Zoning Director
246 3rd Ave. E.
Twin Falls, ID 83301

HAND DELIVERED

Re: The Bluffs/Kanaka Rapids Ranch -- Extension of Time

Dear Doug:

This letter is meant to follow-up on your letter of July 17, 1996 and our telephone conversation yesterday.

In your letter, you state that the request for an extension of time for filing the final plan for the Bluffs will be heard at the August 8 public hearing of the Planning and Zoning Commission and that notice will be in accordance with Idaho Code Sec. 67-6512 and Twin Falls County Ordinance 21, Article 10-5.

Upon examination, it is apparent that the notice provisions cited in your letter generally apply only to special or conditional use permit applications (such as the Boulder Creek Gravel Pit). They also apply to preliminary plan approvals under Article 5.5 of the Twin Falls County Planned Unit Development Ordinance No. 23. However, they do not apply to a request for an extension of time for filing a final plat.

Extension requests are governed by Article 6.0 of Ordinance No. 23. That article provides that an extension request may be granted by the County Commission for good cause shown. Unlike Article 5.5 (preliminary plan hearings), there is no requirement that the request be heard at a public hearing or that notice be provided.

The requisite notices for the public hearings conducted on the Bluffs preliminary plan were provided as specifically required by Article 5.5 of Ordinance No. 23. No notice requirement exists in the Ordinance for extension requests. Indeed, no such notice was required by the County previous to granting the original extension under which we are currently operating. As a result, we do not believe any notice is required and do not plan to provide any. Please let us know if you differ with this conclusion.

APR 2 2 2003

If it would assist the County Commission in making a decision, we will of course be glad to make a presentation at the August 8 Planning and Zoning meeting or at some other convenient time. Frankly however, the "good cause" for our extension request was outlined comprehensively in our letter of July 11, 1996. There would be little to add at a public meeting. As a result, and because the current deadline is looming, we ask that the County Commission act forthwith on our request and grant it for good cause shown.

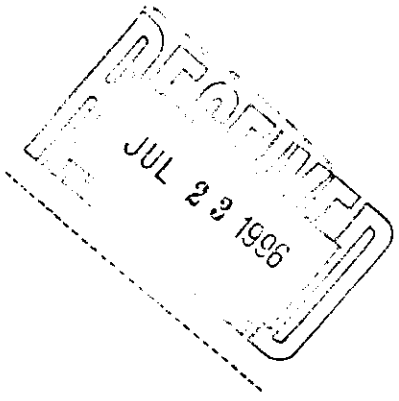
Thank you for your continued cooperation in this matter. Please call if you have any questions.

Sincerely,

NORMAN M. SEMANKO

07229603.NMS

cc: Carlo Ferreira
Dale Riedesel



MICROFILMED
SEP 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
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BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

July 11, 1996

RECEIVED
JUL 12 1996

Doug Howard
Twin Falls County Zoning Director
246 3rd Ave. E.
Twin Falls, ID 83301

Re: The Bluffs/Kanaka Rapids Ranch -- Extension of Time

Dear Doug:

On behalf of our client, the Collins Brothers, we hereby request an additional extension of time for filing the final plat for the Bluffs at Kanaka Rapids Ranch. As we understand it, the final plat is currently due at the beginning of August, 1996.

During our telephone conversations, you confirmed that the developer needs to present evidence to the Commission indicating why an extension of time is necessary. Upon consideration of such evidence, the Commission may establish a new deadline. As a result, we present evidence below explaining why an extension of time is required and ask that the Commission set a new time limit for filing the final plat.

As you will recall, the Planning and Zoning Commission had concerns about the domestic water source for the Bluffs project at Kanaka Rapids Ranch. Delays in the licensing of the domestic water rights for Kanaka Rapids Ranch caused the Collins Brothers to request a six month extension for filing the final plat. See Exhibit "A". As explained below, additional delays and complications require that a one year extension be requested.

By an amendment approved during 1994, the Bluffs was included in the place of use for Idaho Department of Water Resources Permit No. 47-07680. See Exhibit "B". However, that permit is still in the process of being licensed by the Department. In addition, depending on the outcome of that process, a transfer application may need to be filed with the Department to facilitate the use of water on the Bluffs. Alternatively, a separate source may need to be pursued. See Exhibit "C". Therefore, the final configuration of the water system for the Bluffs is contingent upon decisions yet to be made by the Department. In order to allow the requisite time for these decisions to be made, we request that a one year extension of time be granted for filing the final plat for the Bluffs.

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APR 22 2003

Please let us know if you have any questions regarding this request and the evidence we have presented. We look forward to meeting with you and the Commission to discuss this matter further. If necessary, please place this matter on the Commission's next meeting agenda.

Sincerely,

NORMAN M. SEMANKO

07089601.NMS

Enclosures

cc: Carlo Ferreira
Dale Riedesel

MICROFILMED
APR 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

July 11, 1996

RECEIVED
JUL 12 1996
Department of Water Resources
Southern Region

Doug Howard
Twin Falls County Zoning Director
246 3rd Ave. E.
Twin Falls, ID 83301

Re: The Bluffs/Kanaka Rapids Ranch -- Extension of Time

Dear Doug:

On behalf of our client, the Collins Brothers, we hereby request an additional extension of time for filing the final plat for the Bluffs at Kanaka Rapids Ranch. As we understand it, the final plat is currently due at the beginning of August, 1996.

During our telephone conversations, you confirmed that the developer needs to present evidence to the Commission indicating why an extension of time is necessary. Upon consideration of such evidence, the Commission may establish a new deadline. As a result, we present evidence below explaining why an extension of time is required and ask that the Commission set a new time limit for filing the final plat.

As you will recall, the Planning and Zoning Commission had concerns about the domestic water source for the Bluffs project at Kanaka Rapids Ranch. Delays in the licensing of the domestic water rights for Kanaka Rapids Ranch caused the Collins Brothers to request a six month extension for filing the final plat. See Exhibit "A". As explained below, additional delays and complications require that a one year extension be requested.

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MICROFILMED
APR 22 2003

Please let us know if you have any questions regarding this request and the evidence we have presented. We look forward to meeting with you and the Commission to discuss this matter further. If necessary, please place this matter on the Commission's next meeting agenda.

Sincerely,

NORMAN M. SEMANKO

07089601.NMS

Enclosures

cc: Carlo Ferreira
Dale Riedesel

MICROFILMED
APR 2 2 2003

Exhibit A

DALE L. RIEDESEL P.E./L.S.

Engineer • Surveyor • Planner

488 BLUE LAKES BLVD. NO., SUITE 103 TWIN FALLS, IDAHO 83301 TELEPHONE (208) 733-2446

January 16, 1996

Mr. Doug Howard, P.E./L.S.
Twin Falls County Zoning Director
246 3rd Avenue East
Twin Falls, ID 83301

RE: Extension of Time
The Bluffs
Kanaka Rapids Ranch

Dear Mr. Howard:

We appreciate your informing us of the deadline for filing of the plats for the Bluffs at Kanaka Rapids Ranch. At this time Kanaka Rapids Ranch would like to request a 6 month extension of the deadline for final plan filing. The Collins Brothers have every intention of continuing the project. As you are aware, the source of domestic water was of concern to the Planning and Zoning Commission. Kanaka Rapids is still waiting for a determination on the water rights for the project from the Idaho Department of Water Resources. When a decision is made Kanaka Rapids Ranch will know which direction to take in completing the project.

I would appreciate the opportunity to discuss this with you and the County Commissioners.

Respectfully submitted,

Dale L. Riedesel, P.E./L.S.
Project Manager

DLR:cw

cc Carlo Ferreira

Post-It® Fax Note 7671	Date 7/5/96	# of pages ▶ 1
To NORM SEMANKO	From DALE RIEDESEL	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

C:\FILES\212\KRB21219.WPD

MICROFILMED APR 1 2 2007

Exhibit B

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 26, 1994

KANAKA RAPIDS RANCH HOMEOWNERS WATER SYSTEM INC
176 KANAKA RAPIDS RANCH RD
BUHL ID 83316

RE: Permit No. 47-07680

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions, please feel free to contact me directly at (208) 327-7947.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MICROFILMED
APR 22 2003

APPROVED

Receipted by dw
Date 5/10/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 10 1994
Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant KANAKA RAPIDS RANCH HOMEOWNERS WATER SYSTEM, INC. Phone 208-543-6767

Address 176 KANAKA RAPIDS RANCH BUHL, ID 83316

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-07680, 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

XX Change place of use ____ Change nature of use ____ Change period of use ____ Other

1. Point of diversion: SAME ¼ ¼ ¼, Section ____, Township ____, Range ____, B.M., County of ____. Other points of diversion ____

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

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

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

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

3. Place of use or land to be irrigated:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	10	X	X	X	X	X			X	X				X	X		X	
		11		X			X	X	X	X		X	X	X					
		14		X	X		X	X		X									

Total number of acres to be irrigated = ____

4. a. Who owns the property at the point of diversion? SAME

b. Who owns the land to be irrigated at the place of use? ____

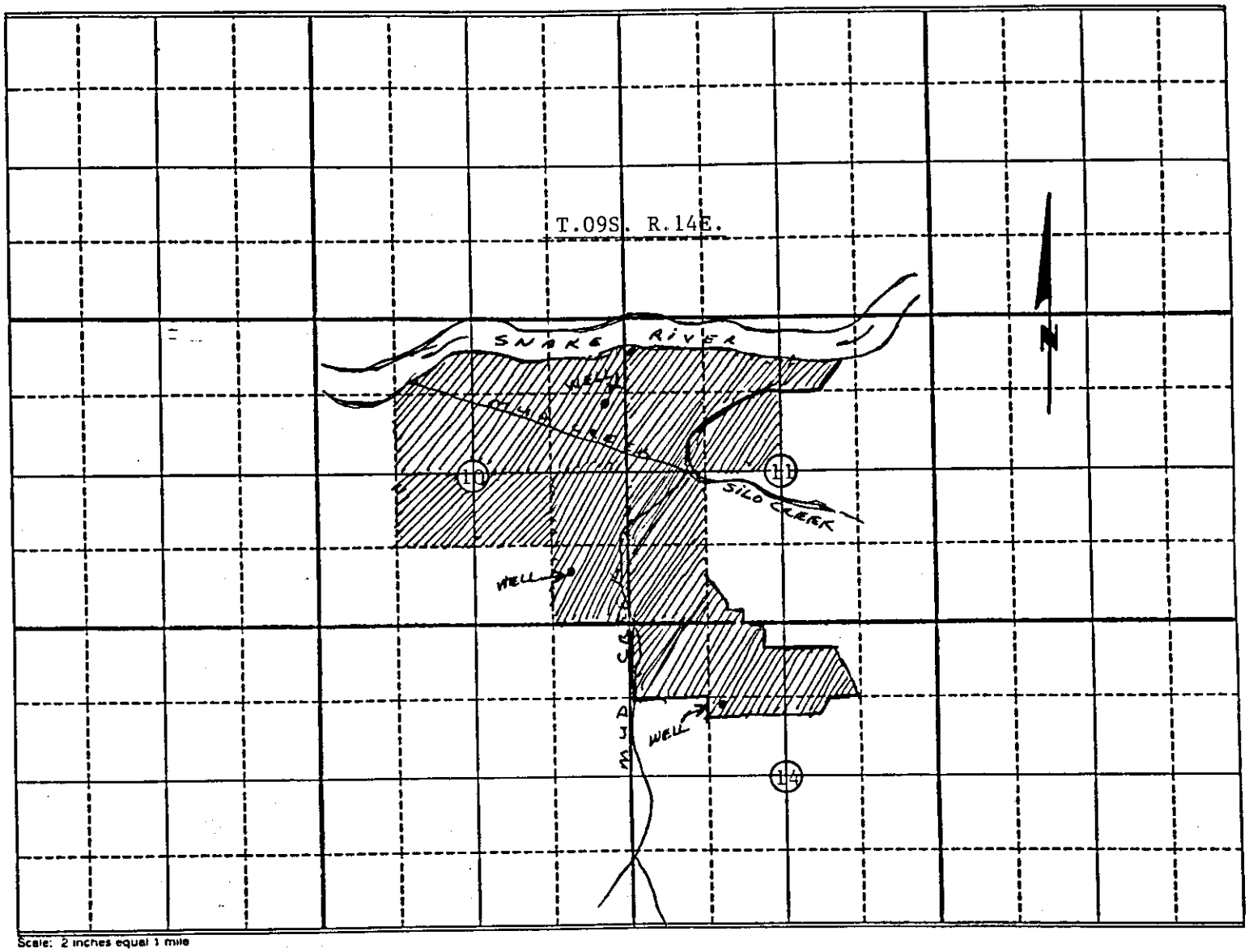
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: ____

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APR 2 2 2003

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, 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 9th day of May, 19 94.

Carlo Ferreira Permit Holder
Attorney-in-fact

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 _____, 19_____.

MICROFILMED
APR 2 2 2003

_____
SIGNATURE

CONDITIONS OF APPROVAL

Amendment of Permit No. 47-07680

1. Right holder must comply with conditions set forth in Order Adopting Proposed Memorandum Decision and Order issued at time of permit approval.

2. The amount of water diverted shall not exceed that necessary for domestic, commercial, and geothermal heating for 99 homes.

3. Approval of this amendment does not authorize any additional development for any purpose after August 1, 1991. This amendment authorizes 99 domestic uses to be allocated to 99 lots of the subdivision located within the amended place of use. This amendment is limited to the existing water distribution system providing water to lots which have been stubbed in, and, to water that had been made available for use during the permitted development period.

MICRO
APR 2 2 2003

Exhibit C

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 4, 1995

Norman M. Semanko
Attorney at Law
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

HAND DELIVERED

RE: Kanaka Rapids Ranch

Dear Norm:

In your July 18th letter you asked IDWR to clarify the source(s) of water that may ultimately serve "The Bluffs". I interpret your request to mean "what water rights presently exist for development of the project or what process is available in obtaining a water right to cover the development of the project". In responding I have categorized my response into the following four areas for your consideration:

I. EXISTING RIGHTS

It is my understanding that "The Bluffs" is the third stage of development of the larger Kanaka Rapids Ranch. I understand "The Bluffs" is located in portions of the SW¼NE¼, SE¼NW¼, NE¼SW¼ and NW¼SE¼ of Section 10, Twp. 09S, Rge. 14E, B.M. in Twin Falls County. A search of our water right records finds that permit 47-07680 covers this area. As you know permit 47-07680 is in the name of the Kanaka Rapids Ranch Homeowners Water System Inc. and is the subject of a recent water rights field examination to license this water right. The permit covers the water developed from three geothermal wells located on and servicing Kanaka Rapids Ranch. Although this permit has a place of use which covers "The Bluffs" our field investigation found that a delivery system has never been constructed on this portion of the ranch. Since development of a delivery system with plumbed hookups is a criteria for allowing the department to license a right on a platted subdivision even though the houses have not yet been built, the preliminary recommendation will be that the permit be licensed to other portions of the ranch. The recommended license will be specifically for those areas served by these wells prior to July 30, 1991. July 30, 1991 is the date which the permittee filed the statement of beneficial use with the department and is the time at which authorized development under the permit ended.

MICR...
APR 2 2 200...

No other water right records list the "The Bluffs" location as an authorized place of use.

II. DEVELOPMENT OF A NEW WATER RIGHT BY PERMIT PROCESS

The appropriation of a new water right would be through Title 42, Chapter 2, IDAHO CODE, and would be subject to the department's water appropriation rules (IDAPA 37, Title 03, Chapter 08).

The site is located in what is known as the "Banbury Hot Springs Ground Water Management Area" (BGMA) which was established by order dated April 12, 1983. On January 11, 1984 a much larger groundwater management area was established by order and known as the "Twin Falls Groundwater Management Area" (TFGMA). The TFGMA surrounds the BGMA. Both of these management areas were created pursuant to §42-233b, IDAHO CODE. The BGMA was created as a result of declines in artesian pressure of wells (mostly geothermal) in the Banbury area; however, the order establishing the area does not differentiate between hot and cold water wells. The TFGMA was created as a result of declines in artesian pressure of geothermal wells in the northern portion of Twin Falls county, but is specifically pointed toward hot water wells. After investigation by the department of the BGMA, an order dated December 4, 1985 was issued for the BGMA which stayed approval of pending applications. The BGMA order also required approved permit holders to cease development and submit proof of beneficial use for uses already established. On May 15th, 1992 the director of the department issued a moratorium order against approval of certain water right permits in the Snake River Basin (SRB) due to drought related concerns. This moratorium was amended January 6, 1993 and later superseded by another amendment order dated April 30, 1993. By legislative action this SRB moratorium is extended to December 31, 1997. The SRB moratorium did not supersede the BGMA and TFGMA but did affect the sources in the area other than the geothermal aquifer. I have enclosed copies of the orders and moratoriums described above that are presently valid.

In summary the BGMA and the TFGMA have been created to protect the geothermal aquifer in the area and have prevented issuing new water right permits for development of the geothermal groundwater; the SRB moratorium has been placed to stop development uses of other sources of water in the area except for those uses which qualify under the exceptions identified in the order.

Because of these orders and moratoriums, a new water

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permit for development of geothermal groundwater will not be issued unless a specific mitigation plan is developed to recharge or inject water back into the hot water aquifer. Such a plan would require that artesian pressures and temperatures be maintained in the hot water aquifer so that present users are not injured by any new use. The burden is on the applicant to provide the studies to develop such a plan.

Granting of a new water permit for development of cold water in the area for a subdivision is more likely, but the individual uses for each lot would be limited to the "domestic" definition found in §42-111, IDAHO CODE. I have looked at well logs in the area and find that a cold water aquifer appears to exist over the deeper geothermal aquifer, but I do not have adequate information to determine whether the cold water will be adequate or suitable for the project. If an application for cold groundwater is pursued the applicant will be required to provide a prospectus of the well(s) to assure that the geothermal aquifer is not tapped.

III. TRANSFER OF EXISTING RIGHTS

Another option may be to modify an existing water right by transfer pursuant to §42-222, IDAHO CODE, to cover "The Bluffs". This would involve transferring an existing right held by the ranch (47-07680 once licensed or others) or by transferring one obtained through purchase or condemnation. In the transfer process the department cannot allow an expansion in use of either the rate of diversion, annual diversion volume or consumptive use volume of the existing right. The department would not allow an increase in diversion from the geothermal aquifer beyond what presently exists by this transfer process. (You could not transfer a cold water right and divert it out of the geothermal aquifer.)

IV. DEVELOPMENT OF EXEMPT DOMESTIC RIGHTS

As you know §42-227, IDAHO CODE, provides an exception to the mandatory permit requirement. The exception is for developing groundwater for "domestic purposes" as defined in §42-111, IDAHO CODE. This exception has been uniformly applied to those areas of the BGMA, the TFGMA and the SRB moratorium area. Fortunately in the case of the BGMA and the TFGMA this exception has rarely if ever been used for developing hot water from the geothermal aquifer. I believe this is the case because it is not economical to develop a 1000' to 1600' well for domestic purposes for one house. On the other hand this exception is the common mechanism for development of small cold

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APR 2 2 2003

water wells which supply the domestic needs for individual homeowners in rural areas in Twin Falls county and other counties in the Snake River Basin. This process is available for individual lot owners in "The Bluffs" to develop their individual domestic wells as long as the use falls under the §42-111, IDAHO CODE, definition.

*Please note that any new well(s) drilled must comply with the drilling permit requirements of §42-235, IDAHO CODE, and are subject to the department's well construction standards (IDAPA 37, Title 03, Chapter 09).

In summary there are options for development of water at "The Bluffs". Some of these options involve approval of applications for permit or applications for transfer that are subject to public notice and protest. At this juncture the department cannot guarantee that these avenues will be successful but they are available for your exploration.

I apologize for the length of this letter but your inquiry of four pages warrants an adequate response. Please note that I have received inquiries from others and plan to provide copies of this letter as reference. If you have questions please feel free to contact our office.

Sincerely

Allen Merritt, PE
Southern Region Manager

CC: Norm Young IDWR

Enclosures

MICR
DEC 2 2 2003

RECEIVED
NOV 03 1995
Department of Water Resources
Southern Region

4595 River Road
Buhl, Idaho 83316
November 2, 1995

Allen Merritt
Southern Regional Manager
Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

Dear Mr. Merritt:

I and other people interested in Kanaka Rapids Ranch water matters have been awaiting a reply to my August 21, 1995 letter to you, a copy of which is attached for your ready reference. Can you advise me when I may receive a response to that letter?

Sincerely yours,

Robert S. Luntey

Robert S. Luntey

543-8334

MICRO
APR 2 2 2003

4595 River Road
Buhl, Idaho 83316
August 21, 1995

Allen Merritt
Southern Regional Manager
Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

Dear Mr. Merritt:

I greatly appreciated your very prompt August 4 response to my July 26 letter concerning Kanaka Rapids Ranch water matters. It was most helpful to my understanding of the questions posed at the Twin Falls County Planning and Zoning Board hearing on August 10.

Many local residents observed the installation of water distribution facilities to lots in the Riverside section of the Ranch beginning in 1994 and continuing through the winter into 1995. Idaho Department of Environmental Quality files include a drawing entitled 1994 Water System Improvements - Kanaka Rapids Ranch- Phase II Riverside. DEQ notations on the drawing indicate it was received on February 2, 1995 and approved Feb.. 14, 1995. If the Ranch was required to have approval for the development prior to beginning construction it appears they may be in violation of that requirement.

An attachment to your August 4 letter states the following:

"Many subdivisions are not fully developed at the time of the examination. When in this situation you should confirm that a water delivery system has been installed to provide water to each lot listed in the subdivision".

Did the Kanaka Rapids Ranch have an extension into 1995 to prove beneficial use on Phase II Riverside subdivision? If not it appears that they may not have complied with Department of Water Resources permit requirements.

It would be very helpful to me and others concerned with the Kanaka Rapids Ranch development to have the permit numbers for their geothermal wells, the dates when proof of beneficial use expired and any extensions that may have been granted. We are especially concerned with the date when proof of beneficial use expired for Riverside II.

Sincerely,

Sg J.

Robert S. Luntey

MICROFILMED
SEP 2 2 2003

4595 River Road
2Buhl, Idaho 83316
August 21, 1995

Allen Merritt
Southern Regional Manager
Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6105

RECEIVED
AUG 22 1995
Department of Water Resources
Southern Region

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Sincerely,

Robert S. Luntey

Robert S. Luntey

MICROFILMED
SEP 22 2003



RECEIVED
AUG 16 1995
Department of Water Resources
Southern Region

Aug 10, 1995
Allen Merritt
Dept. of Water Resources

Dear Mr. Merritt;

This letter is in response to an article in the Times News on Aug 10,1995 about the three wells that Kanaka Ranch uses for its geothermal water system. It has been brought to my attention that code on the geothermal water has not been met. I sincerely hope that Kanaka Rapids Ranch will be obligated, like everyone else, to meet these specifications.We have been told that one of these wells is in great need of repair. It is flushing great amounts of materials out of the well. This would indicate there is a problem that needs attention before there is unrepairable damage.We have done everything asked of us on our well and hope everything will be done to bring all others to code. Everyone should be expected to do the same thing as we have had to do. This valuable resource is very fragile and I am aware of a number of these wells that were drilled improperly or that are being misused. This is not tolerable as far as we are concerned. We don't want to start anything unnecessary but feel we must get the point across that we intend to set the record straight about the miss use and unfair status of the geothermal program that Idaho Dept. of Water Resources is over. Please advise on your plans on this issue.

Thank you,
Rick Eggleston
President

cs
cc Director Water Resources
Boise Idaho

MICROFILMED
SEP 2 2 2003

201 Warm Creek Road
Jerome, Idaho 83338
208-736-1684 or 736-1606
Fax: 208-736-1695

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 4, 1995

Robert S. Luntey
4595 River Road
Buhl, ID 83316

RE: Kanaka Rapids Ranch

Dear Robert:

In response to your July 26th letter please find enclosed copied portions of the department's "Water Rights Examiner Handbook". This is the direction that is provided examiners when reviewing permits which cover the water systems for subdivisions.

The department is faced with a unique problem when licensing subdivision developments. Experience has shown that developers in good faith apply for water right permits for their projects and then go about developing the systems to the extent that they have control. After the initial development subdivision lots can sit idle for years before they are sold and houses constructed. For practical reasons IDWR acknowledges development of the delivery system and reflects this in the licensing process. This is similar to the way cities are treated.

For your further reference please find a copy of a letter recently sent Kanaka Rapids Ranch's attorney. Please note that the because the delivery pipeline network with hookups has never been installed on the "The Bluffs" portion of the development that permit 47-07680 will not be recommended to be licensed at that location.

Regarding the use of geothermal wells at Kanaka Rapids Ranch for the direct filling of a lake, this type of activity is not part of any water right permit or license and this type of activity is not authorized. However, Kanaka Rapids does have a permit which allows the use of water for heating and once used for this purpose may allow for discharge of these used waters which may eventually reach the ponds in the area. During the recent field investigation of Kanaka Rapids Ranch it was noted that there is a cold water irrigation delivery system that diverts water from Mud Creek and can discharge into the lake you reference. The discharge of the cold water is very near the well to the west of the lake. Permit 47-07551 for storage of 200 acre feet on the ranch is presently being licensed and in this process is proposed to be amended to cover the various lakes or ponds at the ranch to the extent possible.

If you have further questions please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Norm Young IDWR
Norm Semanko

Enclosures

APR 2 2 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 4, 1995

Norman M. Semanko
Attorney at Law
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

HAND DELIVERED

RE: Kanaka Rapids Ranch

Dear Norm:

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MICRO

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The site is located in what is known as the "Banbury Hot Springs Ground Water Management Area" (BGMA) which was established by order dated April 12, 1983. On January 11, 1984 a much larger groundwater management area was established by order and known as the "Twin Falls Groundwater Management Area" (TFGMA). The TFGMA surrounds the BGMA. Both of these management areas were created pursuant to §42-233b, IDAHO CODE. The BGMA was created as a result of declines in artesian pressure of wells (mostly geothermal) in the Banbury area; however, the order establishing the area does not differentiate between hot and cold water wells. The TFGMA was created as a result of declines in artesian pressure of geothermal wells in the northern portion of Twin Falls county, but is specifically pointed toward hot water wells. After investigation by the department of the BGMA, an order dated December 4, 1985 was issued for the BGMA which stayed approval of pending applications. The BGMA order also required approved permit holders to cease development and submit proof of beneficial use for uses already established. On May 15th, 1992 the director of the department issued a moratorium order against approval of certain water right permits in the Snake River Basin (SRB) due to drought related concerns. This moratorium was amended January 6, 1993 and later superseded by another amendment order dated April 30, 1993. By legislative action this SRB moratorium is extended to December 31, 1997. The SRB moratorium did not supersede the BGMA and TFGMA but did affect the sources in the area other than the geothermal aquifer. I have enclosed copies of the orders and moratoriums described above that are presently valid.

In summary the BGMA and the TFGMA have been created to protect the geothermal aquifer in the area and have prevented issuing new water right permits for development of the geothermal groundwater; the SRB moratorium has been placed to stop development uses of other sources of water in the area except for those uses which qualify under the exceptions identified in the order.

Because of these orders and moratoriums, a new water

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APR 2 2 2003

permit for development of geothermal groundwater will not be issued unless a specific mitigation plan is developed to recharge or inject water back into the hot water aquifer. Such a plan would require that artesian pressures and temperatures be maintained in the hot water aquifer so that present users are not injured by any new use. The burden is on the applicant to provide the studies to develop such a plan.

Granting of a new water permit for development of cold water in the area for a subdivision is more likely, but the individual uses for each lot would be limited to the "domestic" definition found in §42-111, IDAHO CODE. I have looked at well logs in the area and find that a cold water aquifer appears to exist over the deeper geothermal aquifer, but I do not have adequate information to determine whether the cold water will be adequate or suitable for the project. If an application for cold groundwater is pursued the applicant will be required to provide a prospectus of the well(s) to assure that the geothermal aquifer is not tapped.

III. TRANSFER OF EXISTING RIGHTS

Another option may be to modify an existing water right by transfer pursuant to §42-222, IDAHO CODE, to cover "The Bluffs". This would involve transferring an existing right held by the ranch (47-07680 once licensed or others) or by transferring one obtained through purchase or condemnation. In the transfer process the department cannot allow an expansion in use of either the rate of diversion, annual diversion volume or consumptive use volume of the existing right. The department would not allow an increase in diversion from the geothermal aquifer beyond what presently exists by this transfer process. (You could not transfer a cold water right and divert it out of the geothermal aquifer.)

IV. DEVELOPMENT OF EXEMPT DOMESTIC RIGHTS

As you know §42-227, IDAHO CODE, provides an exception to the mandatory permit requirement. The exception is for developing groundwater for "domestic purposes" as defined in §42-111, IDAHO CODE. This exception has been uniformly applied to those areas of the BGMA, the TFGMA and the SRB moratorium area. Fortunately in the case of the BGMA and the TFGMA this exception has rarely if ever been used for developing hot water from the geothermal aquifer. I believe this is the case because it is not economical to develop a 1000' to 1600' well for domestic purposes for one house. On the other hand this exception is the common mechanism for development of small cold

APR 2 2 2003

water wells which supply the domestic needs for individual homeowners in rural areas in Twin Falls county and other counties in the Snake River Basin. This process is available for individual lot owners in "The Bluffs" to develop their individual domestic wells as long as the use falls under the §42-111, IDAHO CODE, definition.

*Please note that any new well(s) drilled must comply with the drilling permit requirements of §42-235, IDAHO CODE, and are subject to the department's well construction standards (IDAPA 37, Title 03, Chapter 09).

In summary there are options for development of water at "The Bluffs". Some of these options involve approval of applications for permit or applications for transfer that are subject to public notice and protest. At this juncture the department cannot guarantee that these avenues will be successful but they are available for your exploration.

I apologize for the length of this letter but your inquiry of four pages warrants an adequate response. Please note that I have received inquiries from others and plan to provide copies of this letter as reference. If you have questions please feel free to contact our office.

Sincerely

Allen Merritt, PE
Southern Region Manager

CC: Norm Young IDWR

Enclosures

MICR[illegible]

SEP 2 2 2003

4595 River Road
Buhl, Idaho 83316
July 26, 1995

RECEIVED
JUL 2 7 1995
Department of Water Resources
Southern Region

Dept. of Water Resources
222 Shoshone Street
Twin Falls, Idaho 83301

Gentlemen:

At a July 1995 meeting of the Twin Falls County Planning and Zoning Board the Kanaka Rapids Ranch requested approval of an additional subdivision of 50 houses on their property north of Buhl. A representative of the Ranch stated at the meeting that on July 7 the Department of Water Resources made a field examination needed to issue a water license to the Ranch. I am perplexed and greatly concerned that the Department of Water Resources is deviating from standard procedures in making field examinations.

Your office made a very thorough and detailed examination of our use of geothermal water prior to issuing us a license. Even though we had water piped to all of the eventual use areas on our property we were not issued a license. It took us more than five years to develop all of the use facilities and we asked for and were granted an extension to complete these facilities. Only after all facilities were constructed or in place (fish ponds, orchard, garden, trees, lawn. swimming pool and house) did the examiner measure our use of water in detail. Trees were counted, garden areas were measured, swimming pool volume was calculated and the flow into each of dozens of fish ponds was individually measured to determine our use of water. As I recall there was even measurement of rain bird nozzles to determine flow rates.

I cannot understand how an examination of water use at Kanaka Rapids Ranch can be undertaken when very few of the intended use facilities have been constructed! We were required to have all facilities in place and operating for an examination whereas the Kanaka Rapids Ranch is apparently not required to do so.

Can you provide me with a copy of the law, regulations or policy that has changed the Department of Water Resources procedures permitting licensing examinations **without structures in place** showing beneficial use as has apparently occurred at the Kanaka Rapids Ranch whereas we were **required to have structures in place** and to show beneficial use down to the size of the sprinkler nozzles?

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For several years I have noted geothermal water being used by the Kanaka Rapids Ranch to fill a lake on their property between River Road and the Snake River. Is this a permitted or licensed use of geothermal water.

I would appreciate having a response as soon as possible as I may want to use the information at the next County Planning and Zoning Board meeting in August.

Sincerely yours.

Robert S. Luntey

Robert S. Luntey

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APR 2 2 2009

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
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Twin Falls Office
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P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

July 18, 1995

Allen Merritt
IDWR -- Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301 **HAND DELIVERED**

Re: Kanaka Rapids Ranch -- Planning and Zoning for The Bluffs

Dear Allen:

As you may know, our client, Kanaka Rapids Ranch, is currently seeking preliminary plat approval from the Twin Falls County Planning and Zoning Commission for "The Bluffs" portion of its development. While we do not believe the planning and zoning process should necessarily involve the Idaho Department of Water Resources (IDWR), the commission apparently feels otherwise. As a result, they tabled the matter until some clarification can be provided by IDWR regarding the source(s) of water that may ultimately serve The Bluffs. The purpose of this letter is to request such clarification.

It is important to note that the local planning and zoning process is separate and distinct from the ongoing licensing process for Permit No. 47-07680. By this request, we in no way seek to influence the outcome of the latter. We only seek clarification as to the source(s) of water that may ultimately serve The Bluffs. Toward that end, we ask you to provide a letter confirming the following:

With the extensive water rights that exist at Kanaka Rapids Ranch, and the domestic exemption that can be utilized for single-family dwellings and other small uses, the question is not whether water is available to serve The Bluffs. It certainly is. Rather, the question is which source or combination of sources will ultimately be used. Listed below is a hierarchy of possibilities.

I. Licensing of Permit No. 47-07680

The Kanaka Rapids Ranch Homeowners Association Water System Inc. is the owner of IDWR Water Right Permit No. 47-07680. This permit authorized the development

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[illegible]

of low temperature geothermal water from the Banbury Aquifer for domestic, home heating, and commercial purposes, so long as such development was completed by August 1, 1991.

The original permit application contemplated 110 lots of more than 5 acres each, along with the growing of certain crops, on 600 acres. Kanaka Rapids Ranch is, and always has been, a 600 acre ranch. However, the place of use listed in the permit application erroneously included only portions of the 600 acres. As a result of this oversight by the original applicant, IDWR amended the place of use in 1994 to officially cover the 600 acres, including the Bluffs. The current plan for the 600 acre ranch includes 191 much smaller homesites with fewer appurtenant structures, using the same amount of water as authorized and developed under the permit.

Although proposed in the original application, the geothermal water is not allowed for use in growing crops. Initially proposing the diversion of 14.6 cfs, the reduction for irrigating crops, proposed to be 6.6 cfs, left a maximum of 8.0 cfs that could have been developed for domestic, heating and commercial purposes. Within this 8.0 cfs limitation, it is Kanaka Rapids Ranch's contention that the 191 home development is covered, using the same amount of water that was originally permitted.

An additional condition placed on the permit is that "[t]he amount of water diverted shall not exceed that necessary for domestic, commercial, and geothermal heating for 99 homes." There is no historical reason available to Kanaka Rapids Ranch which would suggest where the number "99" came from. In addition, it is an oversimplification to suggest that this limitation allows only "99 homes" and nothing else. Perhaps it is the erroneous legal description of the place of use which was not corrected until 1994 that is responsible. Within this place of use, 99 homesites currently exist. However, this represents only the first of three phases of the 600-acre development. As a result, Kanaka Rapids Ranch believes that the 8.0 cfs limitation discussed above is a more accurate description of the permitted right than "99" homes.

Using the "99 homes" limitation and constrained by the inaccurate place of use, however, Kanaka Rapids Ranch submitted proof of beneficial use in 1991 indicating that 5.79 cfs had been developed to heat and provide domestic water for 99 homes, along with some watering of trees and lawns and commercial use. Since that time, the Kanaka Rapids Ranch has met and corresponded with IDWR, expressing concern that the 1991 proof of beneficial use was not accurate and seeking express approval to provide water to 191 lots which it contends were developed during the authorized permit period.

In exchange for such recognition, and as a condition of its water use under either the permit or a license, Kanaka Rapids Ranch has proposed the self-imposition of

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high efficiency heat pumps in future homes to reduce the amount of water needed to heat each home. They represent that this technology will provide water for domestic use and heating of up to 191 homes, along with the related subdivision development, using the same amount currently developed under the permit. In essence, they contend that "[t]he amount of water. . .necessary for domestic, commercial, and geothermal heating for 99 homes", as authorized and developed under the permit, is, with the right conditions imposed, sufficient to include the homes to be built in The Bluffs.

In response to these communications, IDWR advised that the permit should proceed through the licensing process before any such decision can be made. As a result, a beneficial use examination was conducted by IDWR on July 7, 1995 and a licensing recommendation is forthcoming. One of the issues to be considered during the licensing process is whether, and to what extent, water was developed in The Bluffs. It was, as mentioned above, included in the approved permit.

II. Transfer of License for Water Right No. 47-07680

If not included, or only partially covered, in the license granted for Permit No. 47-07680, Kanaka Rapids Ranch has the alternative of seeking a transfer to cover The Bluffs, pursuant to section 42-222, Idaho Code.

In any event, the total amount of low temperature geothermal water diverted from the Banbury aquifer would be limited to that authorized by the license. This use is already monitored and measured by flow and cumulative meters under the terms of the permit. This regulatory approach will no doubt continue when the right is licensed and/or transferred. As a result, no increase in such water use can result from granting a zoning approval for The Bluffs.

III. Multiple Domestic Permit

If the license or transfer for Water Right No. 47-07680 does not completely cover The Bluffs, the opportunity exists to apply for a new water right permit for a multiple domestic system to serve The Bluffs, under the terms of both the Eastern Snake Plain Aquifer Moratorium and the Banbury Ground Water Management Area. It is the preference of IDWR that in subdivisions, where possible, a common source system be utilized, rather than individual wells.

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IV. Domestic Exemption

Alternatively, individual lot owners in The Bluffs can, after obtaining a drilling permit, drill individual domestic wells, each authorized to divert up to 13,000 gallons per day for domestic purposes, pursuant to section 42-111, Idaho Code. Under this so-called "domestic exemption", no water right permit is necessary. Each such well is adequate to serve the needs of an average home. This is not a preferred alternative, but is certainly a matter of right under state law which cannot be denied.

V. Irrigation Rights

Finally, additional water rights exist to irrigate Kanaka Rapids Ranch. These rights can be used and/or transferred to serve The Bluffs in whatever capacity is necessary.

In conclusion, no matter what the scenario, there undeniably exists a source, or combination of sources, of water that will be available to serve The Bluffs.

The next planning and zoning meeting is scheduled for early August. As a result, we would appreciate your expedited consideration of this matter and a letter confirming the above.

As always, thank you for your cooperation in this matter.

Sincerely,

NORMAN M. SEMANKO

07189503.NMS

cc: Carlo Ferreira, Kanaka Rapids Ranch
Mike Felton, Jr.
Dr. Charles Brockway
Dale Riedesel

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APR 2 2 2003

PATTI C. BELDEN

*4501 BELDEN ROAD *** BUHL *** IDAHO *** 83316*

*(208) 543-8313 *** FAX (208) 543-8313*

RECEIVED
JUL 13 1995
Department of Water Resources
Southern Region

July 12, 1995

Mr. Michael H. Felton, Jr.
C/O Felton & Felton
1020 Main
Buhl, Idaho 83316

RE: Your letter dated July 5, 1995

Dear Mr. Felton:

I am in receipt of your letter dated July 5, 1995. However, I wonder whom you represent in this matter, The Kanaka Rapids Ranch Homeowners Water System, Inc. or the Developers?

As to the matter of what you refer to as my "*stonewalling*" of the proposed meeting of the water board, you are both mistaken and misinformed. On May 23, 1995, Mr. Carla Ferrera, the developer's on-site representative, telephoned me from Las Vegas and requested that a board meeting be called for the following day without notice or agenda. He said it was for the purpose of setting up a bank account and to discuss the proposal of hookup fees. I asked why these matters were not presented at our April 22, 1995 meeting and his response was that "*I forgot.*" I informed him that I had to be in Boise on business that day and would therefore not be available. I further informed him that I was leaving on June 7, 1995 for a wedding in California.

I heard nothing more concerning this matter until June 20, 1995 when I received a phone call from Ms. Jennifer Guinn, the Association Manager, at my Las Vegas residence. At that time she informed me that she had been trying to contact me and had sent notice of a meeting for June 21, 1995 to my Idaho residence. I never received that notice because I was in Las Vegas. I informed her that on June 17, 1995 I had been admitted to the hospital for major surgery and because of the prescribed pain killers I was taking I was in no condition to attend a meeting four days after surgery.

On July 3, 1995, Ms. Guinn phoned me, again attempting to set a meeting for July 6, 1995. I informed her that I would be en route back to Idaho on that day after having been gone for a month and asked that we do a conference call on Friday, July 7, 1995. After checking with the other board members, Ms. Guinn called me back to say that July 7, 1995 was out of the question and the other board members would have the meeting without me. Upon my return to Idaho I found a fax from Ms. Guinn dated 2:05 p.m., July 3, 1995 setting the board meeting for 3:00 p.m. (Las Vegas time) on July 6, 1995.

Frankly, I did not and still do not see the urgency in setting up a bank account for an entity that had been in existence for almost 15 years without one. I also do not feel that Mr. Ferrera's *forgetfulness* in bringing up these matters at the April meeting justifies the board's request that I jeopardize my health. Furthermore, there is no reason why I would not want to meet with the board. I have nothing to hide.

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As concerns your allegation that "*during the above time period you were in fact attempting to illegally interfere with the licencing process*," you are once again mistaken. As you can see by the above scenario, I was not even in the state of Idaho for most of this time period. Secondly, I wrote the letter of June 5, 1995 to Mr. Norm Young as a concerned homeowner. If you had read the letter carefully, you would have noted that I never represented myself as a member of the Board of Directors of the Kanaka Rapids Ranch Homeowners Water System, Inc. I believe that I have a right to express my opinions as a homeowner separate from my duties as a member of the board just as the Brothers Collins have the right to do business as both homeowners and developers. What you are failing to comprehend here is that **what is good for the developer is not always necessarily good for the homeowners.**

Furthermore, I fail to see how the presentation of facts to a public entity can be considered illegal interference nor a conflict of interest, quite the contrary. As a member of the Board of Directors, I believe it is my duty to protect the rights of **all** the homeowners **not** the interests of the developers, ie. E.A. Collins and M.M. Collins. We have little enough water in the permit now to sustain 99 families and my concern has always been to protect what we have. Additional building sites only serve to dilute individual homeowner rights and make money for the developer. In short, Mr. Felton, if there is nothing out of the ordinary about these negotiations that the Brothers Collins are conducting with the Idaho Department of Water Resources I fail to see why they should not be conducted in the open and with **all** the information available to **all** parties concerned.

As for your threat of legal action in this matter, if the Homeowners Association or the Collins Brothers feel the need to bring such action, I would welcome the opportunity to have these and other matters thoroughly aired in public. However, I doubt the Collins Brothers would also welcome such negative publicity.

In the future, Mr. Felton, I suggest that you check out the facts completely before you allow others to use you in the promotion of unfounded accusations.

I look forward to your *close review and cataloging*, as you so aptly put it, *of my future conduct.*

Sincerely,

Patti C. Belden

pc: Mr. Norm Young - IDWR
Mr. Alan Merritt - IDWR
Ms. Jennifer Guinn, Kanaka Rapids Ranch Homeowners Assoc. Mgr.

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APR 2 2 2003

PATTI C. BELDEN

4501 BELDEN ROAD *** BUHL *** IDAHO *** 83316

(208) 543-8313 *** FAX (208) 543-8913

RECEIVED
JUL 13 1995
Department of Water Resources
Southern Region

July 12, 1995

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C/O Felton & Felton
1020 Main
Buhl, Idaho 83316

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APR 2 2 2003

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I look forward to your *close review and cataloging*, as you so aptly put it, *of my future conduct.*

Sincerely,

Patti C. Belden

pc: Mr. Norm Young - IDWR
Mr. Alan Merritt - IDWR
Ms. Jennifer Guinn, Kanaka Rapids Ranch Homeowners Assoc. Mgr.

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APR 2 2 2003

FELTON & FELTON
Attorneys at Law

Professional Center
1020 Main

Michael Hoyt Felton
Michael Harland Felton (Jr.)

Mailing Address:
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(208) 543-4368 (telephone)
(208) 543-4360 (telecopier)

July 5, 1995

RECEIVED
JUL 07 1995
Department of Water Resources
Southern Region

Ms. Patti Belden
4501 Belden Road
Buhl, ID 83316

Dear Ms. Belden:

RE: Kanaka Rapids Ranch Homeowners Water System, Inc.
Our File No. 2517

As you are no doubt aware, E. A. and M. M. Collins, the other two board members of the Kanaka Rapids Ranch Homeowners Water System, Inc., formerly requested the opportunity to meet with you on or about May 24th, 1995, to discuss items regarding the corporations fiscal responsibility to its stockholders. You refused to meet with them on this date claiming that the meeting had not been properly noticed and that you would not voluntarily waive notice. Thereafter, a meeting was properly noticed for June 21st, 1995. Immediately prior to this properly noticed meeting you requested that said meeting be rescheduled due to an illness. Once again, you have requested that a third meeting properly noticed for July 6th, 1995, be rescheduled due to a "conflict" in your calendar. For reasons discussed below your request is denied.

Apparently you were only stonewalling and had no intention of meeting with the other two directors. It has now come to the directors attention that during the above noted period you were in fact attempting to illegally interfere with the licensing process currently underway between the water system corporation and the Idaho Department of Water Resources.

Your interference to date has been highlighted by your letter dated June 5th, 1995, to Norm Young, the Administrator of Water Management for the Idaho Department of Water Resources. As you are aware, the corporation has been attempting to finalize a water license which conforms in substantial part to the original permit number 47-07680 for approximately 16 cubic feet per second. The original permit was intended to allow the corporation to supply the necessary water to any and all development of the entire 600 plus acre project.

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FELTON & FELTON
Attorneys at Law

Your actions are a direct conflict of interest with the goals of the corporation and in addition your request to Idaho Department of Water Resources is not in the best interest of the water system corporation. The purpose of the corporation is to provide, at the lowest marginal cost, safe, reliable and economically priced water to the ranch residents who are the stockholders of the corporation. Under Idaho Code Sections 30-3-80 and 30-3-81, your letter and recent activities are a direct violation of your duties as an officer and director to act in the best interest of the corporation. Your actions are therefore officially being censured by the remaining two directors of the corporation, that is, E. A. Collins and M. M. Collins. In addition, your resignation as both the secretary and director for the corporation is hereby formally requested.

If you fail to tender your resignation within seven days of the date of this letter the Board of Directors will hold a special meeting, the purpose of which will be to officially remove you as secretary of the corporation. At that time you will once again be given seven days to tender your resignation as a director. If you do not tender your resignation as a director then a special meeting will be called to obtain the necessary two-thirds vote to remove you as a director.

The Kanaka Rapids Ranch Homeowners Water System, Inc. reserves the right to file an action against you for the above noted ultra virus activities that you have conducted during your tenure as an officer and director. These activities are actionable in both tort and contract since they are a malicious interference with the operation and objecting of the corporation and are directly adverse to the best interest of the stockholders.

In addition, your slanderous and libelous statements will support a claim by the developer for damages against you. In summary, your conduct will be closely reviewed and cataloged for future legal action if necessary.

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FELTON & FELTON
Attorneys at Law

Your resignation as an officer and director should be delivered to the ranch office immediately.

Very truly yours,

Mike Felton

MICHAEL HARLAND FELTON

MHF:jms

pc: Dr. Charles Brockway
Norm Young - IDWR
Alan Merritt
Norm Semanko - Rosholt, Robertson and Tucker
E. A. Collins
M. M. Collins
Carlo Ferreira

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APR 2 2 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

June 15, 1995

Patti C. Belden
4501 Belden Rd
Buhl ID 83316

RE: Permit #47-07680

Dear Ms. Belden:

Norm Young has asked that I respond to your letter to him dated June 5th, 1995. Thank you for sending me a copy of this letter with the attached photos and colored map.

Your understanding that our office is about to conduct an investigation of permit 47-07680 is correct. On June 13th I met with Dr. Chuck Brockway who has been hired by the permit holder to represent them during the investigation process. We went over the items the department would like to look at or review and then we scheduled a field exam for July 7th.

As you may know the purpose of the field exam is to determine the extent of authorized development which has occurred under permit #47-07680. During the field exam we will attempt to quantify or describe all the elements of the water uses. The department will then use this information to issue a "license" which will define the extent of the water right. In the licensing process we are only able to recognize development which occurred during the authorized development period of the permit. For permit 47-07680 this period ended July 30, 1991. We will also consider the approved amendment of the permit dated in May of 1994 which authorizes the use of the water on the site of the original 99 lot development, the 42 lot Riverside site and the 50 lot Bluffs site. This is not to say the license will absolutely cover a total development of 191 lots. It will cover as much or to the extent that is demonstrated to have been developed prior to July 30, 1991 and which is within the limits of the diversion rate and volumes of the original permit.

For example: If we determined 99 homes or hookups were developed prior July 30, 1991, we will issue a license for 99 homes and would likely allow the permit holder to specify which 99 lots out of the potential 191 lots were to be covered as long as waterworks existed to the 99 lots specified. One unique consideration the department makes in determining development for subdivisions is how the water distribution system actually exists and where the existing hookups

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are located. We will give credit for established hookups to lots and count such lots developed even though no house has been built. We will not give credit for lots just platted and no water distribution system installed. The resulting license may then be limited to the diversion rate and annual volume necessary to supply the domestic and heat reasonably required for the 99 homes and to the other commercial and irrigation uses which the department finds developed.

I do not know if this letter fully addresses all of your concerns but if you have further questions regarding this matter I invite your further questions. Please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Norm Young - IDWR
Norm Semanko (Rosholt, Robertson & Tucker)

MICRO
APR 2 2 2003

Ms. Schultz -
Here are the documents I promised you - sorry it's been so long in getting them to you.
Also enclosed is a copy of my letter to Mr. Young.
Thank you for all your help. Patti Belden

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JUN 07 1995
Department of Water Resources
Southern Region

NCH HOMEOWNERS
EM, INC.

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con

Directors was held on July 27, nt and conducted the meeting via

The meeting was called to order by President, E. A. Collins at 10:30 a.m.

The purpose of the meeting was to discuss the transfer of Water Rights from Collins Brothers Corp. to Kanaka Rapids Ranch Homeowners Water System, Inc.

Motion Patti Belden, Seconded Michael Collins, it was unanimously

RESOLVED: Collins Brothers Corp to transfer Water Right Numbers 47-7261-A in the amount of 2.28 cfs (114 inches); and 47-7261-B in the amount of 0.32 cfs (16 inches) to Kanaka Rapids Ranch Homeowners Water System, Inc.

FURTHER RESOLVED:
A resolution be adopted to authorize officers, employees and agents to do the things necessary for system management to supply residential irrigation water to the Riverside Lots, and provisions for Kanaka Rapids Ranch Homeowners Association Architectural Review Committee approval of individual lot owners irrigation plans and water usage, and to file applications with Idaho Department of Water Resources proposing to change the point of diversion and place of use for Water Right No. 47-7261-B.

There being not further business this meeting was adjourned at 10:40 a.m.

Secretary

E. A. Collins
President

MICROFILMED
APR 22 2003

RECEIVED

JUN 07 1995

Department of Water Resources
Southern Region

KANAKA RAPIDS RANCH HOMEOWNERS
WATER SYSTEM, INC.

A special meeting of the Board of Directors was held on July 27, 1994. All Board members were present and conducted the meeting via conference call.

The meeting was called to order by President, E. A. Collins at 10:30 a.m.

The purpose of the meeting was to discuss the transfer of Water Rights from Collins Brothers Corp. to Kanaka Rapids Ranch Homeowners Water System, Inc.

Motion Patti Belden, Seconded Michael Collins, it was unanimously

RESOLVED: Collins Brothers Corp to transfer Water Right Numbers 47-7261-A in the amount of 2.28 cfs (114 inches); and 47-7261-B in the amount of 0.32 cfs (16 inches) to Kanaka Rapids Ranch Homeowners Water System, Inc.

FURTHER RESOLVED:
A resolution be adopted to authorize officers, employees and agents to do the things necessary for system management to supply residential irrigation water to the Riverside Lots, and provisions for Kanaka Rapids Ranch Homeowners Association Architectural Review Committee approval of individual lot owners irrigation plans and water usage, and to file applications with Idaho Department of Water Resources proposing to change the point of diversion and place of use for Water Right No. 47-7261-B.

There being not further business this meeting was adjourned at 10:40 a.m.

Secretary

E. A. Collins
President

MICROFILMED

APR 22 2003

RESOLUTION

WHEREAS Kanaka Rapids Ranch Homeowners Water System, Inc. is the successor in interest of the following water rights, licensed by the Idaho Department of Water Resources (IDWR):

(a) 47-7261A, in the amount of 2.28 cfs (114 inches); and
(b) 47-7261B, in the amount of 0.32 cfs (16 inches).

THEREFORE BE IT RESOLVED that Kanaka Rapids Ranch Homeowners Water System, Inc. hereby authorizes its officers, employees and agents to do those things necessary to adopt a system of management for the aforementioned water rights. Such system of management shall be designed to supply residential irrigation water to the lots of The Riverside at Kanaka Rapids Ranch, as depicted on the map attached as Exhibit "A", and shall be consistent with the licenses for the water rights, attached hereto as Exhibit "B".

BE IT FURTHER RESOLVED that such system of management shall provide that plans for the residential irrigation of individual lots be submitted by individual lots owners to the Architectural Review Committee (ARC) of the Kanaka Rapids Ranch Homeowners Association, Inc. Such individual plans shall particularly describe the proposed residential irrigation and shall include a professional estimate of the amount of water required for the proposed residential irrigation. Such plans will be reviewed for approval by the ARC.

BE IT FURTHER RESOLVED that Kanaka Rapids Ranch Homeowners Water System, Inc. hereby authorizes its officers, employees and agents to file an Application for Transfer with IDWR, proposing to change the point of diversion and place of use for Water Right No. 47-7261B, as indicated in Exhibit "C".

Date: July 29, 1994

SECRETARY

07229401.NMS

RECEIVED
JUN 07 1995
Department of Water Resources
Southern Region

MICROFILMED
APR 22 2003

PATTI C. BELDEN

*4501 BELDEN ROAD *** BUHL *** IDAHO *** 83316*
*(208) 543-8313 *** FAX (208) 543-8313*

June 5, 1995

RECEIVED
JUN 07 1995
Department of Water Resources
Southern Region

Idaho State Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Attn: Mr. Norm Young, Administrator of Water Management

Re: Permit # 47-7680 (Collins Bros. Corp. and/or Kanaka Rapids Ranch Water Users Association) Kanaka Rapids Ranch, Buhl, Idaho

Dear Mr. Young:

I am writing to you because it is my understanding that your agency is about to conduct an investigation into the above mentioned permit. I believe this permit allows the Collins Bros. Corp. and/or Kanaka Rapids Ranch Water Users Association to remove geothermal ground water for domestic use to 99 home sites. What you may not be aware of is that the original development (99 home sites on approximately 267 acres) on the South side of River Road has recently been expanded to include an additional 42 home sites on approximately 290 acres on the North side of River Road. These 42 new home sites (known as the Riverside) are being advertised and sold with domestic geothermal water, please see enclosed photos. This brings the total home sites to 141 that have either been sold or are being offered for sale with geothermal hot water availability. I might add that there are two homes on the Riverside that are about to be occupied and are connected to the geothermal water system that was installed last year under the direct supervision of the Idaho Department of Environmental Quality. Apparently, DEQ was not concerned with the details of the permit or what water rights were involved since they allowed the connection of this system to a geothermal hot water well on the Riverside knowing full well that it was to service 42 new home sites.

In April of 1994 the Kanaka Rapids Ranch Homeowners Association was literally forced to annex the Riverside. I say forced because the Collins Bros. Corp holds an absolute majority vote in the Homeowners Association and the Kanaka Rapids Ranch Water Users Association, therefore, what the developer wants, the developer gets.

To make matters even more confusing the Collins Bros. Corp. has recently presented a request to the Twin Falls County Planning And Zoning for approval to develop an additional 114 acres located immediately to the West of the original development and to the South of

River Road, please see enclosed map. Known as "The Bluffs", this newest expansion is proposed to include yet another 50 home sites on 114 acres. The Developer informed the Homeowners Association that he *"is working on the acquisition of an additional water source for these home sites."* In speaking with Planning and Zoning I have found that the developer has made no mention of a water source for this development thereby allowing Planning and Zoning to assume that individual cold water wells would be drilled on each lot. I believe this is the same tactic employed when the Riverside development was proposed.

It is obvious that the Collins Bros. Corp. will develop the Bluffs (just as they did the Riverside), after all the water lines are in (as they are on the Riverside), lots are actively being sold (as they are now on the Riverside) and homes are under construction (as they are now on the Riverside) the Collins Bros. Corp. will then attempt to twist the arm of Water Resources into amending the existing permit to include the additional 92 home sites.

In other words, Mr. Young, it is clear that the Collins Bros. Corp. is taking advantage of the fact that there is little, if any, communication between government agencies. That fact is being used to manipulate the system in such a way that the existing water permit will end twice the size it is now. And all this will be accomplished without having to adhere to the ethical practices of playing by the rules.

Personally, I find these tactics reprehensible. It is my hope that by informing you and the Twin Falls County Planning and Zoning of all the facts you will find some way to stop this before it goes any further.

If I can be of any assistance please feel free to contact me.

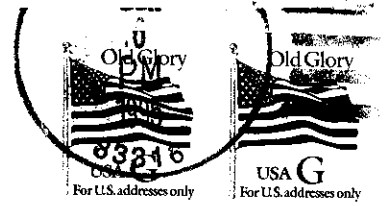
Sincerely,

Patti C. Belden

enclosures
cc: Mr. Allen Merritt
Southern Regional Manager

MICROFILMED
APR 22 2003

BELDEN
4501 Belden Rd.
Buhl, ID 83316



RECEIVED
JUN 07 1995
Department of Water Resources
Southern Region

Wm. A. Parkinson
Southern Regional Mgr.
Idaho Dept of Water Resources
2232 Pankson East
Twin Falls, Id 83301

APR 22 2003

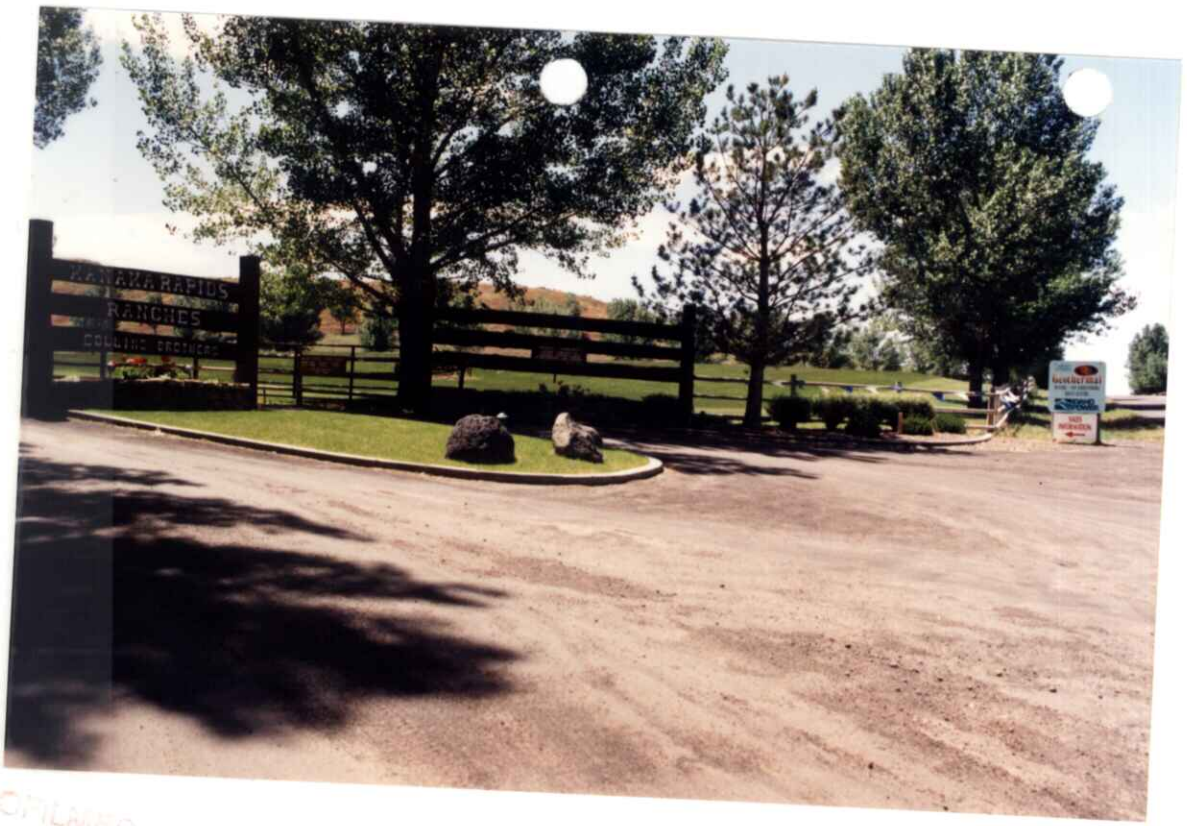


Corner of Clear Lakes & River Roads.
Notice the # of home sites.

MICROFILMED
APR 22 2003



On back: West entrance of original Ranch.



MICROFILMED
APR 2 2 2003

On Back: East entrance of original Ranch.



On back: East entrance of Riverside.



On back: West entrance of Riverside.

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APR 2 2 2003

Original 99 lot Development

KANAKA RAPIDS RANCHES P.U.D.

50 160' 140'

TYPICAL LOT

THE RIVERSIDE AT KANAKA RAPIDS RANCH

42 lots

SILVER LAKES CT.

SILVER LAKES ROAD

BUGBEE POND

SILVER LAKE

SILVER CREEK ROAD

MUD CREEK

BELDEN ROAD

MEADOW VIEW POND

SILVER CREEK PARK

SILVER CREEK POND

MEADOW CREEK CIRCLE

MEADOW CREEK LANE

PLEASANT LANE

TENNIS COURT

ASPENWOOD POND

TRUMPETER POND

KANAKA COURT

MESA VIEW ROAD

BRIDGE PARK

HIDDEN CANYON LANE

SNAKE RIVER MESA

KANAKA RAPIDS DRIVE

QUAIL HOLLOW

RIVERSIDE DRIVE

CANVASBACK LAKE

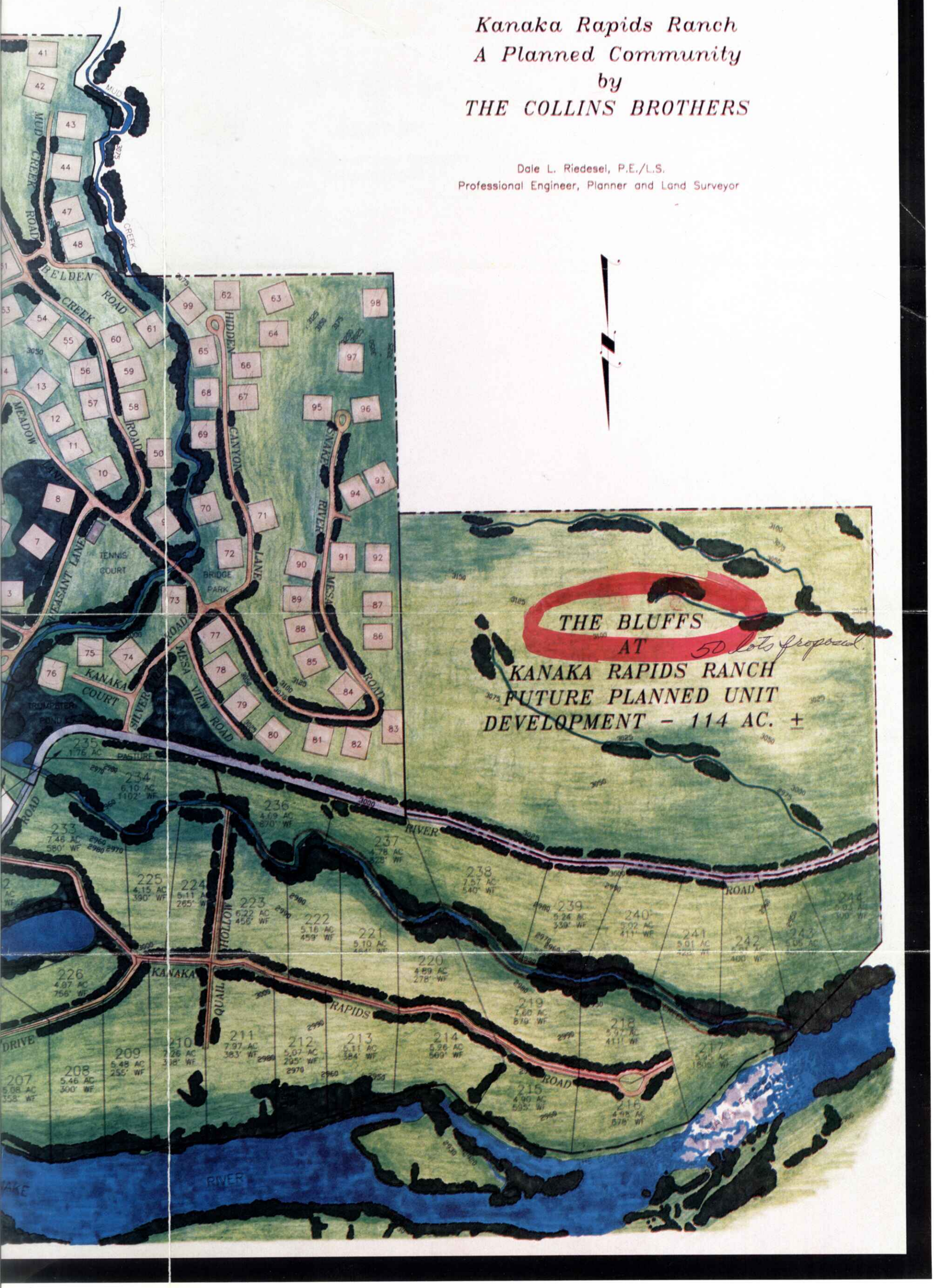
COMMON AREA

Beach, Boat Ramp & Picnic Area

SNAKE RIVER

Kanaka Rapids Ranch
A Planned Community
by
THE COLLINS BROTHERS

Dale L. Riedesel, P.E./L.S.
Professional Engineer, Planner and Land Surveyor



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1995

Leo Ray
Route 3 Box 234
Buhl, Idaho 83316

Dear Mr. Ray:

Thank you for taking the time to show us your geothermal wells. As per our discussion, I am sending to you some information regarding fluoride, measurement devices and the water rights for the Kanaka Rapids development.

The fluoride data (recorded in the Geothermal Resource Analysis in Twin Falls County, Idaho, report) indicates that concentrations are highest in the wells to the north and west of your wells (King, Depew and Archibald). Concentrations are much lower in the Buntey and Kanaka Rapids wells. Therefore, it is not possible to predict the fluoride concentrations in your wells without a laboratory test. If you are interested in a fluoride test, please let me know and I will find out how much a test will cost. I will be glad to collect the sample(s) and deliver it to a laboratory in Boise, if you wish. Several of the other water quality parameters also indicate that the water chemistry varies between locations.

The information about water measurement comes from the Water Measurement Manual, published in 1984 by the Bureau of Reclamation. The options available to you for water measuring devices include: 1) weirs, 2) Parshall flumes, 3) orifice plates and 4) current meters. I have experience installing a V-notch weir at a geothermal location in Boise. The advantages of weirs are the low cost ($40-80) and the relatively easy installation (the weir is positioned in a channel downstream of the well and the well does not have to be modified). I also have experience with orifice plates and current meters. Both of these are more [illegible] and require some modification to the well [illegible] ve any experience with Parshall flumes, but my [illegible] Castelin) said that they are very good measuring devices that [illegible] to have low maintenance (because debris (branches, etc.) flows through them easily).

MICROFILMED
APR 22 2003

08/10/95 16:45 ☎1 208 327 7866 ID WATER RESOURCES --> SOUTHERN 013

The most important measurement for determining whether a trend in pressure (i.e. water level) is occurring is the shutin pressure. I believe Well #3 is the well that empties into a pond. Would it be possible to shutin that well for 10 minutes on a once-a-month basis? If so, a pressure gauge could be installed fairly easily and shutin pressures could be recorded. This data is the same type of data that we record at the Ring, Archibald, Kaster and Luntey wells.

I have also enclosed water rights information for the Kanaka Rapids Ranch development. In October, 1994, Kanaka Rapids Ranch filed for an amendment to their permit which, if approved, would reduce their total use to: Heating (3.57 cfs), Domestic (1.98 cfs), Irrigation (.24 cfs) and Stock (.02 cfs). It appears that irrigation would be limited to about 12 acres of common ground. Moreover, the Domestic use would be for in-house use only, and could not be used for irrigation. The department has not ruled on this amendment yet. If you want to file a grievance regarding their current usage, you can write to Alan Merritt, IDWR-Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301, or Jim Johnson, IDWR, 1301 N. Orchard, Boise, Idaho 83706.

I have also enclosed photocopies of all of the well logs that we have filed under your name at our State Office. Would you please send to me the one well log that I am missing? Thanks.

I hope to be back in Hagerman Valley on June 7 and 8. If you want me to stop by to talk about any of these items, please call me at 327-5455.

Sincerely,

Ken Neely

Kenneth Neely, Hydrogeologist
Ground Water Monitoring Section

enclosures

cc Jim Johnson
Alan Merritt (Southern)
Gary Funderberg (Southern)

MICROFILMED
APR 2 2 2003

08/10/95 16:45 ☎1 208 327 7866 ID WATER RESOURCES --> SOUTHERN 014

MEMORANDUM

TO: File 47-7680, Kanaka Rapids

FROM: Douglas Jones

DATE: 11/23/94

RE: Field visit

Received report of trenching and new ponds on northside of River Road from water right agent. I drove by to document observations. Attached photos show what I saw.







MICROFILMED
APR 2 2 2003







MEMORANDUM TO FILE

FROM: MEL SCHULTE MTS

DATE: NOVEMBER 18, 1994

RE: PERMIT 47-07680
KANAKA RAPIDS RANCH

ON MONDAY, NOVEMBER 14, 1994 ON A RETURN TRIP FROM THE BLUE GULCH AREA TO TWIN FALLS, I SAW SOME CONSTRUCTION ACTIVITY THAT MAY NOT BE AUTHORIZED UNDER THE ABOVE REFERENCED PERMIT. THERE WAS AN OPEN TRENCH ADJACENT TO THE NORTH SHOULDER OF THE PAVED COUNTY ROAD WITH SOME WHITE PVC PIPE LAYING IN IT. THIS TRENCH WAS WEST OF THE MAIN ENTRANCE INTO THE SUBDIVISION. THERE WAS ALSO A FOUNDATION IN PLACE NORTH OF THE SAME ROAD THAT APPEARED TO BE THE START OF A NEW HOME. THE FOUNDATION WAS LOCATED JUST NORTH AND AT THE EAST CORNER OF THE LONG NARROW POND SITUATED BETWEEN THE COUNTY ROAD AND THE SNAKE RIVER.

I DID NOT INVESTIGATE THE ACTIVITY MENTIONED ABOVE BUT SAW THEM AS I WAS DRIVING EAST ON THE COUNTY ROAD. A FURTHER REVIEW OF THE PERMIT AND A FURTHER INVESTIGATION TO DOCUMENT THESE ACTIVITIES IS WARRANTED.

MTS

MICROFILMED
APR 2 2 2009

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE J. SMITH
THOMAS J. RYAN
GARY L. CRAIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK F. SMITH

Boise Office
251 EAST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-3705
FAX (208) 344-6034

RECEIVED
NOV 15 1994

November [illegible], 1994

Keith Higginson, Director
Idaho Department of Water Resources
[illegible] N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 47-07680

Dear Keith:

Thank you for your letter of October 19, 1994, responding to our letter and application to amend Permit No. 47-07680, submitted on October 12, 1994. We appreciate your continued cooperation in this matter.

Pursuant to the first paragraph of your letter, suggesting that [illegible] needs "more information" than it presently has to consider approving the amendment, we are presently preparing additional materials to support our amendment and the [illegible] contained in our letter of October 12, 1994. Once this additional information is [illegible], we will again contact the department to set up an additional meeting.

As a result of our continued efforts to pursue an amendment of the permit, a field examination is not requested at this time. We ask that you refrain from scheduling such an examination until we have been given an opportunity to finalize and present our additional information to the department for consideration.

Again, thank you for your cooperation in this matter.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

MICROFILMED
APR 22 2003

JAR:1099401.NMS

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK F. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-7700
FAX (208) 344-6034

RECEIVED
NOV 15 1994
Department of Water Resources

November 9, 1994

Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 47-07680

Dear Keith:

Thank you for your letter of October 19, 1994, responding to our letter and application to amend Permit No. 47-07680, submitted on October 12, 1994. We appreciate your continued cooperation in this matter.

Pursuant to the first paragraph of your letter, suggesting that the department needs "more information" than it presently has to consider approving the amendment, we are presently preparing additional materials to support our amendment and the arguments contained in our letter of October 12, 1994. Once this additional information is finalized, we will again contact the department to set up an additional meeting.

As a result of our continued efforts to pursue an amendment of the permit, a field examination is not requested at this time. We ask that you refrain from scheduling such an examination until we have been given an opportunity to finalize and present our additional information to the department for consideration.

Again, thank you for your cooperation in this matter.

Respectfully submitted,

MICROFILMED
APR 2 2 2003

John A. Rosholt

JOHN A. ROSHOLT

11099401.NMS

10/21/94 - Doug, Please review & file in Exam File. AD

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 19, 1994

RECEIVED
OCT 21 1994
Department of Water Resources
Southern Region Office

John A. Rosholt
Rosholt, Robertson, & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906

RE: Application for Amendment of Permit No. 47-07680

Dear John:

This letter is a response to your letter of October 12, 1994 which accompanied an application to amend Permit No. 47-07680. I appreciated the opportunity to meet and discuss this matter with you, Norm, Chuck, Mike and Carlo earlier this month. While the meeting allowed a candid exchange of information and views on this matter, we were not able to fully agree on the applicability of approving the amendment without more information than we presently have.

Approval of an amendment cannot reopen the development period under a permit. The period for development of the uses authorized under Permit No. 47-07680 has expired and proof of beneficial use has been filed. IDWR needs to examine and confirm the use that was accomplished in accordance with the approved permit during the authorized development period. This likely will result in the need for an amendment to conform the permit to the development that has been made. We offered to conduct a field examine immediately to expedite the issuance of a license on the permit. The amendment would be processed in accordance with Section 42-211, Idaho Code.

Once a license has been issued confirming the use to date, a transfer can be filed to seek approval to change some of the development that occurred under the permit to a different use. Notice of such application for transfer would have to be given and the change would be reviewed in accordance with Section 42-222, Idaho Code.

MICROFILMED
APR 2 2 2003

Anticipating that an amendment will be needed to license the existing uses, I propose to hold the present application until an expedited field examination is completed. The amendment can then be revised if necessary and processed. I am unable to agree with you that I must find a specific affected water user before giving notice. This would render the notice provision unworkable and unnecessary. The purpose of the notice is to allow persons who may be affected, an opportunity to raise their concerns. If I know of an affected user, I would be in a position to deny an application without giving notice. The Idaho courts have agreed that the local public interest can be considered as amendment applications are evaluated (*Hardy v. Higginson*, 1993), therefore a published notice is usually appropriate unless de facto notice has been given by the development having been in place and operated for a period of years.

Please advise me of the earliest date that the system will be available for a field examination and I will arrange for an expedited exam. It will be important to have the pumping facilities at full capacity during the exam and for the examiner to be able to fully inspect all uses developed during the permit period prior to filing the proof of beneficial use, including evidence of stub-ins to presently undeveloped lots.

Sincerely,

R. KEITH HIGGINSON
Director

c: Allen Merritt

MICRO
APR 2 2 2003

Form 211
10/93

Receipt No. CO31442
Receipted By GW
Date 10-12-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 12 1994
Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant KANAKA RAPIDS RANCH HOMEOWNERS WATER SYSTEM, INC. Phone 208-543-6767

Address 176 KANAKA RAPIDS RANCH ROAD BUHL, IDAHO 83316

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-07680, 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 X Other

1. Point of diversion: SAME ¼ ¼ ¼, Section ____, Township ____, Range ____, B.M., County of ____. Other points of diversion ____

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.) TOTAL CFS = 5.79

Amount 3.57 (cfs or acre feet per annum) for HOME HEATING (water use) purposes from 01/01 (Begin month) to 12/31 (End month) (both dates inclusive)

Amount 1.98 (cfs or acre feet per annum) for DOMESTIC (water use) purposes from 01/01 (Begin month) to 12/31 (End month) (both dates inclusive)

Amount 0.24 (cfs or acre feet per annum) for IRRIGATION (water use) purposes from 04/01 (Begin month) to 10/31 (End month) (both dates inclusive)

0.02 STOCKWATER/HORSES 01/01 12/31

3. Place of use or land to be irrigated: SAME AS AMENDMENT OF PERMIT 47-07680, APPROVED 5/26/1994

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	10	X	X	X	X	X			X	X				X	X		X	
		11		X			X	X	X	X		X	X	X					
		14		X	X	-	X	X		X									

Total number of acres to be irrigated = ____

4. a. Who owns the property at the point of diversion? SAME

b. Who owns the land to be irrigated at the place of use? ____

c. If [illegible] owned by a person other than the applicant, describe the arrangement enabling the applicant

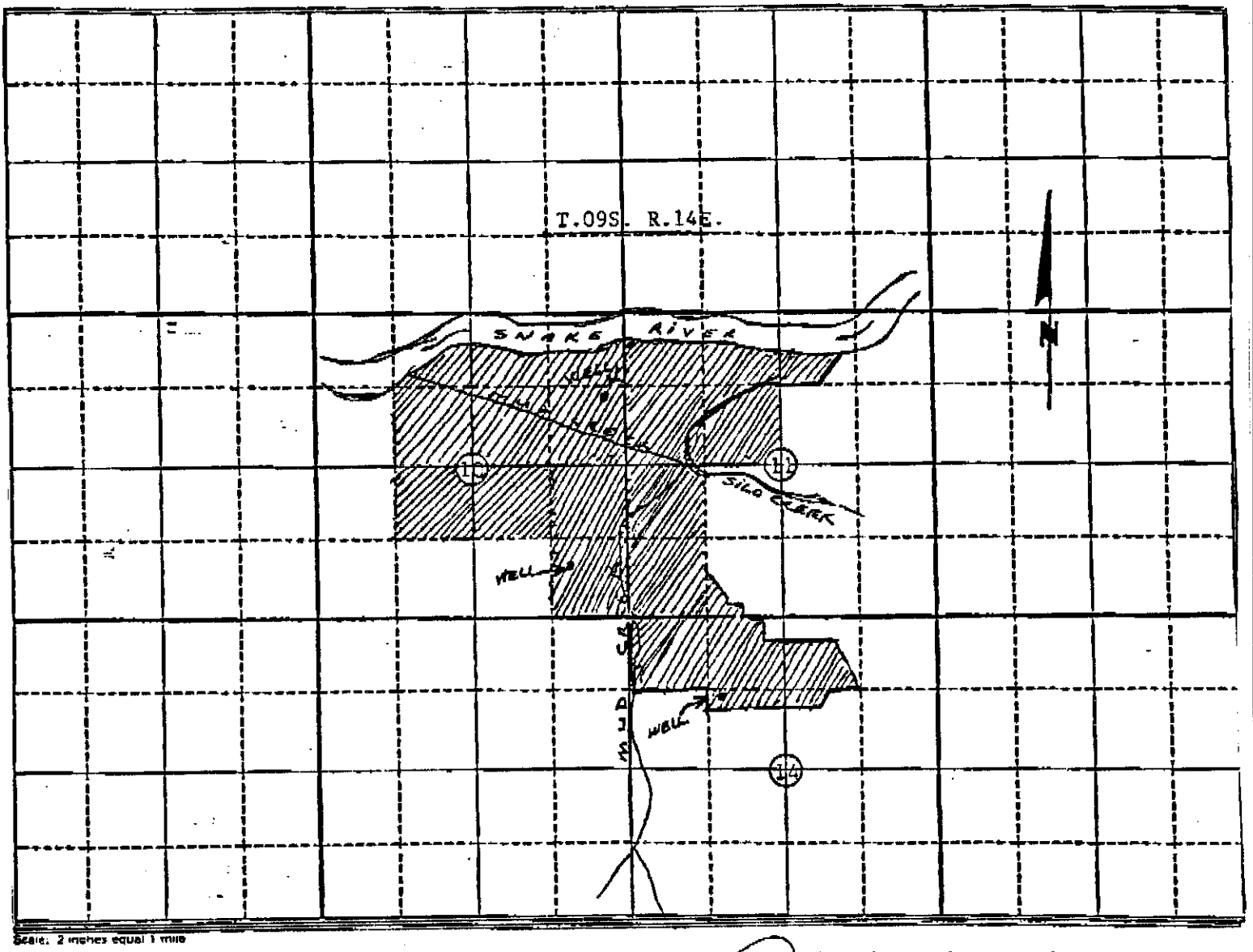
MICROFILMED
APR 22 2003

08/10/95 16:46 [illegible] 208 327 7866

SAME MAP AS AMENDMENT OF PERMIT 47-07690. APPROVED 5/26/1994

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, 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 11 day of October, 1994.

Permit Holder

Atty in Fact

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

_____

_____

MICROFILMED

APR 22 2003

Witness my hand this _____ day of _____, 19____.

_____

SIGNATURE

RECEIVED
OCT 12 1994
Department of Water Resources
Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

October 12, 1994

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

HAND DELIVERED

Re: Amendment of Permit No. 47-07680

Dear Keith:

Please find enclosed a completed Application for Amendment of Permit No. 47-07680. The substance of the Amendment is identical to that of the draft we discussed during our meeting on October 6, 1994.

We appreciate having had the opportunity to meet with you and discuss the background and purpose behind our Amendment. We believe a number of the issues involved with the Amendment were clarified and that some understanding and agreement was reached. As a result, we have decided to go forward with the process.

Presented below is: 1) Background on the Permit to Date; and 2) Argument in Favor of Approving the Amendment.

I. BACKGROUND ON PERMIT NO. 47-07680 TO DATE

As originally submitted to the Idaho Department of Water Resources (IDWR), Application for Permit No. 47-07680 contemplated the use of 14.6 cfs of geothermal water from the Banbury Aquifer, including irrigation of more than 400 acres of alfalfa crops. In "this fact-specific case[,] [t]he department. . .found that. . .it was 'not in the public interest' to use the water from this geothermal aquifer to irrigate crops." Collins Bros. Corp. v. Dunn, 114 Idaho 600, 606, 759 P.2d 891, 897 (1988). Subsequently, the irrigation of alfalfa was eliminated from further consideration.

As a result of the 1988 Supreme Court case, Permit No. 47-07680 has been fundamentally changed from its original submission. No longer are we speaking of the irrigation of more than 400 acres of alfalfa crops, but rather of a residential subdivision which has utilized the geothermal aquifer primarily to heat homes. A secondary use of the water is for in-home domestic purposes, out-of-home domestic lawn and yard watering, and irrigation of residential common-area trees and pastures.

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APR 22 2003

A Proof of Beneficial Use was submitted by the Applicant on July 30, 1991, reflecting some of the changes from the original Permit Application. It states that 5.79 cfs has been developed under the Permit for commercial, domestic, non-crop irrigation, stockwater, and home heating uses.

In order to further clarify the current status of the Permit, the Applicant has chosen to submit the Amendment of Permit. The arguments in favor of approval of the Amendment are presented below.

II. ARGUMENT IN FAVOR OF APPROVING THE AMENDMENT OF PERMIT

Pursuant to section 42-211, Idaho Code, the director, "shall approve" an Application for Amendment if it "would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected." For the reasons set forth below, the enclosed Application for Amendment meets these criteria and should be approved. In addition, it should be approved without notice or publication, consistent with the director's authority and discretion.

A. There Will Be No Additional Diversion and Use of Geothermal Water

In sum, the current Amendment would allow the limited resources of the Banbury Ground Water Management Area to be utilized to serve additional homes, within the amended place of use, and within the limits of the geothermal water that had been made available for use during the permitted development period.

The original permit provides that "[t]he amount of water diverted shall not exceed that necessary for domestic, commercial, and geothermal heating for 99 homes." The development of geothermal water for home heating was conducted within the confines of the department's guidelines entitled "Method for Estimating Residential Space Heating Load" and "Method for Estimating Rates of Flow for Geothermal Heating Systems" (IDWR Memorandum, Application Processing No. 23 (Amended), Re: Rate of Flow for Heating Use (May 9, 1984)). Charles E. Brockway, PE, Ph.D., using fairly conservative assumptions, utilized these formulas to arrive at an estimate of 15.8 gallons per minute for each of 99 homes (approximately 1600 gpm or 3.57 cfs) at Kanaka Rapids.

The 3.57 cfs for home heating has been beneficially used by stubbing in lots and making the geothermal water available for immediate household use. In addition, water has been made available for in-house domestic use, residential lawns, yards and trees (i.e.,

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APR 2 2 2003

landscaping)[1], and for stock watering purposes, in the amount of 2.08 cfs. Finally, approximately .14 cfs has been used for commercial purposes. Therefore, the total "amount of water diverted. . .for domestic, commercial, and geothermal heating" under the permit is 5.79 cfs.

In the interest of minimizing depletions from the Banbury Aquifer, the applicant is willing to employ the best available technology to heat homes at Kanaka Rapids, subject to the few homes that have already been built using the older technology. By using high efficiency heat pumps, rather than other heating systems for which permission has been obtained, the geothermal resource will be conserved and made available to heat additional homes within the amended place of use. This is consistent with section 42-233, Idaho Code, requiring that the geothermal resource be used primarily for its heat value.

While none of these measures are mandatory, we are willing to have them imposed by the department as further conditions on Permit No. 47-07680. By so doing, the 5.79 cfs diversion amount that has been approved to serve 99 homes could allow us to serve 191 homes.

Our only alternatives to this self-imposed conservation of the resource would be the drilling of up to 92 individual domestic wells or the pursuit of cold water rights to serve the domestic needs of the additional homes. Both of these alternatives would result, within applicable law, in the drafting of more water, either from the Banbury Aquifer or the Eastern Snake River Plain Aquifer. Our proposed Application for Amendment is the only means by which to achieve our goals without diverting more water than the presently

---

[1] Landscaping, or the residential irrigation of lawns, yards and trees, is consistent with the department's determination, confirmed by the Idaho Supreme Court in Collins Bros. Corp. v. Dunn, 114 Idaho 600, 759 P.2d 891 (1988), that it is not in the public interest to use water from the geothermal aquifer to irrigate crops. "Crops" are products that are grown and harvested by severing them from the ground once a year. While once proposing the irrigation of hundreds of acres of alfalfa crops, the applicant has made water available only for small-scale residential irrigation (i.e., landscaping) under the permit. No irrigation of "crops" exists. In addition, consistent with section 42-233, Idaho Code, the geothermal water is being used "primarily" for its heat value. "Primarily" means the first in rank or importance; the first or chief or principal activity. Therefore, the statute does not require that every drop of geothermal water be used for its heat value. Of the 5.79 cfs developed at Kanaka Rapids, 3.57 cfs, or 62 percent, is for home heating. This percentage will only increase under the Amendment. Use of the water for its heat value is therefore first in importance and meets the requirement that it be used "primarily" for its heat value.

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APR 2 2 2009

approved diversion rate. It is therefore consistent with the requirements of section 42-211, Idaho Code, and should be approved.

Our understanding from the October 6, 1994 meeting is that there is basic agreement that our proposal would not result in the additional diversion and use of geothermal water.

B. There Will be No Injury to Other Water Users

Approval of our Application for Amendment would not adversely affect the rights of others. No more water would be taken from the Banbury aquifer than what has been made available and beneficially used under the original permit.

On the other hand, our alternatives, while lawful, could result in some injury. Drilling additional domestic wells could reduce the pressure and amounts available to other wells in the Banbury Ground Water Management Area. In addition, Brockway advises us that drilling additional wells would increase the likelihood of polluting the aquifer. He also informs us that, in drilling for cold water, there is a chance of hitting geothermal water.

Therefore, approval of the Application for Amendment is the only way to assure that the additional homesites do not result in injury to other water users or the aquifer itself.

Again, our understanding from the October 6, 1994 meeting is that there is basic agreement that our proposal would not injure other water users.

C. The Amendment Should be Approved Without Notice or Publication

Section 42-211, Idaho Code, provides that the director "shall give such notice to other affected water users as he deems appropriate". While this lies within the discretion of the director, there must first be a finding that "affected water users" exist. As explained above, there would be no injury and, subsequently, no water users would be affected. In reality, the only affect of approving the Application for Amendment is that the negative consequences of the other alternatives, such as drilling up to 92 additional domestic wells, will have been avoided. Without the existence of "affected water users," there should be no notice or publication.

This explanation was offered during our October 6, 1994 meeting. Short of a reasonable, contrary interpretation by the department, we request that you adopt our interpretation of the notice provisions of section 42-211.

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APR 2 2 2003

III. CONCLUSION

For the benefit of the Banbury Aquifer and its water users, as well as the Applicant, and because it would not result in the diversion of more water or injury to others, we request that you approve the enclosed Application for Amendment of Permit No. 47-07680, without notice or publication, consistent with section 42-211, Idaho Code.

We look forward to your decision.

Respectfully submitted,

JOHN A. ROSHOLT

10119402.NMS

Enclosure

cc: Carlo Ferreira
Charles E. Brockway
Mike Felton, Jr.

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APR 2 2 2003

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
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1221 WEST IDAHO, SUITE 600
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BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
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RECEIVED
AUG 2 4 1994
Department of Water Resources

August 23, 1994

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

Re: Proposed Amendment of Permit No. 47-07680

Dear Keith:

Please find enclosed a draft of our proposed second Application for Amendment of Permit No. 47-07680. By letter dated May 26, 1994, we were informed that the first Application for Amendment, regarding the place of use, had been approved by the department, following our meeting of May 5, 1994. We appreciate your willingness to expedite its consideration.

We believe an additional meeting to discuss our second Amendment and the contents of this letter would be useful. As a result, we will contact you and Norm Young within the week to set up a meeting at your convenience.

Pursuant to section 42-211, Idaho Code, the director, "shall approve" an Application for Amendment if it "would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected." For the reasons set forth below, the enclosed Application for Amendment meets these criteria and should be approved. In addition, it should be approved without notice or publication, consistent with the director's authority and discretion.

I. There Will Be No Additional Diversion and Use of Geothermal Water

In sum, the current Amendment would allow the limited resources of the Banbury Ground Water Management Area to be utilized to serve additional homes, within the amended place of use, and within the limits of the geothermal water that had been made available for use during the permitted development period.

The original permit provides that "[t]he amount of water diverted shall not exceed that necessary for domestic, commercial, and geothermal heating for 99 homes." The development of geothermal water for home heating was conducted within the confines of the department's guidelines entitled "Method for Estimating Residential Space Heating

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APR 2 2 2003

While none of these measures are mandatory, we are willing to have them imposed by the department as further conditions on Permit No. 47-07680. By so doing, the 5.79 cfs diversion amount that has been approved to serve 99 homes could allow us to serve 191 homes.

Our only alternatives to this self-imposed conservation of the resource would be the drilling of up to 92 individual domestic wells or the pursuit of cold water rights to serve the domestic needs of the additional homes. Both of these alternatives would result, within applicable law, in the drafting of more water, either from the Banbury aquifer or the Snake River Plain aquifer. Our proposed Application for Amendment is the only means by which to achieve our goals without diverting more water than the presently approved diversion rate. It is therefore consistent with the requirements of section 42-211, Idaho Code, and should be approved.

II. There Will be No Injury to Other Water Users

Approval of our Application for Amendment would not adversely affect the rights of others. No more water would be taken from the Banbury aquifer than what has been made available and beneficially used under the original permit.

On the other hand, our alternatives, while lawful, could result in some injury. Drilling additional domestic wells could reduce the pressure and amounts available to other wells in the Banbury Ground Water Management Area. In addition, Brockway advises us that drilling additional wells would increase the likelihood of polluting the aquifer. He also informs us that, in drilling for cold water, there is a chance of hitting geothermal water.

Therefore, approval of the Application for Amendment is the only way to assure that the additional homesites do not result in injury to other water users or the aquifer itself.

III. The Amendment Should be Approved Without Notice or Publication

Section 42-211, Idaho Code, provides that the director "shall give such notice to other affected water users as he deems appropriate". While this lies within the discretion of the director, there must first be a finding that "affected water users" exist. As explained above, there would be no injury and, subsequently, no water users would be affected. In reality, the only affect of approving the Application for Amendment is that the negative consequences of the other alternatives, such as drilling up to 92 additional domestic wells, will have been avoided. Without the existence of "affected water users," there should be no notice or publication.

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APR 2 2 2003

For the benefit of the Banbury aquifer and its water users, as well as the applicant, and because it would not result in the diversion of more water or injury to other water users, we hope that you will be able to approve our Application for Amendment, without notice or publication, when it is finalized. We are willing to negotiate further adjustments to our proposal, if necessary to meet the statutory criteria of section 42-211, Idaho Code. Short of this, it may be necessary to exercise one of our other options.

We look forward to meeting with you to discuss this matter further.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

06209402.NMS

Enclosure

cc: Carlo Ferreira
Charles E. Brockway
Mike Felton, Jr.

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APR 2 2 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 16, 1994

RECEIVED
MAY 2 . 199-
Department of Water Resources
Southern Region Office

Norman M. Semanko
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906

RE: Multiple Domestic Uses in the Banbury Area

Dear Norm:

Your May 9, 1994, letter to Allen Merritt asks for a clarification on the use of low-temperature geothermal water for multiple domestic uses in the Banbury Ground Water Management Area. IDWR understands the single-family domestic exemption to allow construction and use of a well for a home that meets the limitations of Section 42-111A, Idaho Code, or for any other use that meets the limitations of Section 42-111B, Idaho Code. Under this exemption a home can use up to 13,000 gallons per day for uses within the home, including heating, and uses outside the home associated with living in the home. These uses can include pools and spas, watering of landscaping, lawns and gardens up to one half acre in total area, and watering of livestock associated with the home. None of these uses are to be pursued primarily for commercial purposes. For example, a public swimming pool or a greenhouse producing products primarily for market would not be included in the acceptable uses.

Similarly, a multiple-ownership subdivision can drill a single well and use up to 2500 gallons per day for the entire subdivision for use within the homes and associated with the homes as described in the previous paragraph. While this seems inconsistent to divide only 2500 gpd between several homes, the last paragraph of Section 42-111, Idaho Code, specifically prevents the application of the single family domestic exemption to multiple ownership subdivisions unless the use is restricted to 2500 gpd. It is tempting to argue that the 2500 gpd can be taken without a permit for each home, but a reading of the entire section indicates that this paragraph would not have a separate meaning unless the use referred to is the subdivision, mobile home park or business establishment as a whole.

IDWR interprets Section 42-233, Idaho Code, to apply to domestic uses exempt from the permit statute. This section was added after the exemption from permitting contained in Section 42-227, Idaho Code and relates to protection of the low-temperature geothermal resource through actions unrelated to the need for a water right permit. Section 42-233,

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MAY 2 2 2003

Idaho Code, precludes use of the low-temperature geothermal water for uses that do not require the heat unless a waiver is issued. Domestic uses from the BGWMA, even those exempted from acquiring a water appropriation permit, are limited to uses that require heat. Irrigation use of the warm water, even for lawns and gardens associated with a domestic use, is not authorized for any use which began after the effective date of this statute (July 1, 1987).

The creation of the BGWMA indicates that applications to appropriate low-temperature geothermal water will only be processed if the applicant demonstrates that unappropriated water is available and that other rights will not be injured. Another approach would be to demonstrate that the use will be nonconsumptive of the resource or that the water used from the aquifer will be replaced. If such information is provided, IDWR will process an application for the uses you are seeking.

If I can provide additional information on this matter, please give me a call.

Sincerely,

NORMAN C. YOUNG
Administrator
Water Management Division

c. Loren Holmes
IDWR Water Allocation Bureau

MICRO
APR 2 2 2003

From: DWR60::MERRITT 9-MAY-1994 15:15:16.67
To: DWR03::YOUNG, HOLMES, JONES
CC: MERRITT
Subj: FURTHER DISCUSSION ON DOMESTIC USE IN BANBURY HOT SPRINGS GWMA

THIS MORNING I HAD A PHONE CONVERSATION WITH NORM SEMANKO REGARDING THE EASTMAN/WILSON WELL. MR. SEMANKO ASKED SEVERAL QUESTIONS REGARDING WHAT WOULD BE ALLOWED SO I REQUESTED THAT HE PUT HIS QUESTIONS IN THE FORM OF A LETTER SO THAT I MIGHT DOCUMENT WHAT HE WAS ASKING. HIS LETTER JUST ARRIVED (COPY TO BE FAXED TO NORM Y.)

THIS SITUATION IS THE ONE I REFERRED TO IN MYT 5/4/94 MEMO REGARDING KANAKA RAPIDS. A BRIEF HISTORY FOR THE WILSON/EASTMAN WELL FOLLOWS:

05/01/79 WELL COMPLETED.
05/04/79 PERMIT 47-07525 APPLIED FOR AND LATER APPROVED.
PERMIT FOR HEATING/COMMERCIAL/DOMESTIC (4 HOMES) 1.56 CFS, PROOF DUE 08/01/84
04/12/82 ORDER ESTABLISHING BANBURY HOT SPRING GWMA
05/02/84 ORDER SUPPLEMENTING CONDITIONS OF APPROVAL FOR PERMIT
08/17/84 EXTENSION OF TIME (GRANTED WITH PROOF DUE 08/01/89)
12/04/85 ORDER SUSPENDING FURTHER DEVELOPMENT & REQUIRING PROOF
12/31/85 PROOF OF BU SUBMITTED (4 HOMES)
08/11/87 NOTIFICATION OR FEE FOR LICENSING EXAM
12/21/88 PERMIT LAPSED FOR FAILURE TO PAY FEE
05/08/89 PERMIT REINSTATED (PRIORITY ADVANCED TO 09/09/1980, PROOF DUE 06/01/91, PERMIT RESTRICTED TO 0.20 CFS)
07/25/90 FE CONDUCTED BY SUMMER AID (BROCKWAY) NO USE FOUND.
04/12/91 PROOF SUBMITTED & FEE PAID ($100 PAID THEN $50.00 REFUNDED)
09/22/92 ORDER VOIDING PERMIT & REFUSING LICENSE.

AS CAN BE SEEN THE HISTORY IS VERY CONVOLUTED...THE STORY CONTINUES...

03/29/94 NORM SEMANKO CALLED ME AND ASKED WHAT OWNERS OF THE WELL & LOTS HAD IN THE FORM OF A WATER RIGHT. AFTER SOME DISCUSSION I RESPONDED THAT THE ONE WELL PROVIDED A SINGLE DOMESTIC WATER RIGHT LIMITED TO 13,000 GALLONS/DAY. I TOLD HIM THAT FOR THE WELL TO PROVIDE MORE THAN THIS SINGLE DOMESTIC USE WOULD BE IN VIOLATION OF THE PERMIT STATUTE REQUIRING MULTIPLE OWNERSHIP SUBDIVISIONS TO FILE ON A WATER RIGHT. HE POINTED OUT THE CONTRADICTION IN DEPT POLICY WITH REGARDS TO THE BIG WOOD GWMA AND ALLOWING PROCESSING OF A PERMIT FOR DOMESTIC OUT OF A SINGLE WELL. I TOLD HIM IT MAY STILL BE POSSIBLE FOR EACH LOT OWNER TO DRILL HIS SEPARATE WELL FOR HIS INDIVIDUAL EXEMPT DOMESTIC USE.

04/??/94 SEMANKO IN THE NAME OF WILSON/EASTMAN SUBMITTED AN APPLICATION WHICH WAS RETURNED ON 4/20/94 (ATTACHED TO SEMANKO LETTER 5/9/94)

IT APPEARS THAT WE HAVE A QUANDARY...

1. WE HAVE A RESOURCE THAT MAY NOT STAND FURTHER DEVELOPMENT.
2. WE HAVE A POLICY OF ALLOWING SINGLE WELLS FOR SINGLE HOUSEHOLD USE TO DEVELOPE THE RESOURCE FOR 13,000 GALLONS/DAY (I ASSUME 2,500 GALLON/DAY FOR ALL OTHER USES WITH LIMIT OF 0.04 CFS) WITHOUT OBTAINING A WATER RIGHT.
3. WE HAVE CONTINUED PRESSURE FROM DEVELOPERS TO USE THE RESOURCE FOR DOMESTIC PURPOSES. (KANAKA RAPID & THIS EXAMPLE)
4. WE HAVE SEVERAL LARGE EXISTING HOT WELLS THAT PROVIDE LITTLE FUNCTION AND CAN BE EASILY ADAPTED FOR DOMESTIC USE.
5. WE HAVE A STATUTE REQUIRING MULTIPLE OWNERSHIP SUBDIVISIONS MUST OBTAIN A WATER RIGHT.

2 2 2003

6. WE HAVE PRECEDENTS W CH SUPPORTS THE USE OF ON. WELL INSTEAD OF SEVERAL. (ONE CHANCE OF LEAKY HOLE IN THE AQUIFER IS BETTER THAT HAVING SEVERAL CHANCES)

WHERE TO GO FROM HERE???????????
IT SEEMS THAT IDWR SHOULD EITHER MODIFY THE EXISTING ORDER PLUGGING THE EXEMPTION FOR DOMESTIC USE OR MODIFY THE ORDER ALLOWING WR PERMITS FOR DOMESTIC USE. IF THE LATER SITUATION OCCURS IDWR SHOULD CONSIDER FOR PURPOSES OF PROTECTING THE RESOURCE AND EARLIER PRIORITIES:

1. REQUIRE PERMITS FOR BOTH MULTIPLE DOMESTIC AND SINGLE DOMESTIC.
2. LIMIT TO IN-HOUSE USE ONLY.
3. REQUIRE INJECTION OF USED WATER.

PLEASE GIVE ME GUIDANCE IN RESPONDING TO SEMANKO'S LETTER OR MAYBE CONSIDER HAVING AN ADMINISTRATOR RESPOND.

THANKS

ALLEN

MICRO
APR 2 2 2003

RECEIVED
MAY 10 1994
Dep... Resources
So... Region Office

TO: FILE 47-07680 (COLLINS BROTHERS)

FROM: NORM

RE: MEETING WITH ROSHOLT AND SEMANKO

DATE: MAY 5, 1994

Phil, Keith and I met with Rosholt and Semanko at their request to discuss how subdivision lots not now covered by the above referenced permit could obtain a valid water right. Drilling of separate wells under the domestic exemption was not a preference of either the agency or the attorneys. After a discussion that indicated that water from one of the wells authorized under the permit had been stubbed into the lots in question, Rosholt indicated he would file an amendment to add the lots to the authorized place of use without an increase in domestic units and a separate amendment to seek additional domestic units under the permit as a change in nature of use.

He will also evaluate the proof of beneficial use that has been filed to determine if it correctly described the development that occurred during the permit period and seek to file an amended proof if it does not.

c. Southern Region (Merritt)

APR 2 2 2003

From: DWR60::MERRITT 4-MAY-1994 09:45:47.16
To: DWR01::WRYOUNG, HOLMES, JONES
CC: MERRITT
Subj: KANAKA RAPIDS 47-07680

ON MONDAY AFTERNOON 5/2/94 I MET NORM YOUNG AND THE LAWYERS FOR THE RANCH WHICH INCLUDED: JOHN ROSHOLT, NORM SEMANKO & MIKE FELTON, JR. AND ALSO CARLOS (FARRARI ?) WHO WAS ONE OF THE DEVELOPERS OF THE RANCH.

AFTER MUCH CONFUSSION AS TO WHERE THE MEETING WAS GOING TO BE WE ALL GOT TOGETHER AT THE RANCH. IT WAS EXPLAINED THAT THE RECENT 63 DRILLING APPLICATIONS WERE INTENDED TO COVER LOTS PRESENTLY UNDER DEVELOPMENT OR PROJECTED IN THE FUTURE THAT ARE IN ADDITION TO THE 99 LOTS COVERED UNDER THE INITIAL DEVELOPMENT COVERED UNDER 47-07680.

THERE EXISTS THREE HOT WELLS ON THE PROPERTY. BASED ON MAPS AND NAPP PHOTOS I BELIEVE THESE WELLS ARE LOCATED AS FOLLOWS:

SOUTH WELL.... T09S, R14E, SEC 14 NWSENW
WEST WELL .... T09S, R14E, SEC 10 NWSESE
NORTH WELL.... T09S, R14E, SEC 10 NESENE

ALL WELLS ARE WITHIN THE BOUNDARY OF THE BANBURY HOT SPRINGS GROUNDWATER MANAGEMENT AREA ESTABLISHED 4/12/1983.

THE SOUTH AND WEST WELLS SUPPLY THE 99 LOTS ON THE SOUTH SIDE OF THE COUNTY RIVER ROAD. THE SOUTH WELL IS THE ONE WE MONITOR AND FLOWS WITH ARTESIAN PRESSURE AND SUPPLIES THE MAJORITY OF THE USE FOR THE PRESENT DEVELOPMENT OF THE 99 LOTS. THE WEST WELL IS LOCATED ON TOP OF THE HILL AND WAS REPORTED TO HAVE A 25 HP PUMP AND IS THE BACKUP FOR THIS SYSTEM.

THE NORTH WELL IS THE ONE WHICH HAS IN THE PAST BEEN USED FOR IRRIGATION AND ALLOWED TO FLOW FREELY TO FILL THE PONDS IN THE AREA. IT WAS REPORTED THAT IT ALSO HAD SUPPLIED WATER TO TWO TRAILERS ON THE PROPERTY ON THE NORTH SIDE OF THE RIVER ROAD. THESE TRAILERS HAVE BEEN REMOVED. THIS IS THE WELL WHICH WAS IDENTIFIED AS BEING THE WELL ASSOCIATED WITH ALL THE 63 DRILLING APPLICATIONS. CARLOS INDICATED THIS WELL WAS SERVED PLUMBED TO SERVE THE 40 SOME NEW LOTS ON THE NORTH SIDE OF THE COUNTY ROAD. HE INDICATED THE DISTRIBUTION SYSTEM WAS NOT ADEQUATE AND WE OBSERVED A NEW DISTRIBUTION SYSTEM BEING INSTALLED. HE INDICATED THAT THE OLD IS GOING TO BE UTILIZED BY THE SURFACE WATER IRRIGATION RIGHTS TO IRRIGATE THESE LANDS. (I BELIEVE THE SYSTEM HAS ALWAYS BEEN AN IRRIGATION DISTRIBUTION SYSTEM AND WAS NEVER INTENDED TO SUPPLY POTABLE WATER TO LOTS.)

OUR DISCUSSION FIRST REVOLVED AROUND THE 63 DRILLING APPLICATIONS AND WHAT WAS BEING ATTEMPTED TO BE ACCOMPLISHED. SIMPLY THEY NEED WATER RIGHTS OR COVERAGE FOR THE 63 NEW LOTS. WE DISCUSSED THAT THE DRILLING APPLICATION APPROACH WAS NOT THE PROPER APPROACH IN THAT IT WAS A PROCESS TO DRILL OR CONSTRUCT WELLS AND NOT INTENDED TO PROVIDE WATER RIGHTS. WE DISCUSSED THAT THEY COULD DRILL 63 NEW WELLS BUT WOULD RATHER UTILIZE 1 WELL AND BETTER YET THE EXISTING WELL; HOWEVER IT WAS MENTIONED THE NORTH WELL MAY NEED TO BE RE-DRILLED. NORM YOUNG AGREED THAT IT WAS PROBABLY BETTER FOR THE AQUIFER ONLY USE 1 WELL THUS DECREASING THE POSSIBILITY OF LEAKING WELLS IN THE AQUIFER. NORM AGREED THAT 63 INDIVIDUAL WELLS MAY BE AN OPTION. NORM INDICATE THE PROPERT COARSE INVOLVED APPLYING FOR A WR PERMIT BUT BECAUSE OF THE GWMA THIS MAY NOT BE POSSIBLE. THE CONVERSATION THEN FOCUSED ON AMENDING 47-07680 TO COVER THE NEW DEVELOPMENT BUT NOTHING CONCLUSIVE WAS DISCUSSED. MENTION WAS MADE THAT THE DEPT WOULD LIKE TO SEE EFFORTS TO RE-INJECT USED WATER BACK INTO THE AQUIFER AND THAT MAYBE THERE SUCH EFFORTS WOULD BE CONSIDERED IF AN AMENDMENT WAS FILED. NORM YOUNG AND JOHN ROSHOLT AGREED TO HAVE FURTHER DISCUSSIONS IN BOISE LATER IN THE WEEK.

MC

SEP 2 2 2003

ONE THING MENTIONED IN THE CONVERSATIONS WAS CARLOS INDICATING THEY COULD WORK WITHIN THE CONFINES OF 13,000 GAL/DAY DOMESTIC DEFINITION FOR EACH LOT ASSUMING IT WAS A CUMULATIVE TOTAL. MEANING IF THEY USED 7000 GAL ONE DAY THEY COULD USE 19,000 GAL THE NEXT DAY. ???? I THINK THERE MAY BE SOME MISUNDERSTANDING HERE.

WHATEVER HAPPENS REGARDING THE FINAL POSITION THE DEPT TAKES IT SHOULD BE NOTED THAT IN PREVIOUS CONVERSATIONS WITH NORM SEMANKO REGARDING OTHER CLIENTS FOR OTHER HOT WATER WELLS IN THE BANBURY HOT SPRINGS GWMA AROUND SALMON FALLS CREEK; THERE SEEMS TO BE A PUSH NOW TO DEVELOPE THESE EXISTING HOT WATER WELLS FOR SUBDIVISIONS THRU THE SINGLE HOUSEHOLD DEFINITION. THIS SEEMS TO ME CONTRARY TO THE ORDER WHICH FORCED PEOPLE TO CEASE DEVELOPMENT OF THE HOT WATER AQUIFER BACK IN THE MID 1980'S. WHATEVER IS DECIDED HERE WILL PROBABLY BE APPLIED AGAIN AND AGAIN AT THESE OTHER DEVELOPMENTS.

ALLEN

MICRO
APR 2 2 2003

Banbury Hot Springs Groundwater Management Area

Plotted by ADM 5/3/94

Kanaka Rapids

Powerhouse

Golf Course

GOODI[illegible] CO

[illegible] FALLS CO

North well

Rapids

2929

Mad

Gravel Pit

2965

10

11

West well

3136

Creek

16

3187

Creek

M E L O N

South well

14

IPE

V A L L E Y

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033
Ignacio Nick Zabala

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN: John Rosholt
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

20-Apr-1994

RE: Collins Brothers Corp. Drilling Permits

Dear John,

Enclosed are the 63 drilling permit applications and fees ($2205 in two checks) recently submitted to this office for approval. After discussing the situation with the State Office - Norm Young, Glenn Saxton and Jim Johnson, I was directed to return the applications. I spoke with Norm Semanko, of your office, and he requested that we route these drilling permit applications to you. Justification for rejecting the drill permit applications centers on the fact that the well already exists and that there wouldn't have been any new wells drilled.

Through much of the gyrations to get to this point I have based my interpretations on the fact that the development is in the Banbury GWMA area. The well used under permit 47-7680 is in the Banbury GWMA, but the well identified in the 63 drilling permits is located in the Twin Falls GWMA. The Department administrators have taken the position that IDWR can approve drilling permits for individual domestic wells within the management areas, but that subdivision systems require water rights for development. Additional research is needed to address whether we can process an application for permit for low temperature geothermal development within the restrictions of the order creating the Twin Falls GWMA.

Another aspect requiring further thought is whether IDWR can process an application to add useages to the existing Banbury GWMA system, with no increase in diversion rate, as Mr. Semanko inquired. My opinion is that there may be precedent for considering that possibility. If additional interpretation is required on either of the above possibilities I recommend that you put the specifics in writing and forward it to this office.

If you have any other pressing questions please contact the State Office, as I will be out of town the remainder of this week. Thank you for your patience and cooperation.

Respectfully,

Douglas Jones

Douglas Jones, P.E.
Water Resources Engineer

enc.

MICROFILMED
FEB 22 2003

MEMORANDUM

To: Norm Young

From: L. Glen Saxton

RE: DOMESTIC USE - BANBURY AREA

Date: April 20, 1994

RECEIVED

APR 20 1994

Department of Water Resources
Southern Region Office

I have reviewed the memo of Doug Jones, water right file 47-7680 and have discussed this matter briefly with Doug today.

Doug advises me that the 61 drilling permit applications were filed through Rosholt's office and that the anticipated domestic uses likely are included in the 99 domestic uses for which proof has been filed for under permit no. 47-7680.

I recommend the department do the following:

1. Return the 61 drilling permit applications and fee to the applicant advising that the applications are not appropriate, since the well proposed for domestic use already exists.

2. Conduct the field examination for permit no. 47-7680 as soon as possible to determine how many of the 99 domestic uses are either in use or have existing "plumbing" stubbed off to the lots.

I would support a policy that the department will consider issuing drilling permits in the Banbury area for single family domestic use where, in fact, such a single family well will be constructed. The approval of such a drilling permit should, however, include a condition that the water may not be used consumptively. This eliminates irrigation as a use under the term "domestic" and is consistent with Keith's letter dated May 15, 1989 (yellow tagged in the file).

Post-it™ brand fax transmittal memo 7671	# of pages ▸
To Doug Jones	From Glen Saxton
Co. Southern	Co.
Dept.	Phone #
Fax #	Fax #

MICROFILMED
SEP 22 2003

MEMORANDUM

TO: N. YOUNG

FROM: DOUGLAS JONES

DATE: 19-Apr-1994

RE: COLLINS BROS. CORP. DRILL PERMITS

SUBMITTED FOR CONSIDERATION YESTERDAY WERE 61 DRILL PERMITS IDENTIFYING THE SAME LOW TEMPERATURE GEOTHERMAL WELL. THIS WELL WAS CONSTRUCTED IN 1979, AND FOR WHICH WE HAVE A WELL CONSTRUCTION LOG. THIS WELL IS NOT IDENTIFIED ON ANY PAST OR PRESENT WATER RIGHT FILING. EACH DRILL PERMIT APPLICATION IDENTIFIES A SEPARATE LOT IN THE SUBDIVISION. EACH APPLICATION IDENTIFIES THE USE AS DOMESTIC WITH USEAGE UP TO 13,000 GPD. A FEE FOR 62 INDIVIDUAL WELL DRILLING PERMITS, $2170, HAS BEEN INCORRECTLY SUBMITTED FOR THE 61 APPLICATIONS, IT HAS NOT BEEN RECEIPTED PENDING DIRECTION FROM YOU.

A PERMIT, 47-7680 (ON WHICH PROOF HAS BEEN FILED), EXISTS FOR THREE OTHER WELLS, THOUGH I THINK ONLY ONE WELL PRODUCES WATER. THAT WELL HAS BEEN MONITORED BY IDWR SINCE ABOUT 1983. THIS PERMIT WAS THE SUBJECT OF DISTRICT AND SUPREME COURT PROCEEDINGS. SINCE ABOUT 1988, WHEN I BEGAN INSPECTING THE SMALL DAM ON THE PROPERTY, I HAVE OBSERVED THAT WARM FEELING WATER HAS BEEN USED TO WATER TREES THAT LINE THE ROADS THROUGH THE SUBDIVISION. I HAVE CONDUCTED AND ASSISTED ON THE MONITORING WELL RUNS AND HAVE OBSERVED THAT ABOUT 100 GPM HAS FLOWED CONTINUOSLY FROM THE WELL AND THAT THERE ARE ONLY A COUPLE OF HOMES ON THE SYSTEM - I DO NOT KNOW WHERE THE WATER DISCHARGES. A TOTAL OF 42,556,200 GALLONS WERE DISCHARGED BY THE WELLS BETWEEN 4/16/93 AND 10/26/93 (A RATE OF 156 GPM), ACCORDING TO THE METER ON THE WELL. PRESSURES ARE DOWN FROM PREVIOUS YEARS. AN EXAM WILL BE DONE ON THE DEVELOPMENT IN THE COMING FIELD SEASON. I AM FAIRLY CERTAIN THAT THE CAPACITY OF THE PLUMBED WELL CAN NOT MEET THE DEMAND OF SUBDIVISION. DISCUSSION WITH PAST AND PRESENT MANAGERS AND HOMEOWNERS REPRESENTATIVES INDICATES THAT LOTS ARE BEING SOLD WITH HOT WATER AVAILABILITY. THE NEW WELL WAS NOT PLUMBED INTO THE SYSTEM BY THE TIME THE PROOF OF B/U WAS FILED.

REVIEW OF THE ORDER ESTABLISHING THE MANAGEMENT AREA, RULES FOR APPROPRIATION, IDAHO CODE STATUTES AND PERSONAL OBSERVATION LEAD ME TO CONCLUDE:

- INDIVIDUAL DOMESTIC USEAGES FROM THE GEOTHERMAL RESOURCE ARE NOT PROSCRIBED BY THE ORDER ESTABLISHING THE GWMA, AS CURRENTLY WRITTEN.

- THE INTENT OF THE DRILLING PERMIT FILINGS IS TO DEVELOP A MULTIPLE OWNERSHIP SUBDIVISION USEAGE FROM A SINGLE SOURCE.

- THE WELL EXISTS AND THERE IS NO INTENT TO DRILL A WELL, THEREFORE ISSUING THE PERMITS IS EXTRANEOUS AND LOGS FILED FOR EACH PERMIT WOULD BE REDUNDANT.

- MULTIPLE OWNERSHIP DEVELOPMENTS REQUIRE A WATER RIGHT FILING.

- APPLICATIONS CAN NOT BE PROCESSED IN THE BANBURY GWMA.

- PRESSURES ARE APPARENTLY DOWN IN THIS AND OTHER WELLS BEING MONITORED IN THE AREA. CONSIDERABLE DEVELOPMENT WITHIN THE BANBURY GWMA AND SURROUNDING TWIN FALLS GWMA HAS CREATED AN INCREASING DEMAND FOR HOT WELL CONSTRUCTION.

BASED ON THE ABOVE CONCLUSIONS I RECOMMEND THAT IDWR NOT APPROVE THE WELL DRILLING PERMITS, AND THAT THE APPLICATIONS AND CHECK BE RETURNED TO THE APPLICANT. I ALSO RECOMMEND THAT THE BANBURY AND TWIN FALLS GWMA ORDERS BE REWRITTEN TO PROHIBIT DOMESTIC LOW TEMPERATURE GEOTHERMAL RESOURCE DEVELOPMENT.

PLEASE CONSIDER THE ABOVE INFORMATION AT YOUR EARLIEST OPPORTUNITY. CONTACT ME IF YOU HAVE ANY QUESTIONS ON THIS, AND I'LL DO WHAT I CAN TO ANSWER THEM.

THANK YOU.

MICROFILMED
APR 2 2 2003

Form 235-1 (2/93)

Drilling Permit No. _____
Water Right Permit No. _____
Injection Permit _____

WELL DR
IDWR Em
Verbal Iss

Example of d.p.'s submitted (1 of 61 filed)

FOR VERBALS
Time: _____

NEW LOT # 319

4/19/94 DJ

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

APR 1 0 199

1. **Applicant (please print):** Collins Bros Corp.

2. **Mailing Address:** 176 Kanaka Rapids Rd

City & State Buhl ID Zip Code 83316 Telephone 543-6767

[✓] Well Owner [ ] Well Operator [ ] Contractor or Other, specify _____

3. **Proposed Well Location:** Twp. 9S, Rge. 14E, Sec. 11, NE 1/4 NW 1/4

Gov't Lot No. _____ County Twin Falls

Street Address of Well Site _____

Lot, block and subdivision Lot MA16 Melon Valley Ranchos

4. **Proposed Use of Well:**

[✓] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [ ] Irrigation [ ] Municipal [ ] Industrial
[ ] Stock [ ] Test [ ] Other _____
(Over 1,000 Head) (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. **Well Construction Information:**

A. [✓] New well [ ] Modify (Deepen or Enlarge) [ ] Replace - See Condition 9

B. Proposed Casing Diameter 8 Proposed Maximum Depth 950'

C. Anticipated bottom hole temperature:

[ ] 85°F or less (Cold Water Well) [✓] 85°F to 212°F (Low Temp. Geo. Well) [ ] 212° F. or more (Geothermal Well)

6. **Construction Start Date:** 9/6/79

7. **Anticipated Well Driller:** Elsing Drilling
NOTE: The actual well driller must be identified prior to drilling.

8. **Applicant's Signature** E C Collins Date 12/29/93

Title President
(Owner, Firm Representative, Other)

SD-4106 Idaho Department of Water Resources Date: 04/18/94
INQUIRY Water Rights Points of Diversion Screen Time: 13:00:19
Water Right Number: 47-07680 FIRST PAGE

4. Point of Diversion::

TWP	RNG	Sect	1/4	1/4	1/4	Lot	PoD Flag	County Code	County Name
09S	14E	10		SE	NE			83	TWIN FALLS
09S	14E	10		SE	SE			83	TWIN FALLS
09S	14E	14		SE	NW			83	TWIN FALLS

(Enter=Exit) (GOLD4=Prev Screen) (GOLD5=Next Screen) (GOLD6=End of Data) (GOLD8=Cancel)

MICRO
APR 2 2 2003

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

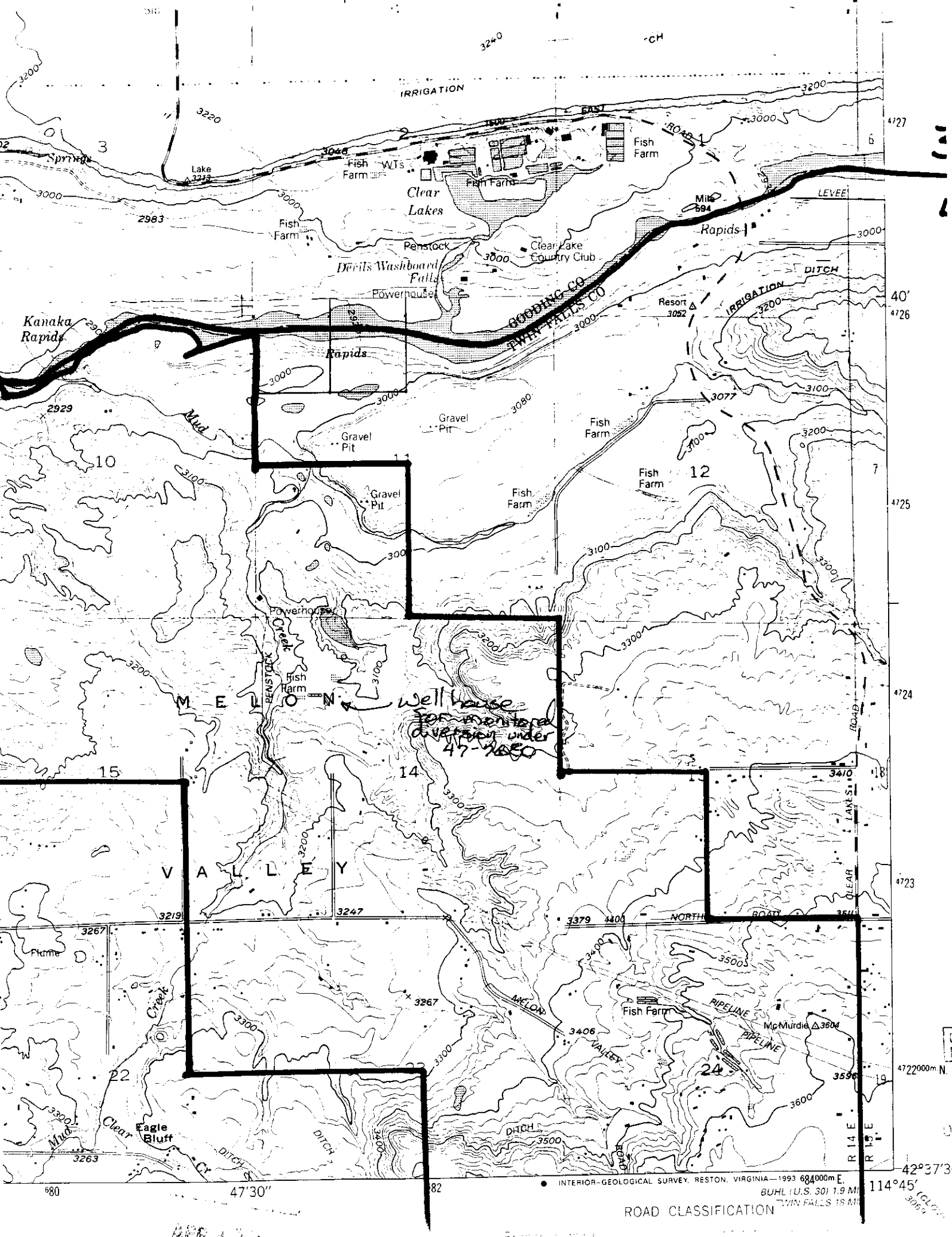
Date: 04/18/94
Time: 13:01:08

Water Right Number: 47-07680 FIRST PAGE

13. Remarks: THE USE OF WATER SOLELY FOR IRR. FROM THIS GEOTHERMAL AQUIFER IS NOT IN THE PUBLIC INTEREST & ONLY THE WATER USED FOR ANOTHER PURPOSE THAT REQUIRES THE HEAT FROM THE WATER CAN BE DISPOSED OF BY USING IT FOR IRR. THE USE OF WATER FOR IRR. UNDER THIS PERMIT IS SUPPLEMENTAL TO ALL EXISTING RTS. WITH THE SAME PURPOSE & P/U & THE OTHER RTS. MUST BE DEVELOPED & USED TO THE FULLEST EXTENT POSSIBLE FOR IRR. BEFORE THIS PERMIT IS USED FOR IRR. PURPOSES. THE DIR. OF THE DEPT. OF W.R. RETAINS JURISDICTION OVER THIS PERMIT TO ASSURE THAT THE WATER DIVERTED IS BENEFICIALLY USED & FOR THE APPROVAL OF THE CASING & SEALING OF THE WELLS. THE AMT. OF WATER DIVERTED SHALL NOT EXCEED THAT NECESSARY FOR DOMESTIC, COMMERCIAL & GEOTHERMAL HEATING FOR 99 HOMES.

(Enter=Exit) (GOLD4=Prev Screen) (GOLD5=Next Screen) (GOLD6=End of Data) (GOLD8=Cancel)

APR 2 2 2003


IRRIGATION
EAST
ROAD
Fish Farm
WTs
Clear Lakes
Lake
Mile 694
LEVEE
Rapids
Penstock
Clear Lake Country Club
Devils Washboard Falls
Powerhouse
DITCH
GOODING CO
TWIN FALLS CO
Resort
Kanaka Rapids
Mud
Gravel Pit
M E L O N
V A L L E Y
well house for monitored diversion under 47-7660
Creek
Flume
Eagle Bluff
Clear
Ditch
Cr
MELON VALLEY
PIPELINE
McMurdie
LAKE
CLEAR
NORTH
ROAD
R 14 E
R 15 E
42°37'30
114°45'
47'30"
4722000m N.
684000m E.
INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA—1993
ROAD CLASSIFICATION

m 238-7
8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WE DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Al Collins

Address Las Vegas Nev.

Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	8 5/8 inches +	1 feet	156 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

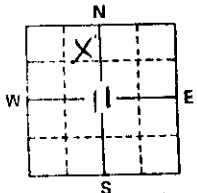
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from ____ feet to ____ feet
Surface seal depth 156 Material used in seal: ☒ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☒ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
MICRO
Lot No. ____ Block No. ____
Twin Falls County
NE ¼ NW ¼ Sec. 11 T 9 (S) R. 14 (E) W.

7. WATER LEVEL

Static water level 0 feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
12	0	156	Top Soil & Boulders	X	
8	156	312	Black Lava	X	X
	312	540	Lava Formation		
	540	950	Blue Clay		X
			& Broken Rock	X	

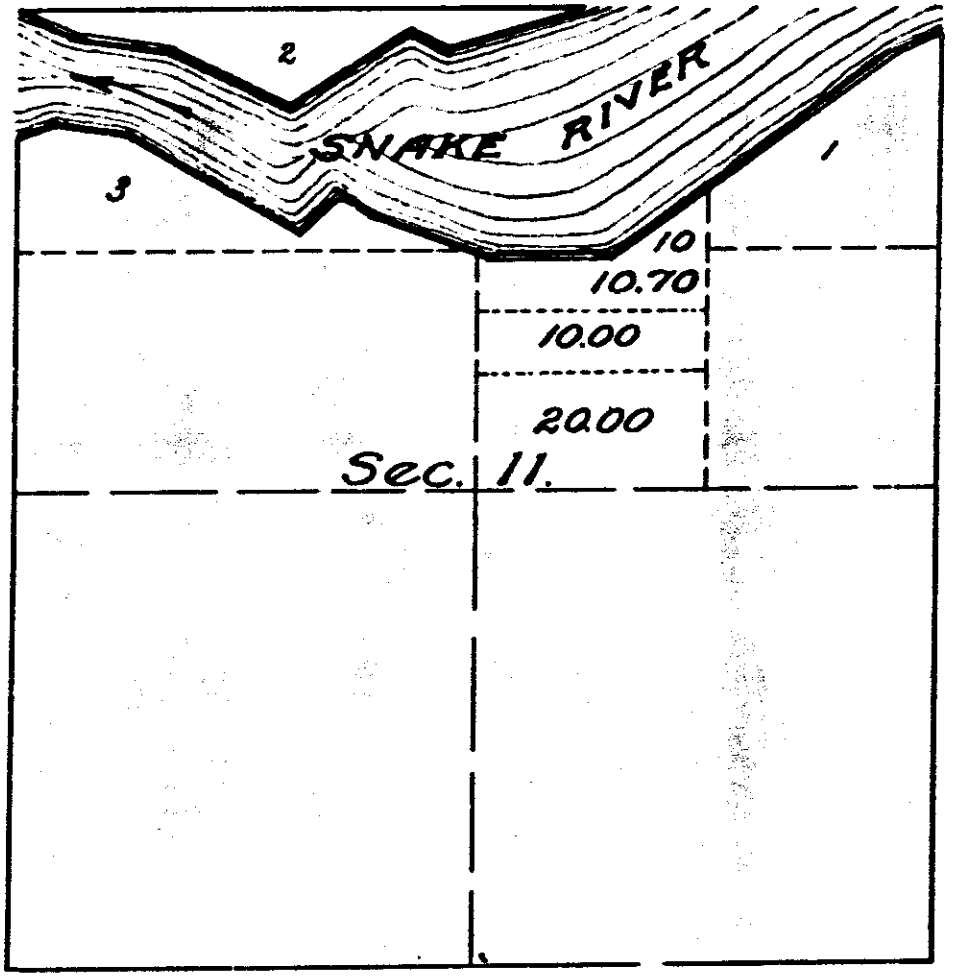
10. Work started Sept 6, 79 finished Oct 10, 79

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

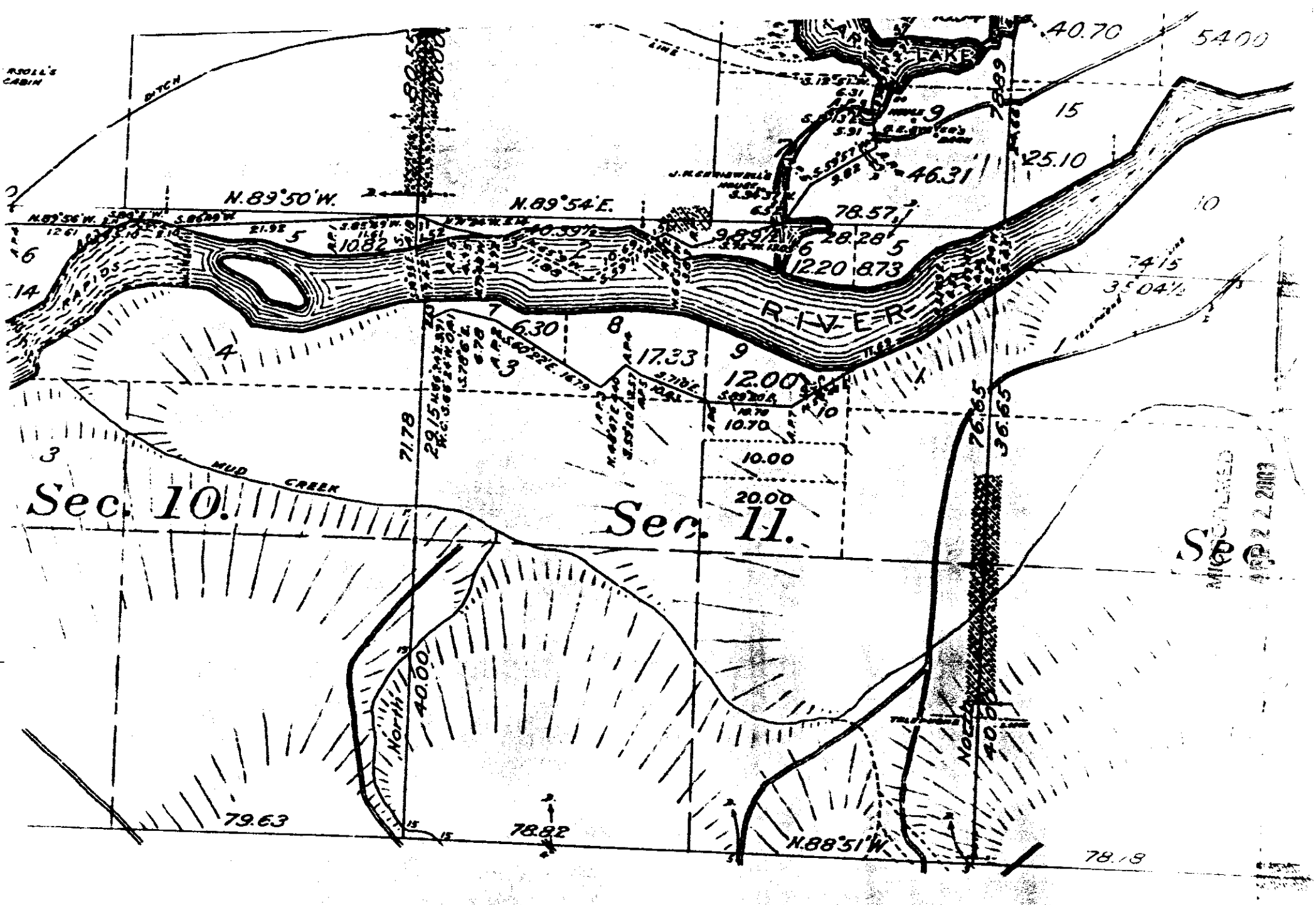
Firm Name Elsing Drilling Firm No. 31
Address Box 919 Date Nov 15, 79
Signed by (Firm Official) Arnold Elsing
and
(Operator) Carl Gilbaugh

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT



1919

APR 2 2 2003



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meanderous meander
where new

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

DATE: 4/20

TO: Doug Jones

FROM: Norm Semanko

RE: Kanaka Rapids

NUMBER OF PAGES INCLUDING THIS ONE: 4

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

letters regarding "Department's position on development of a community well as opposed to individual wells." We feel that the logic of the last paragraph of Norm Yarg's letter applies equally here... Please let me know what you hear from Jim Johnson & Boise

MICROFILMED
APR 22 2003

JAR
NMS

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
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P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

December 14, 1993

VIA FACSIMILE

Norm Young
Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

Dear Norm:

As we discussed on the phone today, I wanted to confirm an earlier conversation regarding the Department's position regarding the development of a community subdivision well as opposed to individual wells. Specifically, I have a client in rural Blaine County who is considering an 80-unit development, but desires to use a community well system as opposed to individual wells. His concern, however, is that each lot still be entitled to irrigate up to one-half acre, or to withdraw 13,000 gpd per dwelling.

From our previous discussion, I understood that the Department approves of this alternative, on the basis that one large hole is better than 80 small holes. John Rosholt has spoken to me during the past few days, and indicates that he has a similar situation near Buhl. If you can confirm in writing that my understanding is correct, i.e., that a community well withdrawing up to a maximum of 13,000 gpd per dwelling, or alternatively, irrigating a maximum of one-half acre per dwelling, is correct, John and I will be able to advise our respective clients about the manner in which they can proceed. I agree with you that a community well system is preferable to individual wells, but want to be able to assure our clients that Idaho Code §42-111 will not be an impediment to their ability to withdraw what would otherwise be permitted by multiple individual wells.

I look forward to your earliest response. I'll see you on Thursday in Pocatello.

Yours truly,

GARY D. SLETTE

MICROFILMED
APR 22 2003

GDS:mw\12149321.GDS

consumptive use of water filed after the date of the order and to all applications filed prior to the entry of the order for which approval has not been given, except as herein provided.

4. The moratorium does not affect the authorization to continue development of any existing approved application (permit).

(5.) The moratorium does not apply to any application for domestic purposes as such term is defined in Section 42-111, Idaho Code. For the purposes of this exception, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of requirement to file an application for permit as described in said section.

6. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Section 42-605A, Idaho Code.

7. The moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid existing water rights nor to applications for transfer of existing water rights.

8. This moratorium does not change or affect the administration of any area that has been previously designated as a critical ground water area, pursuant to Section 42-233a, Idaho Code, or a ground water management area pursuant to Section 42-233b, Idaho Code.

9. The moratorium does not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under terms of this moratorium if,

a) Protection and furtherance of the public interest as determined by the Director, requires consideration and approval of the application irrespective of the general drought related moratorium; or

b) The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

10. This moratorium does not change or supercede any of the

APR 22 2003

JAR

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1993

Gary D. Slette, Attorney
Rosholt, Robertson, & Tucker
PO Box 1906
Twin Falls, Idaho 83303-1906

RE: Processing of Applications for Multiple Domestic Use in Moratorium Areas

Dear Gary:

Your letter of December 14, 1993 seeks a clarification whether applications seeking a new appropriation from a ground water source for a multiple domestic use will be processed in areas covered by moratoriums or included in designated ground water management areas. One (Blaine County) of the specific areas that you mention in your letter appears to be in the Big Wood River Ground Water Management Area and the other in the area covered by the Eastern Snake River Plain Moratorium. I am enclosing copies of the orders establishing these designations and a management policy for the Big Wood area.

The management policy for the Big Wood River GWMA provides for the processing of applications for multiple domestic uses as long as each unit included conforms with the requirements of for domestic use (Section 42-111, Idaho Code). The order establishing the Eastern Snake River Plain Moratorium has a similar provision (Condition #5). Under this exception, each single ownership residential unit can withdraw up to 13,000 gpd and use water for up to one-half acre. Commercial units are limited to a withdrawal of 2500 gpd.

The rationale for these exceptions is that domestic uses complying with Section 42-211, Idaho Code, are exempted from the requirement to obtain a permit to appropriate water by Section 42-227, Idaho Code. Subdivisions and other multiple domestic developments are able to proceed without regard for the moratorium by constructing individual wells each unit. As you note in your letter, it is preferable to allow a community well system to be developed instead of forcing individual wells to be drilled.

Please give me a call if further clarification is needed.

Sincerely,

Norman C. Young By N.C.

NORMAN C. YOUNG
Administrator
Water Management Division

MICROFILMED
APR 22 2003

c. Loren Holmes
Encs.