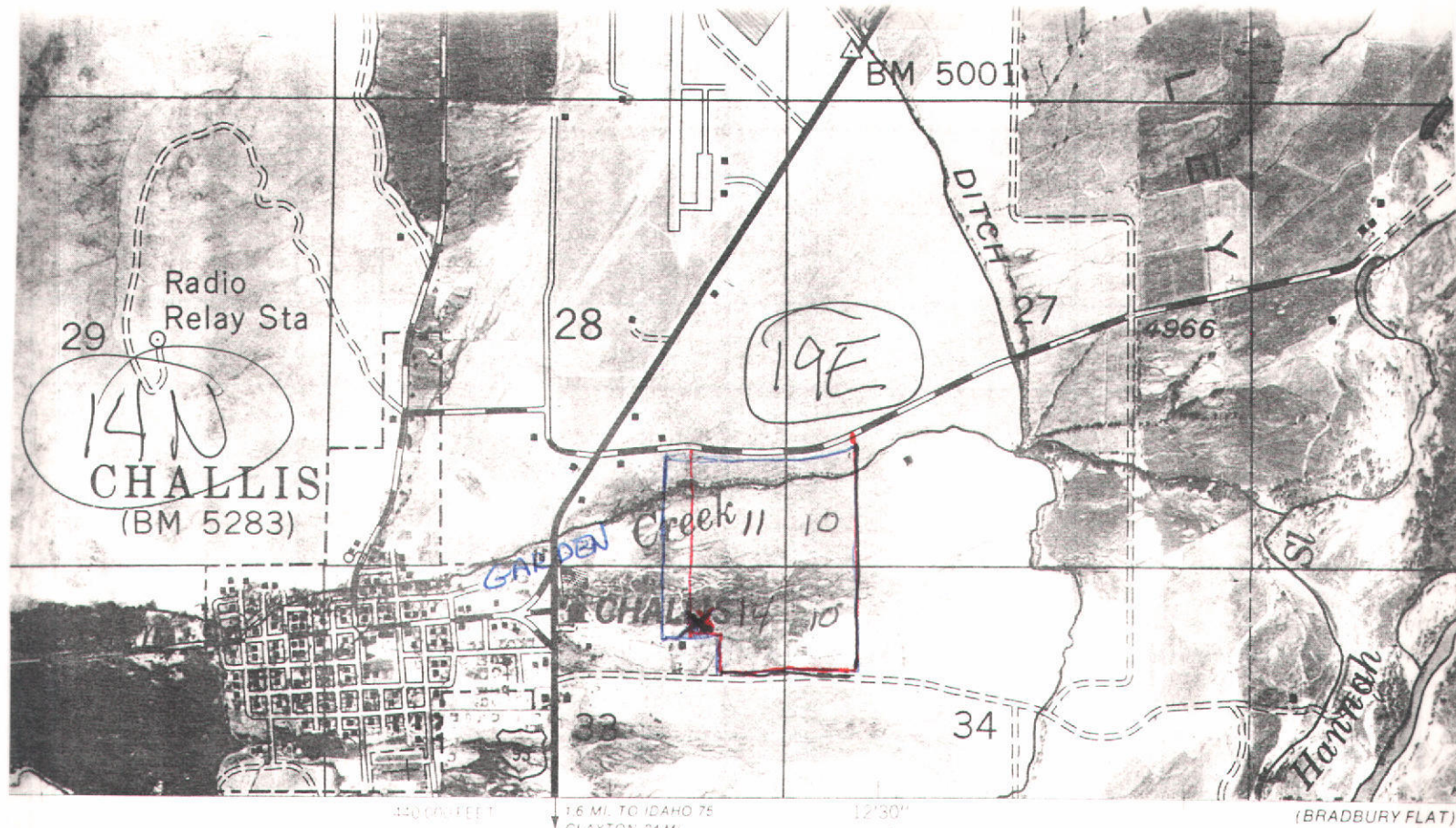


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Map Prepared by the U.S. Geological Survey
by USGS and USC&GS
Photography from aerial photographs by photogrammetric methods
Photographs taken 1954. Advance field check 1956
Map projection. 1927 North American datum
Grid based on Idaho coordinate system, central zone
after Universal Transverse Mercator grid ticks

MEDIATE EDITION

Revision to USGS base map by Geometronics Service
from 1979 aerial photography and 1980 correction
Furnished by the Intermountain Region
revised according to additional Forest Service evidence

Map has been prepared by the Idaho Department of Water Resources pursuant to
a \$42,000 contract with the Idaho Department of Water Resources and the Idaho
Department of Agriculture. The map is a preliminary map and is not to be used for
any purpose other than for the purpose for which it was prepared. The map is
not to be used for any other purpose without the express written consent of the
Idaho Department of Water Resources.

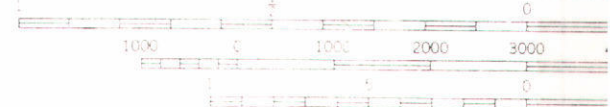
Scale: 2 inches equal 1 mile.

UTM GRID AND 1979 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

- National Forest Boundary
- ▨ Alienated Land within the National Forest Boundary as of 1980
- TOWNSHIP AND SECTION LINE CLASSIFICATION
- Surveyed, Location Reliable
- - - Surveyed, Location Approximate
- ... Unsurveyed, Protracted

- LEGEND
- Prin
 - - - Sec
 - Imp
 - Unir
 - Trai
 - Gat

SCALE 1:24,000



CONTOUR INTERVAL 80
DOTTED LINES REPRESENT 40-FOOT
DATUM IS MEAN SEA LEVEL

MICROFILMED
AUG 20 1987

Copies Of These Maps

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

Torale G. Yacomella vice President
(Applicant)
Jeannie Yacomella Secretary

ROUND VALLEY ACRES THIRD ADDITION (TOTAL OF 50 LOTS)

28 27

COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of Custer County, Idaho on this 8th day of June 1981.

Edward J. Smith
County Clerk

COUNTY RECORDER'S CERTIFICATE

This is to certify that the foregoing plat was filed in my Office of the Recorder of Custer County, Idaho on this 31st day of July 1981, at 2:00 PM and duly recorded in this book of Page 28 27.

Edward J. Smith
County Recorder

LEGEND

- Government Corner, Brass
- Old Round PE 1722
- Set 1/2" 24" Steel Bar w/ Plastic Cap as Point on Line
- Set 1/2" 24" Steel Bar w/ Plastic Cap as Point on Line

Boundary Line

Lot Line

Lot Number

Well Number

WELLS

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	TANGENT
C-1	175.00'	89°52'12"	117.64'	74.83'
C-2	175.00'	90°01'48"	117.96'	75.17'
C-3	200.00'	89°52'12"	131.37'	109.95'
C-4	200.00'	90°01'48"	131.46'	110.05'



Johnston, Couch
engineers & surveyors
salmon, idaho

ROUND VALLEY ACRES SECOND ADDITION

(TOTAL OF 34 LOTS)

ROUND VALLEY ACRES FIRST ADDITION

(TOTAL OF 14 LOTS)

ROUND VALLEY ACRES MASTER PLAT (TOTAL OF 98 LOTS)

MICROFILMED
AUG 20 1997

FEB 02 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 06 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 72-07450 Telephone No. 879-43602. Name(s) of Permit Holder(s): Round Valley Acres water Assoc. Inc.3. Mailing Address: P.O. Box 941 Challis Idaho 832264. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 1955 / yr. 80a. Well Driller: Army corp. Drilling Permit Number: - - b. **OPTIONAL:** Pump Horsepower: 7.5 ~~20~~ Pressure (psi): 50 Dynamic pumping level (ft): 260

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 98 ~~100~~ Stockwater (No. and type of stock): Irrigation (No. of acres): 45 Other: 6. Total rate of diversion and/or volume for which proof is submitted: 1.35 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ☒ or No ☐
Has the measuring device been installed? Yes ☒ or No ☐

Flow Measurement Port: Is a flow measurement port required? Yes ☐ or No ☐
Has the measurement port been installed? Yes ☐ or No ☐

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: David K. Humbird-Stout Telephone Number: 879-4360Address: Same

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: David K. Humbird-Stout President Date: 1-30-98
(include your title, if on behalf of company or organization)Round Valley Acres water assoc. Inc.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 72-07450

Proposed Priority: December 26, 1989 Maximum Diversion Rate: 1.35 CFS

This is to certify, that **ROUND VALLEY ACRES WATER ASSOC INC**
HC 63 BOX 1718
CHALLIS ID 83226

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.90 CFS
DOMESTIC	01/01 to 12/31	0.45 CFS
	Totals	1.35 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 33, Township 14N, Range 19E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N	19E	27	SWSW	10.0		10.0
		28	SESE	11.0		11.0
		33	NENE	14.0		14.0
		34	NWNW	10.0		10.0

Total number of acres irrigated: 45.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1998.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Two points of diversion are located within NENE, S33, T14N, R19E.
6. Points of diversion are located within Lot 4, Round Valley Acres 1st Addition.

MICROFILMED
JUL 18 1989

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 72-07450

CONDITIONS OF APPROVAL AND REMARKS

7. Places of use are located within Lots 1-14, Round Valley Acres First Addition; Lots 1-10, Blk. 1, Lots 1-8, Blk. 2, Lots 1-4, Blk. 3, Lots 1-12, Blk. 4, Round Valley Acres Second Addition; and Lots 1-6, Blk. 1, Lots 1-12, Blk. 2, Lots 1-6, Blk. 3, Lots 1-24, Blk. 4, Lots 1-2, Blk. 5, Round Valley Acres Third Addition.
8. Domestic use is for 98 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

13th day of August, 1997.

Karl J. Dreher
Karl J. Dreher, Director

for

RECORDED

AUG 23 1997

RECEIVED

JUL 25 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Round Valley Acres Water Assoc. INC Phone 208 879-2572
Post office address HC 63 Box 1718 Challis, Id. 83226
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____
Sec. 33 Township 14N Range 19E B.M. Caster County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.45 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .90 for Irrigation purposes from April 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.35 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2 wells 330' + 3800'
8" + 4" casing respectively. Two existing wells & pumps, pipelines.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 1/2 years (minimum 1 year).

* Per telecon w/applicant 12-26-89

MICROFILMED
APR 26 1997

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. X 98
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14N	AE	27											0 10						10
		28															P 11		11
		33	P 14																14
		34						0 10											10

Total number of acres to be irrigated 45

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Tom Butts

b. Who owns the land to be irrigated or place of use? App.

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

who has provided the wells & water to the water corp & each lot. A provision with the sale of the lots.

12. Remarks: Some (wells) are in Lot 4 Round Valley Acres 1st Addition.

Wells serve 1st, 2nd, 3rd. Additions

The Subdivider has not previously filed for water rights and the corp. feels that rights should be filed for. System was developed about 1972.

RECORDED

AUG 20 1987

-
- Radio Relay Sta
- BM 5001
- DITCH
- 29
- 28
- 27
- 14N
- CHALLIS
(BM 5283)
- 19E
- 11 10
- 10
- CHALLIS
- 34
- GARDEN CREEK
- Hartreeh
- BRADBURY FLAT
- 16 MI. TO IDAHO 75
CLAYTON 24 MI.
- 12:50"

Donald G. Yacomella vice President
(Applicant)
Jeannie Yacomella Secretary

Received by SE Date 12/26/89 Time 12:30 Preliminary check by DRJ
Fee \$ 65.00 Receipted by J.F. Stanton # 5010756 Date 12-26-89
Publication prepared by M. Baldwin Date 12-29-89 Published in Challis Messenger
Publication approved M. Baldwin Date 2/5/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

ROUND VALLEY ACRES
MASTER PLAN
(TOTAL OF 98 LOTS)

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 12-07450 Reviewed by Jy Date 2-2-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
NO Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125- Amount Submitted
yes Correct?
NO Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due
No. of days late
Priority Date
New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address P.O. Box 941 Proof Made 2-2-98
Challis



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

March 16, 1998

KARL J. DREHER
DIRECTOR

ROUND VALLEY ACRES WATER ASSN INC
PO BOX 941
CHALLIS ID 83226

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07450

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **SOUTHERN** Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s): 72-07450

☐ Old Mailing Address: Round Valley Acres Water Assoc. Inc.
Hc. 63 Box 1718
Challis Id. 83226

☐ New Mailing Address: Round Valley Acres Water Assoc. Inc.
P.O. Box 941
Challis Idaho 83226

☐ New Telephone Number: (208) 879-4380
Not water system.

☐ Signature of Claimant(s): David K. Humbird-Stout

Date: _____

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:

TO: File

DATE: February 12, 1998

FROM: Jim Stanton

SUBJECT: Water Permit 72-07450, Round Valley Acres Water Assn.

Association president David Humbird-Stout contacted me today regarding this permit. They filed proof of beneficial use and an address change recently, and he just received the proof acknowledgment letter. The letter was still addressed to Tom Butts, but he no longer represents this group. Please do not involve Mr. Butts in future correspondence regarding this permit.

RECEIVED

FEB 17 1998

Department of Water Resources

TO: File

DATE: January 7, 1998

FROM: Jim Stanton

SUBJECT: Permit 72-07450, Round Valley Acres Water Co.

Today I received a call from the permittee about filing proof of beneficial use. He said that their new mailing address is PO Box 941, Challis, ID, 83226, so I am passing on this information.

RECEIVED

JAN 09 1998

Department of Water Resources

Keen, Shelley *SK*

From: dwr01::dwr03::dwr60::amerritt
To: Keen, Shelley
Cc: AMERRITT
Subject: Change of Address
Date: Tuesday, December 30, 1997 12:08PM

I received a phone call from David Humbird-Stout representing the Round Valley Acres Water Assoc. Inc., owner of Permit 72-07450. He has been working with DEQ to resolve problems with the water system. During their discussions the question of water rights was again looked into and yesterday DEQ inquired about the status of the permit. I provided a fax copy of the permit to DEQ which in turn faxed a copy to Humbird-Stout.

Apparently the association board has changed several times since the original permit was applied for and the short story is the present board was not aware the permit was approved.

This day I am sending Humbird-Stout a change in address form, a copy of the permit & BU form with instructions. Humbird-Stout indicates the address for the association is:

PO Box 941
Challis, ID 83226

Please place a copy of this memo in the water rights file.

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmsmgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1997Dec30.120607.1128.329325; Tue, 30 Dec 1997 12:06:08 -0700
Received: from dwr06.idwr.state.id.us ([164.165.17.6])
by adm-smtp.state.id.us (Post.Office MTA v3.1.2
release (PO205-101c) ID# 0-0U10L2S100) with SMTP id AAA132
for <skeen%idwr@adm-smtp.state.id.us>;
Tue, 30 Dec 1997 12:09:41 -0700
Received: by dwr06.idwr.state.id.us (5.65/DEC-Ultrix/4.3)
id AA14163; Tue, 30 Dec 1997 12:01:12 -0700
Date: Tue, 30 Dec 1997 12:01:12 -0700
Message-Id: <9712301901.AA14163@dwr06.idwr.state.id.us>
From: dwr01::dwr03::dwr60::amerritt
To: skeen@idwr.state.id.us
Cc: AMERRITT@dwr06.idwr.state.id.us
Subject: Change of Address



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1997

ROUND VALLEY ACRES WATER ASSOC. INC.
HC 63 BOX 1718
CHALLIS ID 83226

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07450

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

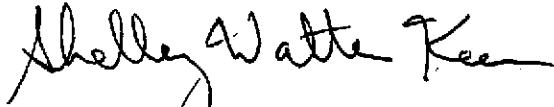
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

MICROFILMED

AUG 20 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

AUG 20 1997

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 72-07450

ROUND VALLEY ACRES WATER ASSOC. INC.
HC 63 BOX 1718
CHALLIS ID 83226


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 20 1997

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lane

 No.: 72-7450 Name: Water Assn. Inc. Date: 7/30/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

 AREA OF CONCERN: Source - No/Yes: S/C Mor / GWMA / Trust / Non-trust
 PROTESTED: exempt - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- 1 year/no proof
- >1 year

 - P18
 - 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- >0.24 cfs/5 acres
- ≤ 0.24 cfs/5 acres

 - or No MD (in-stream stock or power)
 - No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M, 05E (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD none apparent

DRILLING PERMIT:

Existing wells

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. P99

No drilling permit?

- 048-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN MIN. STR. FLOW (✓ MAP)

- (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD #)-01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R(01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise R (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

~~Dom. (in concern area)~~~~- 070-071 (P05)~~

Fish Propagation

- 07A-042 (req)-09E (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- 057 (0.03 cfs/acre)

> 5 acres

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 09E-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Storage (✓3 compo.)

- 080 (req); 18A (multiple MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

- P04 in 20/30/40/50/60/70/80 (87) basin

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (SEE CODE CHART)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PDP/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① PDP/Lt 4, RV Acre 1st Add. ② Pou ③ W 32 1/2 in NENE, S33

- ④ 2/20/98

BENEFICIAL USE DUE:

- 8/1/ 1998

COMMENTS:

- Corp off.

Round Valley Area
Water Assoc. Inc

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DR DATE 12/28/89 APPLICATION NUMBER 72-07450

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

RECEIVED

JUL 25 1997

Department of Water Resources

***PROPOSED PRIORITY DATE 12/26/89

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

SWAN FALLS HOLD? NO

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Names & addresses of Association Officers (as of 4/89)
Date Requested 12/29
recd 11/17

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

FROM: Allen Merritt

DATE: July 23, 1997

TO: Application No. 72-07450

In the Name of: Round Valley Acres Water Association

SUBJECT: Review and Recommendation

This applications proposes to develop groundwater for domestic & irrigation use in a subdivision. (Actually the well has been developed and portion of the subdivision developed. The application has been held up by a protest by DEQ but this has been recently resolved.)

The development is in the Salmon River drainage which is open for groundwater appropriation. I recommend that the application be approved subject to the following conditions:

001, 003, 004, 021, 026, 046

Additionally

-The water supply system is subject to the Public Drinking Water System Rules.

MICROFILMED

AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1997

Round Valley Acres Water Assn.

PO Box 941

Challis, ID

83226

RE: Application For Water Permit 72-07450

Dear Sir;

Per your request, enclosed is an Assignment of Application For Permit form. As you have stated that you plan to assign this application to Tom Butts, this form must be completed and returned to this office with a \$25. processing fee.

If I can be of further assistance, feel free to contact me.

Regards,

James E. Stanton

Sr. Water Resource Agent

MICROFILMED

AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID K HUMBIRD-STOUT PRESIDENT
ROUND VALLEY ACRES WATER ASSOC INC
PO BOX 941
CHALLIS ID 83226

RE: Protested Application for Permit No. 72-07450

Dear Mr. Humbird-Stout:

We have received a withdrawal of the protest filed by the Idaho Department of Health & Welfare, Division of Environmental Quality against approval of the above referenced application.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

MICROFILMED

AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK LOWE
REGIONAL ADMINISTRATOR
ID HEW-DEQ
224 SOUTH ARTHUR
POCATELLO ID 83204-3202

RE: Application for Permit No. 72-07450 (Round Valley Acres Water Assoc.)

Dear Mr. Lowe:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

MICROFILMED

AUG 20 1997



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

Philip E. Batt, Governor

June 24, 1997

RECEIVED

JUN 25 1997

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Department of Water Resources
Southern Region

RE: Round Valley Water Association Application for Water Appropriation # 72-07450

Dear Mr. Merritt:

On January 15, 1990, this office protested the application for water appropriation # 72-07450 in the name of Round Valley Acres Water Association. Certain issues relating to the use of the water in as it pertained to the construction of the wells and distribution system needed to be resolved prior to the Division lifting the protest. These matters are presently being addressed by the owner. Therefore, the Division is requesting the protest against the application for water appropriation be withdrawn.

Should you have any questions, please feel free to call this office (208) 236-6160.

Sincerely,

Mark Lowe
Regional Administrator

cc: Tom Butts, Round Valley Water
David Humbird-Stout, Round Valley Water Assn.
Stephen Goddard, Deputy Atty. General
Jim Johnston/ Greg Eager, DEQ-Idaho Falls
Henry Moran/Bill Smith/ Blaine Drewes, DEQ-Pocatello.

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AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 1997

Round Valley Acres Water Association, Inc.
Attn: David K. Humbird-Stout, President
PO Box 941
Challis, ID 83226

RE: Request for Information
Application for Permit No. 72-07450 in the name of "Round
Valley Acres Water Association, Inc."

Dear Mr. Humbird-Stout:

Our office received your letter dated March 10, 1997 requesting certain information. Requests to obtain information from state agencies are governed by Idaho's Public Records Act. The department will make available for your inspection at our office or at the State Office in Boise all files and documents identified in your request. During inspection you have the right to make a photocopy of any public record. Unless a specific document or file is identified, the department is not in position, nor is it required under the Public Records Act, to sift through files and perform a search to extract special types of information for the requestor. As a matter of convenience, for those who live away from the department's offices, the department will photocopy the entire file and mail a copy of the contents for cost of copies & postage.

Although your letter does not identify specific documents or files, it appears that your association may be interested in application for water right permit 72-07450. Please find enclosed a copy of our office's entire file for the above referenced application. Please remit \$7.50 for copies and postage.

This application was filed on 12/26/1989 and was protested by the Department of Health and Welfare, Division of Environmental Quality (DEQ). This application is considered a contested case and no final action has been taken by the department. The department expects to set a hearing to resolve the protest since the applicant and protestant have yet to settle the protest. Please inform our office of possible dates in which the association would be available for such a hearing. Please find enclosed a copy of the department's "Rules of Procedure" on how contested cases are handled for your reference.

By copy of this letter to DEQ I will inform them of the department's intention to set a formal hearing for the matter of

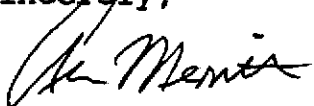
MICROFILMED

AUG 20 1997

protest of application 72-07450. Additionally I am forwarding a copy of your letter to DEQ since it appears DEQ is the most appropriate agency of state government to address the issues posed in the last several paragraphs of your letter.

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

Sincerely,



Allen Merritt, PE
Southern Region Manager

CC: DEQ - Pocatello *Blaine Drews*
IDWR - Phil Rassier, Glen Saxton

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AUG 20 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

RECEIVED

FAX NUMBER: (208) 327-7866

MAR 17 1997

Department of Water Resources
Southern Region

DATE: 3-17-97

TO: Allen Merritt FROM: Phil Rassier
So. Region

TRANSMITTAL COVER SHEET Transmittal Cover

COVER SHEET & 2 PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES

Allen,
Please give me a call with your
comments, as the meeting is on the 18th.

Phil

Post-it® Fax Note	7671	Date	# of pages ▶ 5
To Phil Rassier		From Allen Merritt	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

MICROFILMED

AUG 20 1997



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
JANICE L. HARRIS

March 18, 1997

Y. Harris

Mr. David K. Humbird-Stout
Round Valley Acres Water Association, Inc.
P.O. Box 941
Challis, Idaho 83226

RE: Public Records Act Request

Dear Mr. Humbird-Stout:

The Department of Water Resources (Department) received your letter dated March 10, 1997 requesting certain information and asked that I coordinate the Agency's response. Requests to obtain information from state agencies are governed by Idaho's Public Records Act I.C. § 9-337 et seq.

The Department will make available for your inspection during normal business hours at the Southern Region Office in Twin Falls and at the State Office in Boise all files and documents identified in your request. During the inspection you have the right to make a photocopy of any public record. Unless a specific document or file is identified, specifically, the Department is not in position, nor is required under the Public Records Act, to sift through files and perform a search to extract special types of information for the Requestor. As a matter of convenience for those who live away from the Department's offices, the Department will photocopy the entire file and mail a copy of the contents to a person so requesting at a rate of \$.05 per page.

Although your request does not identify specific documents or files, it appears that your association might be interested in the water right application files as well as the well drilling permit and report files. If your association prefers, the Department will gladly photocopy the entire contents of water right application files and the well drilling files and mail the copies to you in Challis. Please contact Allen Merrill at (208) 756-5053 to request the files I identified above or if you wish to make an appointment to visit the Southern Region Office to inspect and copy the any of the Department's public records.

Finally, the Department expects to set a hearing to resolve the protests filed in the water right proceeding in the near future. I have referred your letter to the Division of Environmental Quality (DEQ), the most appropriate agency of state government to address the issues posed in

MICROFILMED

AUG 20 1997

the last several paragraphs of your letter.

Sincerely,

John W. Homan

MICROFILMED
AUG 20 1937

Round Valley Acres Water Association, Inc.

**P.O. Box 941
Challis, Idaho 83226**

RECEIVED

March 10, 1997

MAR 17 1997

**Department of Water Resources
Southern Region**

Allen Merritt
Idaho Department of Water Resources(IDWR)
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Mr. Merritt:

Round Valley Acres Water Association is in the process of making a history of our Association water works. We feel that, by completing this history update, we will be assisting both your Organization and our Association. In the past, parties who attempted to obtain or supply information on our water works, has either given or received the wrong information, or has only found part of what we requested.

We are requesting the following information, under the Freedom of Information Act (FOIA):

- 1) Any and all plans, graphs, meeting records, and test reports.
- 2) All correspondence dealing with this water system both to and from your Organization.
- 3) Also, please include any and all waivers that we have, or should have.

Any costs incurred for requesting this information will be paid for by Round Valley Acres Water Association, upon receipt of your billing.

Round Valley Acres Water Association is taking this means to notify you that our Association is responsible ONLY for water testing and payment of electrical bills incurred. We are NOT responsible for maintenance improvements and equipment purchases necessary for bringing this water system up to code.

Our Association is requesting, at this time, that your Organization set a time and date for Mr. Tom Butts to bring this water system up to code. If Mr. Tom Butts fails to meet the due date set for these improvements, we request Court Action be taken against Mr. Butts (mandatory Court Orders and Fines) that would assist us in convincing Mr. Butts that we expect him to fulfill his promises to the Association for improving this system.

RECORDED

AUG 20 1997

The Association requests at this time that your Organization lift the Sanitation Restrictions, placed by Health and Welfare, on the existing homes of our water system, but leave the restrictions in place for all lots not having buildings or residences on them. We are also requesting your Organization send Documentation to the Custer County Courthouse, and have it made part of the Public Record, that further growth and additions to the Round Valley Acres Water System would be restricted.

Thank You!

David K. Humbird-Stout
David K. Humbird-Stout, President
Round Valley Acres Water Association

RECEIVED

AUG 20 1937

Round Valley Acres Water, Assoc.
P.O. Box 941
Challis, Idaho 83226

RECEIVED

MAR 17 1997
Department of Water Resources
Southern Region

1st Notice
2nd Notice
Return

Fold at line over top of envelope to
the right of the return address

CERTIFIED

P 251 824 138

MAIL

**RETURN RECEIPT
REQUESTED**

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



0000

U.S. POSTAGE
PAID
CHALLIS, ID
83226
MAR 11 '97
AMOUNT

\$2.52
00079136-03

NAME _____
1st Notice _____
2nd Notice _____
Return _____

AUG 20 1997

1341 Fillmore St #200
TF 83301-3380



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

November 28, 1995

William McCurdy
HC 63 Box 1722
Challis, ID 83226

RE: Application for Permit #72-07450

Dear Mr. McCurdy:

As discussed at the Notice of Violation Compliance Conference held in the DEQ office in Pocatello on November 9th, 1995, our office continues to hold the above referenced application for permit in the name of Round Valley Acres Water Association (RVAWA). At the conference I told you I would send you a copy of the application for your records. Please find a copy enclosed.

I ask that you keep our office informed of the current officials of RVAWA and their mailing address. Our office will continue to hold the application until the protest is resolved with DEQ. From the conference I understand that once DEQ gets as-built plans of the distribution system they will withdraw their protest. I gathered from the conference that these as-built plans may be provided by Mr. Butts to DEQ in the spring of 1996.

If you have questions of this water right matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

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AUG 20 1997

FROM: Allen Merritt

DATE: November 24, 1995

TO: FILE: 72-07450

SUBJECT: Pre-hearing Conference

On 11/9/95 I attended a compliance conference which was subject of the NOV sent out by DEQ to the Round Valley Acres Water Assoc. (RVAWA) and also Tom Butts, developer of the subdivision. Please find attached a copy of the roster of attendance. Since the applicant (RVAWA) and the protestant (DEQ) were represented at the conference I presented the information normally discussed at a pre-hearing conference and will consider the meeting a pre-hearing conference.

At issue was the development and operation of the public water supply system for the subdivision. DEQ issued a NOV containing 76 violations which can be categorized as follows:

- 1) Violations 1 through 61 are reporting and sampling violations for things such as coliforms, lead, copper, nitrate, nitrite, VOC's, SOC's.
- 2) Violations 62 through 75 are for various construction problems.
- 3) Violation 76 is for not having a valid water right.

RVAWA appeared to be responsible for the first 61 violations and Mr. Butts the remainder. It is important to note that the water right permit is in the name of RVAWA and is protested by DEQ because of deficiencies that may have been a result of inaction by the developer, Mr. Butts.

During the conference DEQ expressed a desire for measuring devices on each well individually (Rule 550.03.h of Rules for Public Drinking Water Systems). When pressed for reasoning for the measuring device they indicated that IDWR would require it for adjudication purposes. The owners indicated that the two wells have pitless adapters and are piped together before the common pipe runs up into the pressure tank house and then out to serve the subdivision network. They wanted to know why just one measuring device would not suffice at a point when the water leaves the pressure tank house. They asked me so I told them as long as all the water being used could be measured through one device that would be adequate for IDWR purposes. DEQ also expressed a desire that each well be vented (Rule 550.03.i). When pressed for reasoning for this they indicated that if not vented when water is pumped out then a vacuum may be created in the well which may tend to suck contaminants into the well. This seems illogical to me since their rule (550.03.j.iii) requires a watertight seal at the well. They didn't ask me about this but they decided that as long as the well cap met NSF approval it would be OK and this would meet

AUG 20 1997

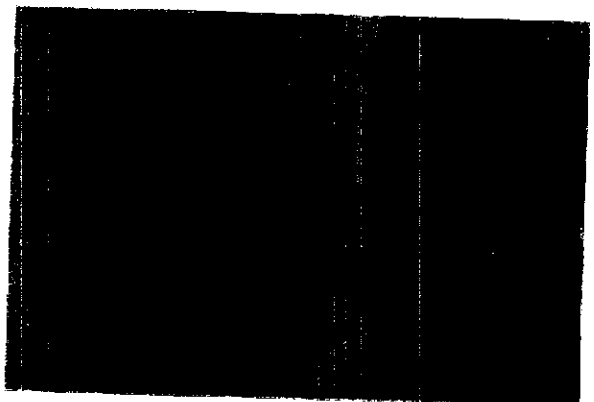
the venting requirement.

I suggested that in their consent agreement that they agree to withdraw the protest. DEQ did not agree to do this but indicated that if they get as-built plans that they would withdraw the protest. They outlined the time frame when this would be done and it appears that it may not get done until spring of 1996 by Mr. Butts. DEQ's attorney discussed that RVAWA was currently diverting water without a water right and IDWR was empowered to proceed with a separate NOV under IDWR statutes. I pointed out that it was a possibility but I would rather this thing get resolved and at present we were not moving in the direction of a separate NOV.

My thoughts on this matter is that DEQ is using a double hammer in this situation. They are holding up approval of a water right because of non-compliance with their rules and then are seeking civil penalties because they have no water right. I also have a problem with a separate NOV from IDWR for something DEQ is seeking civil penalties on through their own NOV; I think the State of Idaho should be speaking with one voice in this situation. I also have a problem with fining RVAWA for something that Mr. Butts is responsible for and appears to be the one which will be responding to DEQ for as-built plans.

I plan to send a copy of the original application to William McCurdy, president of RVAWA for his records and ask that he update our records for the current officials of the RVAWA. He indicated that when he took over the president job they were told the permit was denied.

I plan to put the application back in the hold file until next spring and see if DEQ gets as-built plans which will allow them to withdraw the protest.



NOT RECORDED

AUG 20 1997

NOV

Meetings in Pocatello DEQ Office

11/9/95

Name

Address

Phone #

Henry Moran

224 S. Arthur. Pocatello

236-6160

Greg Eager

DEQ - Idaho Falls

528-2650

Nora Fuentes

AG - DEQ

373-0494

Colleen Sweeney

DEQ - Boise

373-0289

Walt Gedy

Challis

879 5456

David K Humbel, Sr

Challis

879-4360

Andrea L. Humbird-Stout

Challis

879-4360

William E. McCurdy

Challis

879-4365

Tom B. Little

Crown

879-2255

Joan M. Angell

Pocatello

233-5440

Allen Merritt

IDWR
222 Shoshone St. E Twin Falls

736-3033

Blaine Drewes

DEQ Pocatello

236-6160

MICHELYN

AUG 20 1997

11/9/85

Ike McDugge
Tom Butts

Attorney

Nora Fuentes	DEQ	Attorney	A.G.
Henry Moran	DEQ	- Pocitello	
Diane Drewes	DEQ	- Pocitello	
Colleen Sweeney	DEQ		Central
Gregg Lager		DEQ - Idaho Falls	

Walt Getty

Mr. ~~Chris Hampton~~
Bill McCurdy

(Dave)

Bill McCurdy

Write testing Nov. 1999
meetings. Set questions answered
with DEQ

Oct 95 testing, sent in,

Prior to Nov 93 does not know east 1/2,

Received 1 sample/no. according to
sample plan.

- If hit
four repeat within 24 hrs.
- Following Mo. 5 samples.

Nov 4 1993 McCurdy & others took office

First Addition	7/8/1978
Second Addition	3/14/1979
3rd Addition	7/22/1981

2 wells Go 'appert in Lot 4 of
Round Valley Acres First Addition

Bill McCurdy
11/10/99

1965? first well 3400'
1979-1981 second well 330'

First well hooked on in 1974

- Plans submitted & approved by DEQ
- Requested AS built plans.
- ~~Butt~~ Installed by Tom Butts
- No certification of AS built not done.

Not feasible to get AS built,
until spring of 1996

I told them one hour device on
outflow from pressure tank OK.

NSF Approved well cap,
Properly vented well.



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 334-0502

Philip E. Batt, Governor

72-7450

gwe

October 10, 1995

CERTIFIED MAIL #P 111 468 095
RETURN RECEIPT REQUESTED

Mr. Thomas Butts
Round Valley Acres
PO Box 6
Challis, Idaho 83226

RECEIVED

OCT 18 1995

Department of Water Resources
Southern Region

RE: Notice of Violation for Round Valley Acres

Dear Mr. Butts:

Enclosed is a Notice of Violation resulting from violations of the Idaho Rules for Public Drinking Water Systems. You have fifteen (15) days to request a conference to develop a Consent Order which will include payment of the penalties and plans to assure future compliance with the regulations.

Arrangements for a compliance conference may be made by submitting a written request to George Spinner, Regional Administrator at the following address:

George Spinner
IDHW - Division of Environmental Quality
Southeast Idaho Regional Office
224 S. Arthur
Pocatello, Idaho 83204

Sincerely,

Colleen Sweeney
Colleen Sweeney
Water Quality Compliance Analyst

Enclosure

c: Richard Bly, D7
Nora Fuentes, DEQ/AG
Blaine Drewes, SEIRO
Walton C. Poole, DEQ
George Spinner, SEIRO
Dave Tomten, EPA
DWF.1

cc: IDWR

Allen Merritt

10-16-95

Per our discussion,

It would be good if someone from your office could attend from W.R. as well as W. standpoint. Would need to call Pocatello

on date of compliance conf.

MICROFILMED
AUG 20 1997

Thanks

gwe



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 334-0502

Philip E. Batt, Governor

October 10, 1995

CERTIFIED MAIL #P 111 468 096
RETURN RECEIPT REQUESTED

Round Valley Acres Water Association, Inc.
Mr. William McCurdy, President
HC 63, Box 1722
Challis, Idaho 83226

RE: Notice of Violation for Round Valley Acres Water Association,
Inc.

Dear Mr. McCurdy:

Enclosed is a Notice of Violation resulting from violations of the
Idaho Rules for Public Drinking Water Systems. You have fifteen
(15) days to request a conference to develop a Consent Order which
will include payment of the penalties and plans to assure future
compliance with the regulations.

Arrangements for a compliance conference may be made by submitting
a written request to George Spinner, Regional Administrator at the
following address:

George Spinner
IDHW - Division of Environmental Quality
Southeast Idaho Regional Office
224 S. Arthur
Pocatello, Idaho 83204

Sincerely,

Colleen Sweeney
Water Quality Compliance Analyst

Enclosure

c: Richard Bly, D7
Blaine Drewes, SEIRO
Nora Fuentes, DEQ/AG
Walton C. Poole, DEQ
George Spinner, SEIRO
Dave Tomten, EPA
DWF.1

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AUG 20 1997

NOTICE OF VIOLATION

ISSUED TO:

Mr. Thomas Butts, Owner/Developer
Round Valley Acres
PO Box 6
Challis, Idaho 83226

Round Valley Acres Water Association, Inc.
Mr. William McCurdy, President
HC 63, Box 1722
Challis, Idaho 83226

DATE:

October 2, 1995

Thomas Butts, Owner/Developer of Round Valley Acres, and Round Valley Acres Water Association, Inc. (hereinafter collectively referred to as Round Valley), PWS #7190042, are suppliers of water for a community drinking water system serving approximately 35 connections and 105 persons in Challis, Idaho. On November 23, 1994, the drinking water system was disapproved by the Idaho Department of Health and Welfare (Department).

Pursuant to the Idaho Environmental Protection and Health Act (EPHA), Idaho Code §§ 39-101 through 39-130, the Department has determined that the following violations of the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 8, Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994) have apparently occurred at the Round Valley drinking water system.

VIOLATIONS

*Monitoring,
1 thru 3)*

Violation 1:

Legal Provision Violated: IDAPA 16.01.08050.06 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08.050.06 incorporates by reference 40 CFR 141.63 which states, in part, that:

(a) The MCL is based on the presence or absence of total coliforms in a sample

NOTICE OF VIOLATION - 1

MICROFILMED

AUG 20 1997

....

(2) For a system which collects fewer than 40 samples/month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

Violation 1

12 #23

Round Valley exceeded the maximum contaminant level (MCL) for total coliforms during the month of January, 1994. Round Valley's failure to maintain compliance with the MCL constitutes a violation of IDAPA 16.01.08050,06.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Hit & follow up hit created exceedance of MCL

Violations 2-3:

Legal Provisions Violated: IDAPA 16.01.08100,01.a (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,01.a incorporates by reference 40 CFR 141.21 which states, in part, that:

....

(b) Repeat monitoring. (1) If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result . . . A system which collects one routine sample/month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found.

Violation 2

13 #24

Round Valley failed to collect a set of four (4) repeat samples following a coliform-positive routine sample collected during the month of November, 1993. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 3

19425
Round Valley failed to collect a set of four (4) repeat samples following a coliform-positive routine sample collected during the month of January, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 4-8:

Legal Provision Violated: IDAPA 16.01.08100,01.a (Idaho Rules for Public Drinking Water (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,01.a incorporates by reference 40 CFR 141.21 which states, in part, that:

. . . .

(b) (5) If a system collecting fewer than five routine samples/month has one or more total coliform-positive samples and the State does not invalidate the sample(s) . . . it must collect at least five routine samples during the next month the system provides water to the public

Violation 4

Round Valley failed to collect a set of five (5) routine samples during the month of December, 1993 following a coliform-positive routine sample collected during the month of November, 1993. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 5

16 26
Round Valley failed to collect a set of five (5) routine samples during the month of February, 1994 following a coliform-positive routine sample collected during the month of January, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 6

Round Valley failed to collect a set of five (5) routine samples during the month of March, 1994 following a coliform-positive routine sample collected during the month of February, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 7

Round Valley failed to collect a set of five (5) routine samples during the month of February, 1995 following a coliform-positive routine sample collected during the month of January, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 8

Round Valley failed to collect a set of five (5) routine samples during the month of May, 1995 following a coliform-positive routine sample collected during the month of April, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 9-11:

Legal Provisions Violated: IDAPA 16.01.08100,01.a (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,01.a incorporates by reference 40 CFR 141.21 which states, in part, that:

(a) Routine monitoring. (1) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system . . .

(2) The monitoring frequency for total coliforms for community water systems is based on the population served by the system, as follows: . . . minimum number of samples for a population of 25 to 1,000 served is 1 per month.

Violation 9

20,31 Round Valley failed to collect the monthly total coliform sample during the month of April, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 10

21,32 Round Valley failed to collect the monthly total coliform sample during the month of July, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 11

22,33 Round Valley failed to collect the monthly total coliform sample during the month of March, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 12:

Legal Provision Violated: IDAPA 16.01.08150,02 and 16.01.08150,01 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08150,02 incorporates by reference 40 CFR 141.32 which states, in part, that:

. . . .

(a) . . . The owner or operator of a public water system which fails to comply with an applicable MCL . . . shall notify persons served by the system as follows:

(1) . . . the owner or operator of a public water system must give notice:

(i) By publication in a daily newspaper of general circulation in the area served by the system as soon as

possible, but in no case later than 14 days after the violation of failure. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area; and

(ii) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. . . .

IDAPA 16.01.08150,01 incorporates by reference 40 CFR 141.31 which states, in part, that:

. . . .

(d) The water supply system, within ten days of completion of each public notification required pursuant to § 141.32, shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system

Violation 12

Round Valley failed to provide all consumers with the required public notification when the MCL was exceeded during the month of January, 1994 and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violations 13-22:

Legal Provision Violated: IDAPA 16.01.08150,02 and 16.01.08150,01 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08150,02 incorporates by reference 40 CFR 141.32 which states, in part, that:

. . . .

(b) . . . The owner or operator of a public water system which fails to perform monitoring . . . shall notify persons served by the system. . . .

IDAPA 16.01.08150,01 incorporates by reference 40 CFR 141.31 which states, in part, that:

....

(d) The water supply system, within ten days of completion of each public notification required pursuant to § 141.32, shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

Violation 13

Round Valley failed to provide consumers with the required public notification of the failure to collect a set of four (4) repeat samples within 24 hours of being notified of the positive result of a routine coliform sample taken during November, 1993, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 14

Round Valley failed to provide consumers with the required public notification of the failure to collect a set of four (4) repeat samples within 24 hours of being notified of the positive result of a routine coliform sample taken during January, 1994, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 15

Round Valley failed to provide consumers with the required public notification of the failure to collect at least five (5) routine samples during December, 1993, the next month following a coliform-positive sample taken during the month of November, 1993, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

NOTICE OF VIOLATION - 7

Violation 16

Round Valley failed to provide consumers with the required public notification of the failure to collect at least five (5) routine samples during February, 1994, the next month following a coliform-positive sample taken during the month of January, 1994, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 17

Round Valley failed to provide consumers with the required public notification of the failure to collect at least five (5) routine samples during March, 1994, the next month following a coliform-positive sample taken during the month of February, 1994, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 18

Round Valley failed to provide consumers with the required public notification of the failure to collect at least five (5) routine samples during February, 1995, the next month following a coliform-positive sample taken during the month of January, 1995, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 19

Round Valley failed to provide consumers with the required public notification of the failure to collect at least five (5) routine samples during May, 1995, the next month following a coliform-positive sample taken during the month of April, 1995, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 20

Round Valley failed to provide consumers with the required public notification of the failure to collect the monthly total coliform sample during the month of April, 1994, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 21

Round Valley failed to provide consumers with the required public notification of the failure to collect the monthly total coliform sample during the month of July, 1994, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 22

Round Valley failed to provide consumers with the required public notification of the failure to collect the monthly total coliform sample during the month of March, 1995, and failed to provide a copy of said notification to the Department. Round Valley's failure constitutes a continuing violation of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violations 23-33:

Legal Provisions Violated: IDAPA 16.01.08150,01 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08150,01 incorporates by reference 40 CFR 141.31 which states, in part, that:

. . . .

(b) . . . the supplier of water must report to the State within 48 hours the failure to comply with any national

primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

Violation 23

Round Valley failed to report to the Department within forty-eight (48) hours the exceedence of the MCL for total coliforms during the month of January, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 24

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect a set of four (4) repeat samples following a coliform-positive routine sample collected during the month of November, 1993. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 25

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect a set of four (4) repeat samples following a coliform-positive routine sample collected during the month of January, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 26

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect five (5) routine samples during the month of December, 1993 following a coliform-positive routine sample collected during the month of November, 1993. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 27

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect five (5) routine

samples during the month of February, 1994 following a coliform-positive routine sample collected during the month of January, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 28

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect five (5) routine samples during the month of March, 1994 following a coliform-positive routine sample collected during the month of February, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 29

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect five (5) routine samples during the month of February, 1995 following a coliform-positive routine sample collected during the month of January, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 30

Round Valley failed to report to the Department within forty-eight (48) hours the failure to collect five (5) routine samples during the month of May, 1995 following a coliform-positive routine sample collected during the month of April, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 31

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct total coliform monitoring during the month of April, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 32

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct total coliform monitoring during the month of July, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 33

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct total coliform monitoring during the month of March, 1995. Round Valley's failure constitutes a violation of IDAPA 16.01.08150,01

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Monitoring ↑

34 — 55

Lead Copper Monitoring

Violations 34-37:

Legal Provision Violated: IDAPA 16.01.08350,07 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08350,07 incorporates by reference 40 CFR 141.86 "Monitoring requirements for lead and copper in tap water" which states, in part, that:

. . . .

(c) Number of samples. Water systems shall collect at least one sample during each monitoring period specified in paragraph (d) of this section

Violation 34

Round Valley failed to monitor for lead and copper contamination during the first six-month monitoring period which began July 1, 1993. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08350,07.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 35

Round Valley failed to monitor for lead and copper contamination during the six-month monitoring period which began January 1, 1994. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08350,07.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 36

Round Valley failed to monitor for lead and copper contamination during the six-month monitoring period which began July 1, 1994. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08350,07.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 37

Round Valley failed to monitor for lead and copper contamination during the six-month monitoring period which began January 1, 1995. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08350,07.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 38-40:

Legal Provisions Violated: IDAPA 16.01.08100,03 and 16.01.08.100.08.a.i. (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,03 incorporates by reference 40 CFR 141.23 which states, in part, that:

. . .

(d) All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrate in § 141.62.

(1) Community and non-transient, non-community water systems served by groundwater systems shall monitor annually beginning January 1, 1993; . . .

(e) All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrite in § 141.62(b).

IDAPA 16.01.08.100.08.a.i states:

Initial monitoring for nitrate and nitrite must be completed before January 1, 1994 for . . . all ground water sources serving any public water system.

Violation 38

Round Valley failed to monitor for nitrate during the annual monitoring period beginning January 1, 1993 and failed to complete initial monitoring for nitrate before January 1, 1994. Round Valley's failure constitutes violations of IDAPA 16.01.08100,03 and 16.01.08.100.08.a.i.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 39

Round Valley failed to monitor for nitrate during the annual monitoring period beginning January 1, 1994 and ending December 31, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08100,03.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 40

Round Valley failed to conduct initial monitoring for nitrite before January 1, 1994. Round Valley's failure constitutes a violation of IDAPA 16.01.08.100.08.a.i.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 41-42:

Legal Provisions Violated: IDAPA 16.01.08100,04 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,04 incorporates by reference 40 CFR 141.24 which states, in part, that:

Organic chemicals . . .

(f) . . .

(4) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in § 141.61(a) (2) through (21) during each compliance period, beginning in the initial compliance period.

. . .

(h) . . .

(4) Monitoring frequency:

(i) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in § 141.61(c) during each compliance period beginning with the initial compliance period.

Violation 41

Round Valley failed to monitor and submit the results of four (4) consecutive quarterly samples for volatile organic chemicals (VOCs) during the initial compliance period, January 1, 1993 through December 31, 1995. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08100,04. VOC

PENALTY: THREE THOUSAND DOLLARS (\$3,000).

Violation 42

~~51.000~~
Round Valley failed to monitor and submit the results of four (4) consecutive quarterly samples for synthetic organic chemicals (SOCs) during the initial compliance period, January 1, 1993 through December 31, 1995. Round Valley's failure to monitor constitutes a violation of IDAPA 16.01.08100,04.

PENALTY: THREE THOUSAND DOLLARS (\$3,000).

dismissed

Violations 43-51:

Legal Provision Violated: IDAPA 16.01.08150,02 and
16.01.08150,01 (Idaho Regulations)

for Public Drinking Water Systems
(December, 1992 and as amended
through April, 1994)).

IDAPA 16.01.08150,02 incorporates by reference 40 CFR 141.32(b) which states, in part, that:

(b) *Other violations, variances, exemptions.* The owner or operator of a public water system which fails to perform monitoring . . . shall notify persons served by the system

IDAPA 16.01.08150,01 incorporates by reference 40 CFR 141.31(d) which states, in part, that:

(d) The water supply system, within ten days of completion of each public notification . . . shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

Violation 43

Round Valley failed to notify persons served by the system when it failed to monitor for lead and copper during the six-month monitoring period which began July 1, 1993 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by April 1, 1994, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 44

Round Valley failed to notify persons served by the system when it failed to monitor for lead and copper during the six-month monitoring period which began January 1, 1994 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by October 1, 1994, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 45

Round Valley failed to notify persons served by the system when it failed to monitor for lead and copper during the six-month monitoring period which began July 1, 1994 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by April 1, 1995, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 46

Round Valley failed to notify persons served by the system when it failed to monitor for lead and copper during the six-month monitoring period which began January 1, 1995 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by October 1, 1995, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 47

Round Valley failed to notify persons served by the system when it failed to monitor for nitrate by January 1, 1994 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by April 1, 1994, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 48

Round Valley failed to notify persons served by the system when it failed to monitor for nitrate during the annual monitoring period beginning January 1, 1994 and ending December 31, 1994 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by April 1, 1995, and Round Valley's failure to provide a copy of such notification to the

Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 49

Round Valley failed to notify persons served by the system when it failed to conduct initial monitoring for nitrite before January 1, 1994 and failed to provide a copy of such notification to the Department. Round Valley's failure to provide public notification by April 1, 1994, and Round Valley's failure to provide a copy of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 50

Round Valley failed to notify persons served by the system when it failed to monitor for VOCs and failed to provide copies of such notifications to the Department. Round Valley's failures to provide public notification by July 1, 1995 for failure to monitor during the first quarter ending March 31, 1995 and by October 1, 1995 for failure to monitor during the second quarter ending June 30, 1995, and Round Valley's failures to provide copies of such notifications to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 51

Round Valley failed to notify persons served by the system when it failed to monitor for SOC's and failed to provide copies of such notifications to the Department. Round Valley's failures to provide public notification by July 1, 1995 for failure to monitor during the first quarter ending March 31, 1995 and by October 1, 1995 for failure to monitor during the second quarter ending June 30, 1995, and Round Valley's failures to provide copies of such notification to the Department constitute continuing violations of IDAPA 16.01.08150,02 and 16.01.08150,01.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 52-60:

Legal Provision Violated: IDAPA 16.01.08150,01 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08150,01 incorporates by reference 40 CFR 141.31 which states, in part, that:

...
(b) except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

Violation 52

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct lead/copper monitoring during the six-month monitoring period which began July 1, 1993. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 53

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct lead/copper monitoring during the six-month monitoring period which began January 1, 1994. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 54

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct lead/copper monitoring during the six-month monitoring period which began July 1, 1994. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 55

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct lead/copper monitoring during the six-month monitoring period which began January 1, 1995. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

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Violation 56

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct nitrate monitoring by January 1, 1994. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Nitrate

Violation 57

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct nitrate monitoring during the annual monitoring period which ended December 31, 1994. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Violation 58

Round Valley failed to report to the Department within forty-eight (48) hours the failure to conduct initial nitrite monitoring before January 1, 1994. Round Valley's failure to report to the Department when it failed to monitor constitutes a violation of IDAPA 16.01.08150,01.

PENALTY: FIVE HUNDRED DOLLARS (\$500).

Nitrite

Violation 59

Round Valley failed to report to the Department within forty-eight (48) hours the failure to monitor for VOCs during the first quarter ending March 31, 1995; second quarter ending

NOTICE OF VIOLATION - 20

VOC

June 30, 1995; and third quarter ending September 30, 1995. Round Valley's failures to report to the Department when it failed to monitor constitute violations of IDAPA 16.01.08150,01.

PENALTY: FIFTEEN HUNDRED DOLLARS (\$1500).

Violation 60

Round Valley failed to report to the Department within forty-eight (48) hours the failure to monitor for SOC's during the first quarter ending March 31, 1995; second quarter ending June 30, 1995; and third quarter ending September 30, 1995. Round Valley's failures to report to the Department when it failed to monitor constitute violations of IDAPA 16.01.08150,01.

PENALTY: FIFTEEN HUNDRED DOLLARS (\$1500).

SOC

Violation 61:

Legal Provision Violated: IDAPA 16.01.08100,01.a (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08100,01.a incorporates by reference 40 CFR 141.21 which states, in part, that:

(a) Routine monitoring. (1) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to State review and revision.

Violation 61

Srtics p/24

Round Valley failed to submit a sample siting plan to the Department. Round Valley's failure to submit a sample siting plan constitutes a continuing violation of IDAPA 16.01.08100,01.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 62-63:

Legal Provision Violated: IDAPA 16.01.08550,02.a (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.a states that:

a. Each Well shall be located a minimum of fifty (50) feet from any potential source of contamination

Violation 62

Round Valley's well #1 is located less than fifty (50) feet from a road. Round Valley's failure to ensure that the well is located at least fifty (50) feet from a potential source of contamination such as a road constitutes a violation of IDAPA 16.01.08550,02.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Road problem

Violation 63

Round Valley's well #2 is located less than fifty (50) feet from a road. Round Valley's failure to ensure that the well is located at least fifty (50) feet from a potential source of contamination such as a road constitutes a violation of IDAPA 16.01.08550,02.a.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

obtain waiver

Transfer title to home owners at lot 2

Violations 64-65:

Legal Provision Violated: Idaho Code § 39-118 and IDAPA 16.01.08550,02.c and 08551,04.c (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

Idaho Code § 39-118 states, in part:

1. . . . Within thirty (30) days of the completion of construction, alteration, or modification of any . . . public water supply systems . . . , complete and accurate plans and

As built
plans

specifications depicting the actual construction, alteration, or modification performed must be submitted to the department

IDAPA 16.01.08550,02.c states that:

c. Upon completion of a groundwater source, the following information and data must be submitted by the water system to the Department:

- i. A copy of all well logs;
- ii. For all wells, test pumping data including sand production, static water level, yield, drawdown and duration of test pumping;
- iii. As constructed plans

IDAPA 16.01.08551,04.c states that:

Within thirty (30) days after the completion of construction, as constructed plans and specifications are to be submitted to the Department by an Idaho registered professional engineer

As built plans

Violation 64

well
logs

Round Valley failed to provide to the Department a copy of all well logs, test pumping data, and as constructed plans and specifications for well #1. Round Valley's failures to provide said information and data to the Department constitute continuing violations of Idaho Code § 39-118, IDAPA 16.01.08550,02.c, and IDAPA 16.01.08551,04.c.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Denning was driller
#2

well
logs

Violation 65

Round Valley failed to provide to the Department a copy of all well logs, test pumping data, and as constructed plans and specifications for well #2. Round Valley's failures to provide said information and data to the Department constitute continuing violations of Idaho Code § 39-118, IDAPA 16.01.08550,02.c, and IDAPA 16.01.08551,04.c.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violations 66-67:

Legal Provision Violated: IDAPA 16.01.08550,02.e (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.e states that:

A sample tap shall be provided on the discharge piping from every well . . .

one tap installed

Violation 66

tap
Round Valley failed to provide a sample tap on the discharge piping from well #1. Round Valley's failure to provide a sample tap on the discharge piping from well #1 constitutes a continuing violation of IDAPA 16.01.08550,02.e.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Dismiss

Violation 67

Round Valley failed to provide a sample tap on the discharge piping from well #2. Round Valley's failure to provide a sample tap on the discharge piping from well #2 constitutes a continuing violation of IDAPA 16.01.08550,02.e.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

flow devices

Violations 68-69:

Legal Provision Violated: IDAPA 16.01.08550,02.h (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.h states that:

h. A flow meter shall be installed on the discharge line of each well . . .

Violation 68

Round Valley failed to install a flow meter on the discharge line of well #1. Round Valley's failure to provide a flow

meter on the discharge line of well #1 constitutes a continuing violation of IDAPA 16.01.08550,02.h.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 69

Round Valley failed to install a flow meter on the discharge line of well #2. Round Valley's failure to provide a flow meter on the discharge line of well #2 constitutes a continuing violation of IDAPA 16.01.08550,02.h.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

no device

Violations 70-71:

Venting well.

Legal Provision Violated: IDAPA 16.01.08550,02.i and 16.01.08550,01 (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.i states that:

- i. All wells except flowing artesian wells shall be vented, with the open end of the vent screened and terminated downward at least eighteen (18) inches above the floor of the pump house.

IDAPA 16.01.08550,01 incorporates by reference "Recommended Standards for Water Works" section 3.2.7.5 which states, in part, that:

3.2.7.5 . . . Provisions shall be made for venting the well casing to atmosphere. The vent shall terminate in a downturned position, at or above the top of the casing or pitless unit

Violation 70

Round Valley failed to install a screened vent that terminated downward at least eighteen (18) inches above the floor of the pump house for well #1. Round Valley's failure to install a screened vent on well #1 constitutes a continuing violation of IDAPA 16.01.08550,02.i.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 71

Round Valley failed to install a screened vent that terminated downward at or above the top of the casing or pitless unit for well #2. Round Valley's failure to install a screened vent on well #2 constitutes a continuing violation of IDAPA 16.01.08550,01.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 72:

dismissed.

Legal Provision Violated: IDAPA 16.01.08550,02.k.i (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.k.i states that:

- i. Well houses shall be protected from flooding and be adequately drained.

Violation 72

Round Valley failed to provide a drain in the well house. Round Valley's failure to provide a well house drain constitutes a continuing violation of IDAPA 16.01.08550,02.k.i.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 73:

dismissed.

Legal Provision Violated: IDAPA 16.01.08550,02.k.ii (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.k.ii states that:

- ii. Well houses shall be provided with a locking door or access to prohibit unauthorized entrance.

Violation 73

Round Valley failed to provide a locking door or access to the well house. Round Valley's failure to provide a locking door

to the well house constitutes a continuing violation of IDAPA 16.01.08550,02.k.ii.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 74:

dismissed

Legal Provision Violated: IDAPA 16.01.08550,02.k.iii (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.k.iii states that:

iii. Well houses shall be kept clean and in good repair and shall not be used to store toxic or hazardous materials.

Violation 74

Round Valley stored PVC glue in the well house. Round Valley's storage of toxic or hazardous materials in the well house constitutes a continuing violation of IDAPA 16.01.08550,02.k.iii.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

Violation 75:

Legal Provision Violated: IDAPA 16.01.08550,05.i (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,05.i states that:

i. All dead end water mains shall be equipped with a means of flushing and shall be flushed at least semiannually.

Violation 75

Round Valley did not provide dead end lines with a means of flushing and has failed to flush the water mains at least semiannually. Round Valley's failure to provide a means to flush dead end lines and failure to flush at least semiannually constitute continuing violations of IDAPA 16.01.08550,05.i.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

NOTICE OF VIOLATION - 27

Violation 76:

Legal Provision Violated: IDAPA 16.01.08550,02.b (Idaho Regulations for Public Drinking Water Systems (December, 1992 and as amended through April, 1994)).

IDAPA 16.01.08550,02.b states that:

Each well shall comply with the minimum 1988 Well Construction Standards and with the permitting requirements of the Idaho Water Resources Board, as set forth in Subsection 16.01.08002 01.f . . .

Violation 76

Round Valley failed to comply with the minimum well construction standards and permitting requirements of the Idaho Water Resources Board. Round Valley's failure to obtain a valid water right is a continuing violation of IDAPA 16.01.08550,02.b.

PENALTY: ONE THOUSAND DOLLARS (\$1,000).

TOTAL PENALTY: SIXTY-THREE THOUSAND DOLLARS (\$63,000)

TIMETABLE

Round Valley may submit a written request for a compliance conference with the Department to discuss the violations and to consider entry into a Consent Order which shall include a plan to bring the water system into compliance with the Idaho Rules for Public Drinking Water Systems. A Consent Order shall also include provisions for payment of civil penalties.

To arrange a compliance conference, Round Valley must contact the Department in writing within fifteen (15) days of receipt of this Notice of Violation. Failure to arrange a compliance conference may result in a civil action in district court to require compliance, payment of penalties, payment of Department expenses, injunctive relief, and all other remedies provided by law.

The compliance conference will be held at the Division of Environmental Quality, 224 South Arthur, Pocatello, Idaho.

Inquiries or correspondence concerning this Notice of Violation shall be directed to:

George Spinner
Regional Administrator
IDHW - Division of Environmental Quality
Southeast Idaho Regional Office
224 South Arthur
Pocatello, Idaho 83204

Dated this 2ND day of OCTOBER, 1995.

W. N. Cory
for Wallace N. Cory, P.E., Administrator
Division of Environmental Quality
Idaho Department of Health and Welfare

=====

DATE

CUSTOMER

September 15, 1995 11:20am

COLLEEN SWEENEY, DEQ, BOISE

SUBJECT: APPLICATION FOR PERMIT 72-07450/ROUND VALLEY ACRES INC.
phone call (X) walk-in (.)

COLLEEN WANTED TO KNOW IF WE HAD HAD ANY FURTHER COMMUNICATION FROM APPLICANT SINCE DEQ HAD PROTESTED THE APPLICATION. MARY B. AND I PULLED THE FILE AND FOUND THE LATEST DOCUMENT IN THE FILE WAS A LETTER REGARDING A PRE-HEARING CONFERENCE DATED APRIL 2, 1990. I RELAYED THIS TO MS. SWEENEY. SHE STATED THAT ROUND VALLEY HAS CONTINUED WITH DEVELOPMENT AND THAT DEQ HAS 75 VIOLATIONS ON FILE AGAINST THEM AND THAT DEQ WAS GOING TO PROCEED WITH ENFORCEMENT ACTIONS.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301
(208) 734-3578

02-Apr-1990

Walton C. Poole
Idaho Dept. of Health & Welfare
Division of Environmental Quality
224 South Arthur
Pocatello, ID 83204

Re: 72-07450, Round Valley Acres Water Assoc.

Dear Mr. Poole:

Please be advised that the pre-hearing conference scheduled for Thursday, April 5, 1990 in Challis has been cancelled due to conflicting schedules of parties.

I plan to be present at a meeting set for Monday, April 23 by the IDHW Division of Environment at which we can discuss water rights issues involving this project.

If you have any questions regarding this matter, please feel free to contact me.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E., Twin Falls, Idaho 83301

(208) 734-3578

02-Apr-1990

Round Valley Acres Water Assoc.
HC 63, Box 1718
Challis, ID 83226

Re: 72-07450, Round Valley Acres Water Assoc.

Gentlemen:

Please be advised that the pre-hearing conference scheduled for Thursday, April 5, 1990 in Challis has been cancelled due to conflicting schedules of parties.

I plan to be present at a meeting set for Monday, April 23 by the IDHW Division of Environment at which we can discuss water rights issues involving this project.

If you have any questions regarding this matter, please feel free to contact me.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

72-7450

Walton C. Poole
Idaho Dept. of Health & Welfare
Division of Environmental Quality
224 South Arthur
Pocatello, ID 83204

4. Article Number

984

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

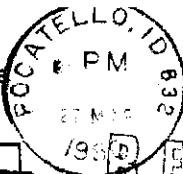
3-27-90

8. Addressee's Address (ONLY if requested and fee paid)

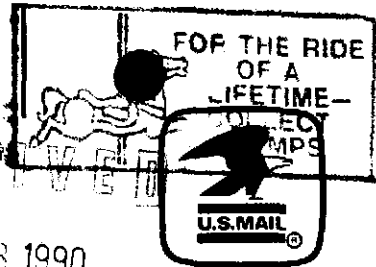
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AUG 20 1987

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MAR 28 1990

Department of Water Resources
Southern Region Office

PENALTY FOR PRIVATE
USE, \$300

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TO



Print Sender's name, address, and ZIP Code in the space below:

1990 02 09

CLAIMED

Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301



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Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

72-7450

Round Valley Acres Water Assoc.
HC 63, Box 1718
Challis, ID 83226

4. Article Number

985

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and **DATE DELIVERED**.

5. Signature - Address

X *J. Campbell*

6. Signature - Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if
requested and fee paid)

AUG 20 1987

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OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
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 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

REGISTERED MAIL

MAR 28 1990



Department of Water Resources
Southern Region Office
PENALTY FOR PRIVATE
USE, \$300

1661 02 00N
Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

NAME AND
ADDRESS
OF SENDER

IDWR

3/23/90

Indicate type of mail

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☐ Insured
☐ COD
☐ Certified ☐ Express Mail
Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance
Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	984 ✓	IDHW-DEQ Re-72-7450	25	.85	.95	2.05						
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Total Number of Pieces
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The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 72-7450)
_____)

Round Valley Acres Water)
Association Inc.,)

Applicant)

Idaho Department of Health &)
Welfare, Division of)
Environmental Quality,)
Protestant)
_____)

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Groundwater

COUNTY: Custer

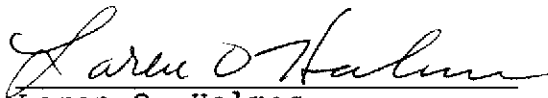
On December 26, 1989, Round Valley Acres Water Association Inc, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 18, 1990, the Department received a protest against the approval of said application from the Idaho Department of Health & Welfare, Division of Environmental Quality.

The Department has set the matter of protest for conference for Thursday, April 5, 1990 at 9:00 AM, in the conference room at the Northgate Inn, ¼ mile North of the city center on Highway 93 in Challis.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 23 day of March, 1990.


Loren O. Holmes
Southern Region Manager

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Attachment to letter dated February 28, 1990

To all parties in the matter of
Application for permit No. 72-07450
In the name of Round Valley Acres Water Assoc.

**PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE**

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 28, 1990

Round Valley Acres Water Assoc.
HC 63, Box 1718
Challis, ID 83226

Re: Application for permit No. 72-07450, Round Valley Acres Water Assoc.

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly to determine nature of the protest and to determine if it is possible to resolve the protest without action by the department.

The attachment to this letter describes the issues which the department must consider in taking action on an application for permit. It also gives a brief description of the procedure followed in holding a pre-hearing conference.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 3, 1990. Notices formally setting the conference time and place will be mailed about March 14.

If you have any questions regarding this matter, please feel free to contact this office.

Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 28, 1990

Walton C. Poole
Idaho Dept. of Health & Welfare
Division of Environmental Quality
224 South Arthur
Pocatello, ID 83204

Re: Application for permit No. 72-07450, Round Valley Acres Water Assoc.

Dear Mr. Poole:

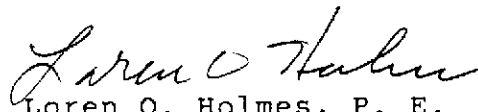
Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the protest without action by the department.

The attachment to this letter describes the issues which the department must consider in taking action on an application for permit. It also gives a brief description of the procedure followed in holding a pre-hearing conference.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 3, 1990. Notices formally setting the conference time and place will be mailed about March 14.

If you have any questions regarding this matter, please feel free to contact this office.

Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water Resources
2148 4th Ave East
Twin Falls, Id 83301*

Job No.	Date	DESCRIPTION	Amount
	1-25-90	Notice of Application for Water Right Jan 18+25, 1990 62 lines 71-07132, 72-07450, 72-07451	\$64.17
	1-25-90	Notice of Application for Water Right Jan 18+25, 1990 71-07131, 72-07446, 72-07447 58 lines	\$60.03
RECEIVED JAN 26 1990 Department of Water Resources Southern Region Office OK mb 2/5/90			

A finance charge of 1% percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Jan 18 1990 and ending with the issue dated Jan 25 1990

Margaret Parks

RECEIVED

STATE OF IDAHO

JAN 26 1990

COUNTY OF CUSTER }
Department of Water Resources
Southern Region Office }

On this 25th day of Jan in the year of 1990, before me, a Notary Public,

personally appeared Margaret Parks, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Edith M. Beck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-21-92

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

71-07132

FUNDERBURG, JERRY
FUNDERBURG, JAMES M.
C/O JERRYS COUNTRY STORE
HC 67 BOX 300
STANLEY, ID 83278
Source: GROUNDWATER
Diversion Pt: LOT 2 (NENWNE).

Sec 3 T 10N R 13E

Use: COMMERCIAL (.060 CFS)

Total Diversion: (.060 CFS)

Date Filed: 12/07/1989

In: T10N R13E S03 Lot 2 (NWNE)

72-07450

ROUND VALLEY ACRES WATER
ASSOC. INC.

HC 63 BOX 1718

CHALLIS, ID 83226

Source: GROUNDWATER

Diversion Pt: NENE Sec 33 T 14N R 19E

Use: IRRIGATION (.900 CFS)

DOMESTIC (.450 CFS)

Total Diversion: (1.350 CFS)

Date Filed: 12/26/1989

In: T14N R19E S27 SWSW

S28 SESE

S33 NENE

S34 NWNW

45.0 ACRES TOTAL

72-07451

JOHNSON, PHILLIP A.

JOHNSON, VALERIE L.

HC 67 BOX 725

CLAYTON, ID 83227

Source: GROUNDWATER

Diversion Pt: NENWSE Sec 29 T 11N R 16E

NWNWSE Sec 29 T 11N R 16E

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 12/13/1989

In: T11N R16 E S29 NWSE

The application(s) alleges completion of development and beneficial use of water described above prior to October 1, 1984. If approved, the permit(s) will be subject to all prior water rights except subordinated hydropower rights. Protest must be filed with the Director, Department of Water Resources, 2148 4th Avenue East, Twin Falls, ID 83301 on or before February 5, 1990.

R. KEITH HIGGINSON, Director
Pub: Jan. 18 & 25, 1990.



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

224 South Arthur
Pocatello, Idaho 83204
(208) 236-6160

CECIL D. ANDRUS
Governor
RICHARD P. DONOVAN
Director

January 15, 1990

RECEIVED

JAN 16 1990

Department of Health and Welfare
Division of Environmental Quality

Mr. Douglas Jones, EIT
Water Resources Engineer
Idaho Department of Water Resources
2142 4th Avenue East
Twin Falls, ID 83301

Dear Mr. Jones:

I am writing to your office concerning the application for permit No.72-07450, Round Valley Acres Water Association. There are some issues involving the use of the water by the owner that must be resolved as pertains to construction of the well(s) and distribution system. Until this office has received updated and correct response to our regulations, I would like to protest the issuance of a permit to appropriate state waters. If I can answer any questions, please don't hesitate to call this office (236-6160).

Sincerely,

Walton C. Poole

Walton C. Poole, Ph.D.
Water Quality Field Supervisor

WCP/nn

cc: Paul Jehn, IDHW-DEQ, Boise

Protest by DEQ

FROM Doug Jones

DATE 11/17/90

TO File 72-07450

SUBJECT Additional information requested

1) Pre '84 development information requirement
not applicable to Non-Trustwater application.

2) * Officers : Ray Cullinane, Pres., H.C. 63, Box 178, Challis
Ron Yacomella, V P, H.C. 63, Box 178, Challis
Jean Yacomella, Sec/Treas, H.C. 63, Box 178, Challis

* Per telecon w/ Jean Yacomella, this day

MICROFILMED

AUG 20 1991

Douglas Jones
SIGNATURE

72-07450

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72-07450 ✓

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Protest must be filed with the Di-

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February 5, 1990.

R. KEITH HIGGINSON, Director

Pub: Jan. 18 & 25, 1990.

OK
1-19-90

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R. Keith Higginson, Director

Published 1/18 & 1/25/90.

02-Jan-1990

Idaho Dept. of Health & Welfare
Division of Environmental Quality
P.O. Box 4889
POCATELLO ID 83201

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for
Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

DECEMBER 29, 1989

CUSTER PUBLISHING COMPANY
P.O. BOX 405
CHALLIS, ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 5, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

29-Dec-1989

Round Valley Acres Water Assoc. Inc.
HC 63 Box 1718
CHALLIS ID 83226

Re: Application for Permit No. 72-07450

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Challis Messenger on 1/18 & 1/25/90. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks. Please see attached list for additional information requirement.

Additional information required before final regional review of the application includes evidence of development prior to October 1, 1984 such as ASCS area photos predating 1984 with a signed statement from an ASCS agent or power bills predated October 1, 1984 for meter specifically servicing well.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

RECEIVED

DEC 27 1989

S. Region
5/89

Application No. 72.07450

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.