

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant JAMES S. READ Phone 852-3944

Post office address Rt. 2 Box 382, Preston, ID 83263

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 14S

Range 40E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.2 for Recreational purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.07 for Heating purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.2 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 20" well maximum, recreational pools will be located adjacent to well. Water will be discharged into Bear River after use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20" inches; proposed depth of well is 80 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 14S
Range 40E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Recreational use, water to be used in a hot bath pool, jacuzzi pools and water slide, water is naturally hot.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

Use of a small existing well

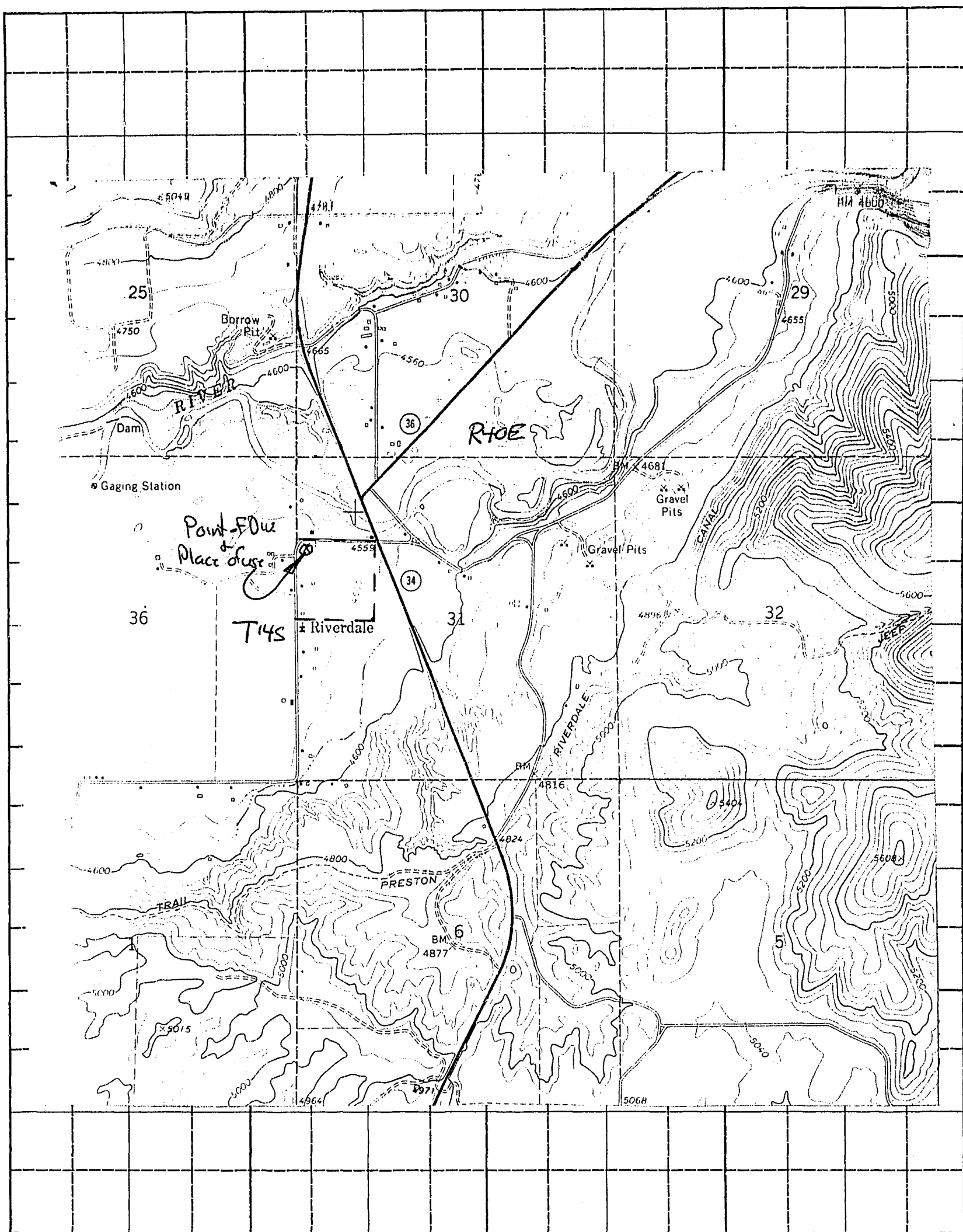
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks Applicant has purchased the parcel of property the well is located on. The water that comes from an existing well is about 111°F. Applicant desires to drill a new well and use the hot water for recreational purposes

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



Scale: 2 inches equal 1 mile.

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.

James H. Reed
(Applicant)

Proposed Priority 7/27/84

Received by HUT Date 7-27-84 Time 4:11 pm
Preliminary check by Gr Fee \$ 65.00 # 34552
Receipted by HRI Date 7-27-84
Publication prepared by Cy Date 8-1-84
Published in Preston Citizen
Publication dates Aug. 9 & 16, 1984
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC kw

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. 13-7420, and said application is hereby APPROVED.

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 January 1, 19 90.
- 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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Use of water under this permit shall be non-consumptive.
Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

Witness my hand this 25th day of January, 1985.

J. Glen Saxton
Chief, Operations Bureau

#875 AUG 23 1984

No 2158

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Aug 9, 1984, and ending
with the issue of Aug 16, 1984.

Fee \$ 20.13

Subscribed and sworn to before me this 31st day
of Aug, 1984.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1984.

RECEIVED

SEP 7 1984

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7420

READ, JAMES S.

RT: 2 BOX 382, PRESTON, ID 83263

Source: GROUND WATER

Date Filed: 07/27/1984

Diversion Pt: SWNW Sec 31 T 14S R 40E

Use: HEATING (0.07 CFS)

Use: RECREATION (1.20 CFS)

In: SWNW Sec 31 T 14S R 40E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 27, 1984.

KEN DUNN, Dir.

Published 8/9 & 8/16/84.

Legal No. 2158 -23L- Published August 9, 16, 1984.

13-7420

READ, JAMES S.

RT. 2 BOX 382, PRESTON, ID 83263

Source: GROUND WATER

Date Filed: 07/27/1984

Diversion Pt: SWNW Sec 31 T 14S R 40E

Use: HEATING (0.07 CFS)
RECREATION (1.20 CFS)

In: SWNW Sec 31 T 14S R 40E

*provided by phone
8-6-84
ej*

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 27, 1984.

KEN DUNN, Dir.

Published 8/9 & 8/16/84.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 1, 1984

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before AUGUST 27, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

G. E. RAMSEY

INITIAL REVIEW BY: _____

APPLICATION NUMBER: 13 7420

CHECK:

JUL 30 1984

- ☒ Source.
- ☒ Point of diversion.
- ☒ County.
- ☒ Quantity of water and period of use.
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map.
- ☒ Signature.
- ☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
- ☐ Yes ☒ No Critical groundwater area.
- ☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
- ☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☒ Other GORDON HORSER HSW

Copies sent by: CW

Date: 8-03-84

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
- ☒ Yes ☐ No Other rights on same place of use. _____
11-0277 11-0278
- ☒ Yes ☐ No* In form for advertising.
- ☐ Yes ☒ No Final date for protests: Aug. 27, 1984
- ☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
- ☐ Application published correctly. If not, record action taken: _____
- ☒ Fee amount, receipt date & number, recorded on application.
- ☒ Publication dates and paper, recorded on application.
- ☒ Protests, dates, withdrawal, etc., recorded on application.
- ☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No Measuring device required.
- ☐ Yes ☒ No Access port required.
- ☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 11
- 7-27-84 Date of priority recommended.

Special conditions of approval or cover letter.

Note: Send letter explaining watermaster control over groundwater appropriation in Bear River drainage.

Code 09C, 26

By: Ernest Carlson

Date: Sept. 19, 1984

STATE OFFICE REVIEW:

#117, L17 27 09D 26 01E 05(11, Bear River)

- ☐ See attached sheet for more information.

By: CW

Date: 9-25-84

Department of Water Resources

RECEIVED
SEP 24 1984

use Bear River letter

August 3, 1984

RE: Application for Permit No. 13-7420 READ

Department of Health & Welfare
150 North Third
Pocatello, ID 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is August 27, 1984, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
150 North 3rd Avenue
Pocatello, Idaho
83201

August 9, 1984

Mr. James S. Read
Rt. 2, Box 382
Preston, Idaho 83263

RE: Idaho Department of Water Resources Application
for Permit #13-7420 and Application for NPDES
Discharge Permit #ID-002608-5

RECEIVED

AUG 13 1984

Department of Water Resources
Eastern District Office

Dear Mr. Read:

We have been apprised of your application for permit to appropriate the public water of the State of Idaho for recreation purposes and of your application for permit to discharge hot water to the Bear River.

Section 1-7004 of Rules and Regulations of Public Swimming Pools in Idaho requires that plans and specifications be approved by the Division of Environment before construction begins. Section 1-7511.01 requires a recirculating system. Both your application for appropriating water and your application for discharge permit appear to provide enough capacity for a flow through system, and FLOW THROUGH SYSTEMS WILL NOT BE ALLOWED.

If you have any questions or we can be of help to you, feel free to call 236-6160.

Sincerely,

Elmer W. "Bill" Smith, P.E.
Environmental Engineer

ES:jd

cc: S.E. District Health Dept. - Preston
EPA - Boise, Attn: Nickie
Jerry Yoder - Boise
Gordon Hopson - Pocatello
Earnest Carlsen - Water Resources

EQUAL OPPORTUNITY EMPLOYER

August 28, 1984

RE: Application for Permit No. 13-7420 READ
Application for Transfer No. 11-0863/0864 Amended JOHNSON

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 9 and 16, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

UTAH POWER & LIGHT COMPANY

1407 WEST NORTH TEMPLE STREET

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

August 31, 1984

RECEIVED

SEP 4 1984

Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Idaho Dept. of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Application 13-7420 (recreation use - Bear River)

Dear Ernest:

Regarding the above-referenced application, we have discussed the proposed development and use with the applicant, Mr. James S. Read. We have no objection to your approving the application provided the overflow water is not reused consumptively for irrigation after being discharged into a canal for conveyance back to the Bear River.

If you have any questions, please feel free to contact us.

Truly yours,



Carly Burton
Hydrological Supervisor

cm

cc: James S. Read
Jody Williams, Legal Dept.

Telecon: 9-19-84 - Mr. Burton told me he has reviewed the plans for Mr. Read's project and has no objections. He realizes the Dept. can not condition the permit to prevent use of the overflow before it gets to the Bear River.

Ernest

October 11, 1984

RE: Application for Permit No. 13-7420

James S. Read
Rt. 2, Box 382
Preston, ID 83263

Dear Mr. Read:

This correspondence is in reference to application for permit 13-7820 in which you requested 1.2 cfs for recreational purposes and 0.07 cfs for heating.

The rate of flow for recreation flow appears to be quite large for the use identified. Before the Department can approve your application, more information is required to show that the 1.2 cfs requested is needed.

Please submit plan specifications and any other information to show that 1.2 cfs is required, on or before November 12, 1984.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ;sc

Dallin J. Phillips

Attorney at Law

P.O. Box 429
8 No. State, Suite #201
Preston, Idaho 83263
(208) 852-2030

October 18, 1984

Attention: Mr. Jim Johnson

State of Idaho
Department of Water Resources
450 West State Street
Boise, ID

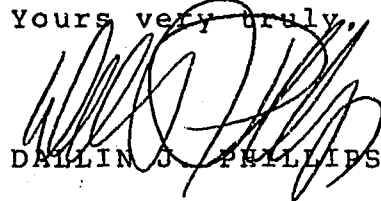
Re: Application for Permit No. 13-7420
Jim Read-Swimming Pool
Our File No. 523.3

Dear Mr. Johnson:

In reference to your letter of October 11, 1984, to Mr. James Read of Preston, Idaho, I'm enclosing herein copies of the blue prints for the hot bath and jacuzzi pool that is now under construction. In addition to these pools, there will be a 45x75 swimming pool, as well as a water slide. These figures were arrived at in the Department of Water Resources office in Idaho Falls as we met with one of the individuals up there. Basically the hot bath facility and jacuzzi pool is going to be a flow through facility and the swimming pool and slide, when complete will not be flow through, but will be using a great deal of water to maintain temperatures. If you feel that this is an excessive amount, would you please inform us of your basis for determining this. For your information, Lava Hot Springs flows through approximately 800,000 gallons of water daily and I believe this is just on the hot bath facility, however I may be in error.

If you have any further questions concerning this, or would like to discuss it further, feel free to contact me at my office.

Yours very truly,


DALLIN J. PHILLIPS

DJP:bk

Enclosure

RECEIVED
OCT 22 1984

Department of Water Resources



**MAP(S) TOO
LARGE TO FILM -
SEE FILE...**



February 12, 1985

RE: Permit No. 13-7420

James S. Read
Rt. 2, Box 382
Preston, ID 83263

Dear Mr. Read:

Enclosed is a copy of your approved application for permit. Note that one of the conditions of approval is that diversion of water is subject to the control of the Bear River watermaster. The reason for this is that some hydrologic studies of the Bear River indicate that wells constructed in the sand and gravel aquifers of the area may intercept water that otherwise would have entered the Bear River. However, the extent of the alluvial material thickness is not known nor is the precise degree of interference of wells with the Bear River surface water flows. Studies do indicate that as much as 50% of the water diverted from a well located one mile from the river would have reached the Bear River if impermeable layers of clay on hard rock do not separate the river from the aquifer from which the well is producing.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users with earlier rights of their water supply.

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the Bear River and tributaries. If this were to occur, it would essentially mean that there would not be water available for a 1984 priority diversion from your well since the Bear River surface water system is fully appropriated. By locating your well as far from the river as possible and by casing out upper water producing zones as the well is constructed, you may be able to reduce the amount of interference with the river.

DATE: February 12, 1985
RE: Permit No. 13-7420
PAGE: 2 of 2

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 13-7420 IN THE NAME OF	)	ORDER OF REINSTATEMENT
JAMES S. READ	)	

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On January 25, 1985 the Director of the Department of Water Resources issued Permit No. 13-7420 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1990.
2. On October 31, 1989 the Department sent a proof due notice to the permit holders.
3. On January 10, 1990 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.
4. On May 4, 1990 Proof of Beneficial Use was received by the Department from the permit holders.
5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received,

upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders submitted evidence to confirm that water has been put to beneficial use. Evidence includes: three signed statements from individuals knowledgeable of the permit holder's operation attesting to beneficial use of water and completion of the permitted project prior to 1990; and two newspaper articles dated in 1986 and 1988 respectively providing evidence of completed development prior to 1990.

7. An attorney for the permit holder submitted a written statement stating that he (the attorney) had caused some delay in submitting the proof statement. The attorney stated he had overlooked paper work for the permit during a time in which he was closing down his legal practice and had a child in the hospital.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was

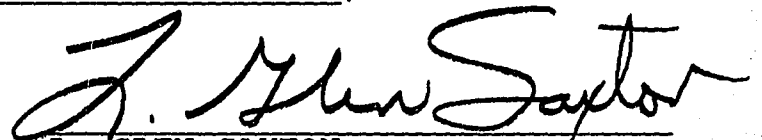
received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 13-7420 is
reinstated.

IT IS FURTHER ORDERED that the date of priority of this
permit is advanced to May 4, 1990.

Dated this 23rd day of October, 1990.


L. GLEN SAXTON
Chief, Water Allocation Bureau

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 13-7420

Name(s) of Permit Holder(s): JAMES S. READ

Post Office Address: RT. 2 Box 382

PRESTON, ID. 83263

Tel. No. 852-3944

☒ I hereby certify that construction of diversion works for the above referenced permit began on 9-4-84 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

2-15-85
Date

James S. Read
Signature of Permit Holder

JAMES S READ
Rt. 2 Box 382
PRESTON, ID



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
FEB 22 1985 STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

138751
October 31, 1989

JAMES S. READ
RT. 2 BOX 382
PRESTON, ID 83263

PROOF DUE NOTICE
RE: PERMIT NO. 13-07420

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

January 10, 1990

JAMES S. READ
RT. 2 BOX 382
PRESTON, ID 83263

LAPSE NOTICE

RE: PERMIT NO. 13-07420

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated October 31, 1989.

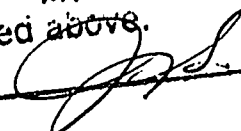
Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

CERTIFICATION OF MAILING
I hereby certify that on 1-15-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.


April 30, 1990

James S. Read
3696 North 1600 East
Preston, ID 83263

Dear Mr. Read:

Re: Permit No. 13-7420

Returned is the proof of beneficial use form submitted to this office on March 22, 1990.

Please sign and return the form to have the permit reinstated.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

Form 217,
08/89

RECEIVED

MAR 22 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

For Office Use Only

Am't. of Fee \$

Received by

RECEIVED

MAY 04 1990

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 13-07420 Telephone No. 852-0266

Name(s) of Permit Holder(s): JAMES S. READ

Post Office Address: 3696 North 1600 East, Preston, ID 83263

Source of Water: Well

If ground water, well driller's name: Wright Drilling Co. Date drilled: Aug. 22, 1984

Extent of Use:
Domestic (No. of households) Irrigation (No. of acres)
Stockwater (No. and type of stock) Other recreational

Total rate and/or volume for which proof is submitted 1.2 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: Aug. 22, 1984

One of the following may be a condition of approval of your permit:

Measuring device: Required? X Yes No Installed? X Yes No
LOCKABLE Required? X Yes NO OR X Yes

Flow Measurement Port: Required? Yes No Installed? Yes No

Fee Enclosed: \$ 25.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

JAMES S. READ (208) 852-0266
Name Telephone No.

3696 North 1600 East, Preston, ID 83263
Address

The above information 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.

5-1-90
Date

James S. Read
Signature (and title if on behalf of a company or organization)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 5, 1990

RE: Permit No. 13-7420

James S. Read

Dear Permit Holder(s):

The Department received your proof of beneficial use statement for the above referenced permit on March 22, 1990. The permit lapsed January 1, 1990 so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely

TIM LUKE
Sr. Water Resource Agent

TL:sc

WE BEGAN BENEFICIAL USE IN JAN, 1988
RE: PERMIT # B-7420

RIVERDALE RESORT

6 MILES NORTH OF PRESTON ON HIGHWAY 34
PRESTON, IDAHO 83263
PHONE (208) 852-0265

NATURAL HOT WATER POOLS

Weekdays - 11 a.m. - 10 p.m. (Open Year Round)

Sundays - 11 a.m. - 8 p.m. (Memorial Day - Labor Day)

SUPER SLIDE

SNACKS

R.V. PARK - \$7.50

PICNIC SHELTER

THERAPY POOL

Electric Hook-Up

CAMPING - \$6.00

POOL PRICES ONLY

Adult - \$3.00

3 & Under - \$1.00

Senior Citizen - \$2.50

Spectators - \$.50

Children 4-11 - \$2.50

Group Rates & Memberships Available

SLIDE PASSES EXTRA

3 Rides - \$1.50

Unlimited Rides 11 a.m. - \$5.00

6 Rides - \$2.50

6 p.m. - \$4.00

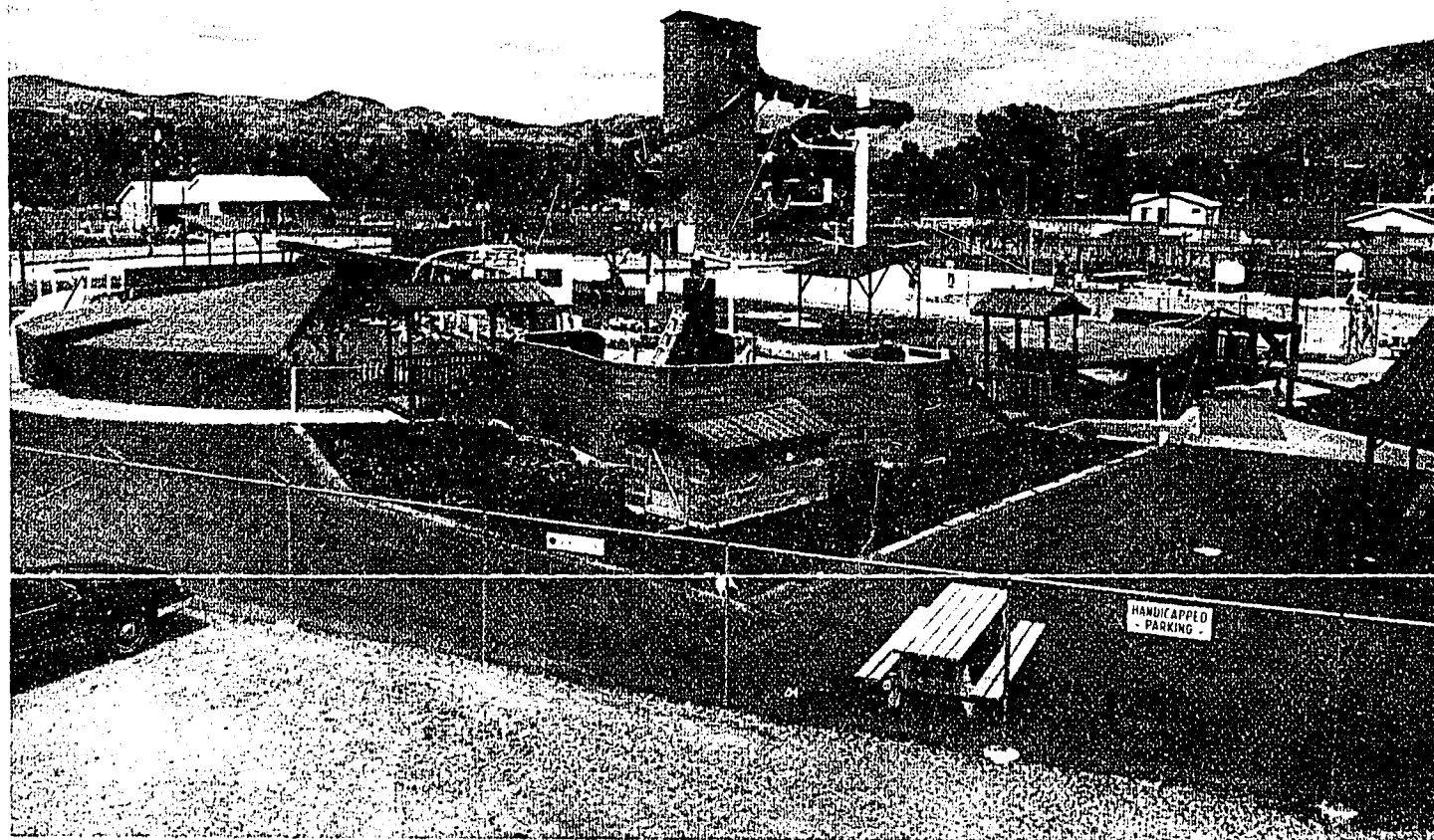
10 Rides - \$3.50

8 p.m. - \$3.00

Alkalinity, CaCO ₃ mg/l	SM205	428
Ammonia, NH ₃ -N mg/l	SM 417A	.15
Arsenic, As mg/l	SM404C	<.001
Barium, Ba mg/l	SM303A	.960
Bicarbonate, HCO ₃ mg/l	SM40	522.16
Boron as B mg/l		.45
Cadmium, Cd mg/l	SM305A	<.001
Calcium, Ca mg/l	SM306A	24.40
Carbonate as CO ₃ mg/l		<.01
Chloride, Cl mg/l	SM408A	320
Chromium as Cr Hex. mg/l	SM3	<.001
Chromium, Cr (Tot) mg/l	SM30	<.001
Conductivity umhos/cm	SM205	1,820
Copper, Cu mg/l	SM308A	.010
Fluoride, F mg/l	SM414a2C	10.00
Hardness, CaCO ₃ mg/l	SM309R	90.0
Hydroxide as OH mg/l		<.01
Iron, Fe (Dis) mg/l	SM310B	.310
Iron, Fe (Tot) mg/l	SM310B	.335
Lead, Pb mg/l	SM311A	.005
Magnesium, Mg mg/l	SM313B	5.76
Manganese, Mn mg/l	SM314A	.036
Mercury, Hg mg/l	SM315A	<.0002
Nickel, Ni mg/l	SM249.2	.05
Nitrate, NO ₃ -N mg/l	SM418C	.10
Nitrate as NO ₂ -N mg/l		<.01
Phosphate, PO ₄ -P Ortho mg/l		.10
Potassium, K mg/l	EPA258	21.5
Selenium, Se mg/l	SM316C	<.001
Silica, SiO ₂ (Dis) mg/l	SM426	19.50
Silver, Ag mg/l	SM319A	<.001
Sodium, Na mg/l	EPA273.1	435
Sulfate, SO ₄ mg/l	SM107C	
Total Dis.		
Turbidity		

RECEIVED
JUN 21 1990

Department of Water Resources



Lots of Water — Lots of Fun

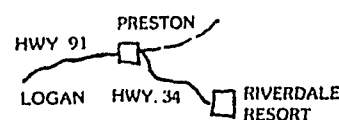


Five Pools of Wonderful
Naturally Warm Water Provide
Pleasure And Comfort While
Swimming or Just Soaking

Two Hydro Tube Water Slides

- Open Year Around • Picnic Shelters
- RV and Camping Areas • Snack Bar

Reservations accepted
For Family Reunion
And Other Large Groups



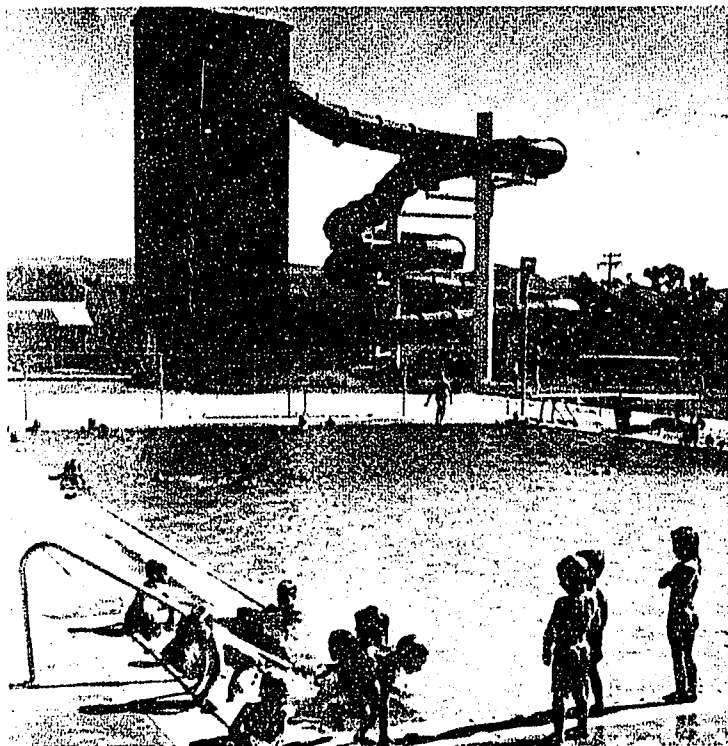
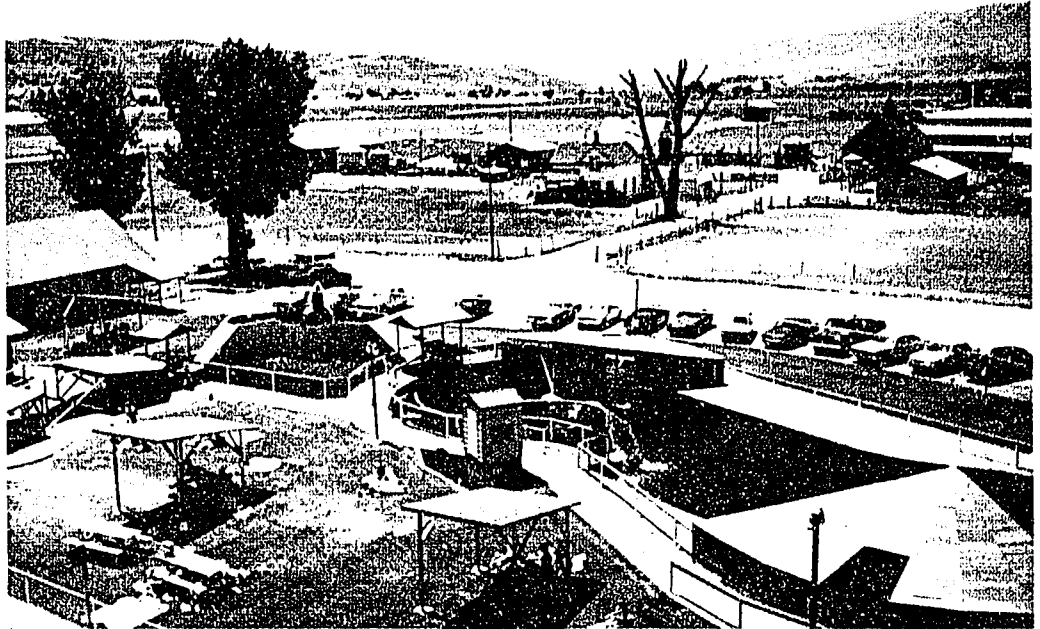
Riverdale Resort

Six Miles North of Preston - Highway 34

Phone (208) 852-0266

Year Around Fun

- Natural Hot Pools
- Jr. Olympic Size Pool
- Camping and RVs
- Picnic Shelters
- Snack Bar



Riverdale Resort

3696 W. 1600 E.
Preston, Idaho 83263

25^{USA}

DEPARTMENT OF WATER RESOURCES

1301 NO. ORCHARD ST.

STATE HOUSE MAIL

BOISE, ID
83720

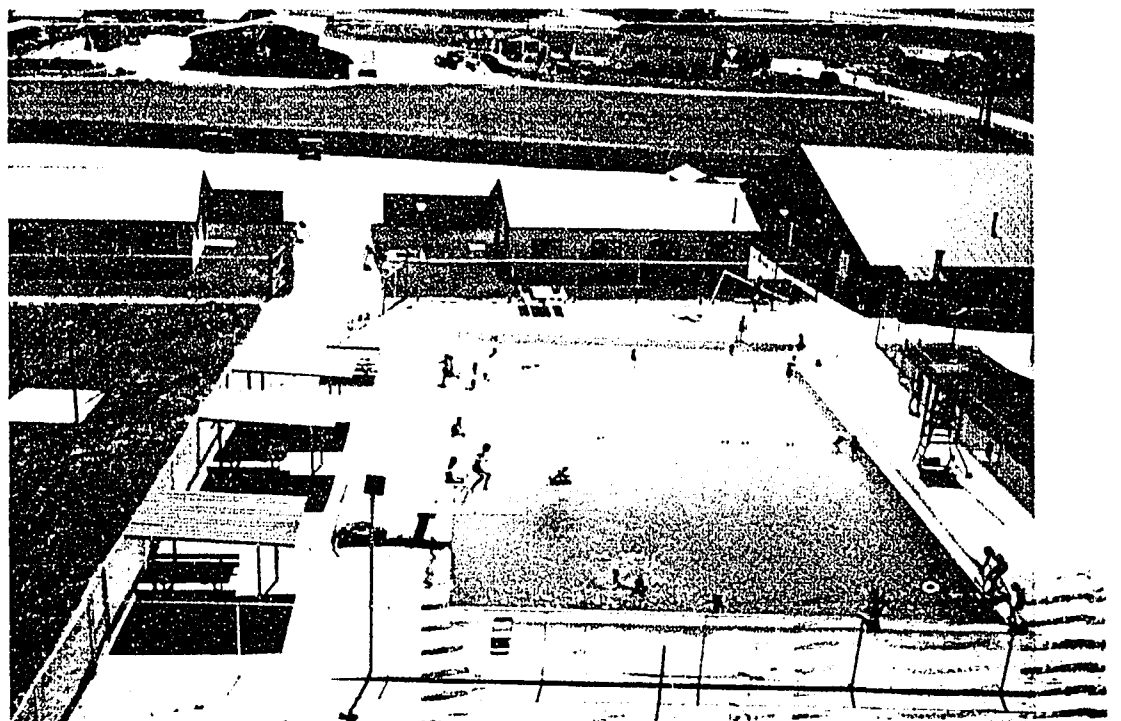
Riverdale Rattler And
Python Panic Hydro Tube Slides

ATTN:
TIM LYKE

Located on Idaho's
New Pioneer Historic
Route - Highway 34

Just 6 Miles North of
Preston, Idaho

And Convenient
Access For Fun Time
With Family or Friends





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 3, 1990

James S. Read
Rt. 2, Box 382
Preston, ID 83263

RE: Permit No. 13-7420

Dear Mr. Read:

I have received some information about your recreational business which I believe was in response to the attached correspondence dated June 5, 1990.

Although I have no doubt that the water use authorized by your permit was developed prior to 1990, I must ask that you comply with the requirements outlined in my June 5, 1990 letter. In order to reinstate your permit, I must draft an order which addresses information required by certain state statutes. At this point in time, I do not have all of the required documentation that allows me to prepare an order which will reinstate your permit. I'm afraid the post card of your operation and user fee information sheet is not acceptable documentation, mainly because the photos are not dated.

Please submit further documentation which clearly establishes beneficial use of the water prior to January 1, 1990. Perhaps you could resubmit the postcard with affidavits from at least two unrelated individuals which affirm the dates of first use as well as the dates of the photos on the postcard.

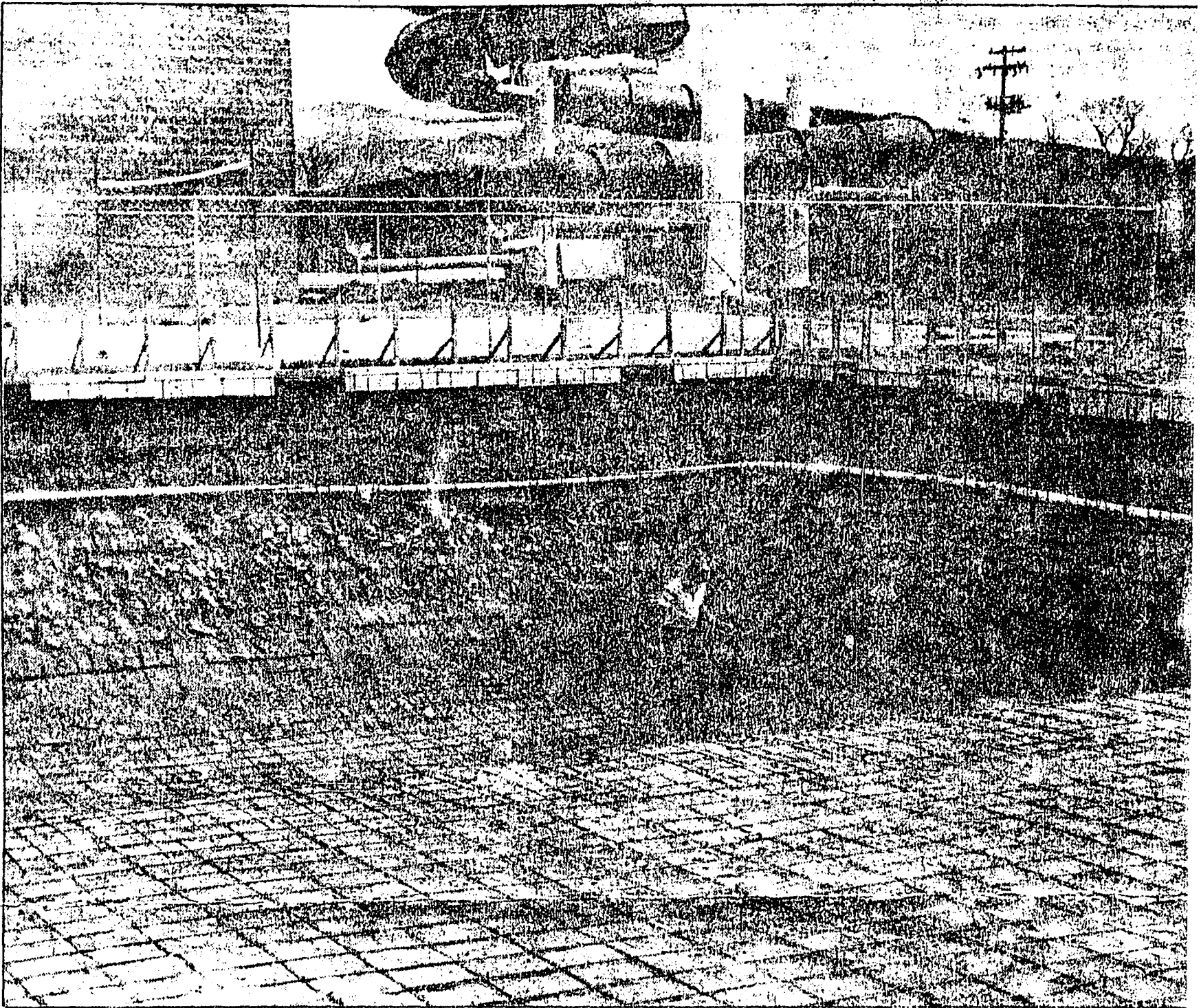
You must also submit a written statement which provides a reasonable cause or explanation as to why the proof of beneficial use statement was submitted late.

Please submit the requested information at your earliest convenience. Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,

Tim Luke

Sr. Water Resource Agent



POOL TAKES SHAPE — Jim Read, co-owner of the Riverside resort near Preston, does some last minute preparation before the concrete for the

new junior olympic-sized pool is poured, years from a hot-water marshland. See stor

Pouring: First Concrete, Then Water

By DESIRAI RUSHFORTH
Journal Staff Writer

PRESTON — Continuing the transformation of a boondocks marsh into a regional resort, brothers Jim and Cliff Read are beginning to pour concrete for a junior-sized Olympic swimming pool at Riverdale, six miles north of Preston on Highway 34.

The little-known recreational area offers three natural hot pools of varied temperature, a 340-foot water slide, a 120-person indoor picnic facility, volleyball court, campground, restaurant, seven-acre park and, as of May 20, a 45 by 75-foot swimming pool.

The Read brothers are former Lay Hot Springs residents who decided to start a resort of their own when the Riverdale spot came up for sale three years ago. At that time, the area was just a hot, water-filled marsh.

Since then, the Reads have created covered outdoor picnic tables, three temperature-regulated pools — one of which is equipped with jacuzzi jets — a large campground, water slide and thriving green grass as far as the eye can see.

Locals have been visiting the pools to exercise or swim laps.

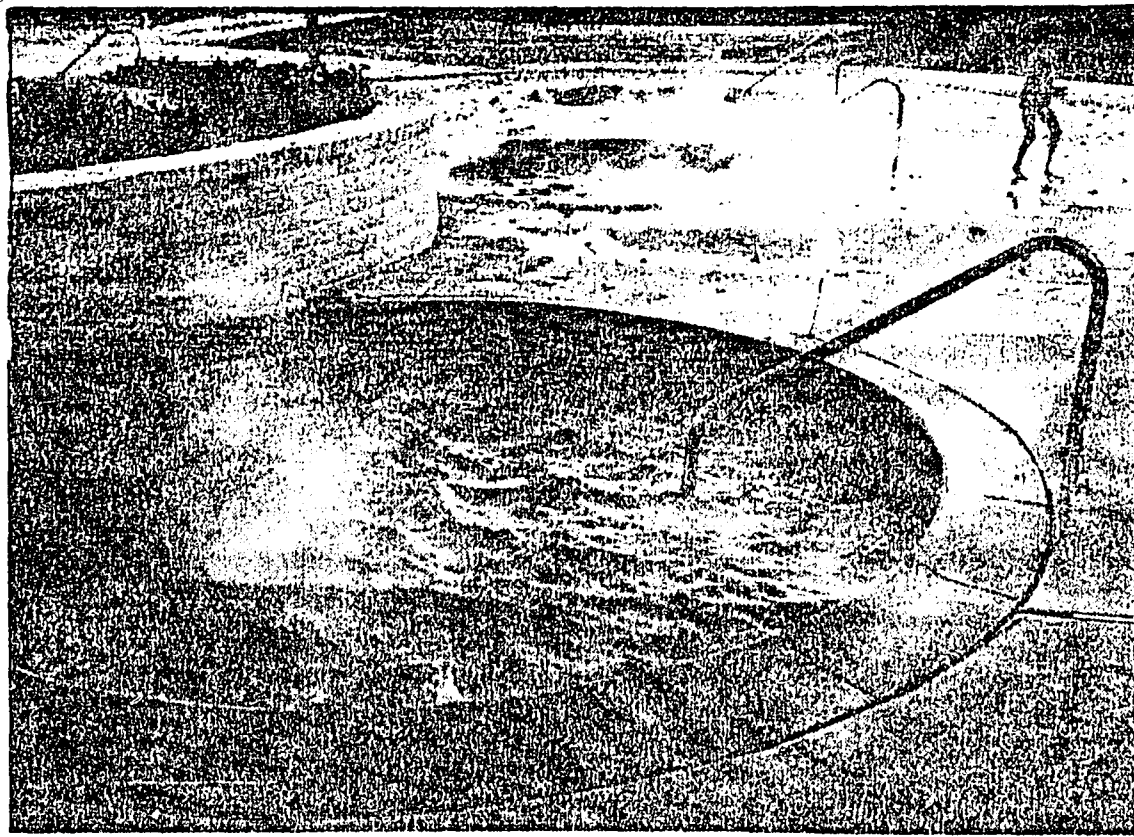
The Reads have tried to do one or two improvement projects per year. Next year's plan is the addition of a speed slide off the water slide tower.

The therapy pools are open year round. The water slide is open on weekends now and will be open every day as of June 1.

The cost of an all-activities pass is \$4.50. Senior citizen and group rates also are available. Further information may be obtained by contacting resort employees at 853-0266.

HOT SPOTS

where you can cool down



Steam rises from Crystal Springs' spring-fed soaking pools.

Just a short distance from Logan, in opposite directions, two of nature's wonders offer area residents the chance to ease their aches and pains, relax or just have a good time.

Crystal Springs in Horeyville, Box Elder County, and Riverdale Resort north of Preston can provide cool summer fun or hot winter relaxation. They both are built around hot springs, created from naturally heated underground water bubbling up from beneath the earth through cracks and faults.

Once above ground, the waters produced by geologic forces offer a steamy way to loosen up from the cares or pains of the day.

Crystal and Riverdale are only two of several hot springs, both developed and undeveloped, that rise in this area. Plymouth, Box Elder County, is the site of Belmont Springs. Dorney, Idaho has Downata Hot Springs. Java Hot Springs, southeast of Pocatello, provides another attraction for area residents.

Crystal Springs has a long history. According to Jeff Dallin, assistant manager of the resort, there are accounts of early Native American inhabitants of this region knowing about the "healing powers" of the hot springs.

Crystal Springs has long been a northern Utah attraction, with some of the buildings on the tree-covered 51-acre site dating back as long ago as 1918, Dallin said.

The present management took over about seven years ago and the resort has continued to undergo improvements since that time, Dallin said.

Currently under construction is a large freshwater swimming pool to go with the resort's warm-water pools and water slides.

The resort's busiest times are summer and winter.

In the summer, the resort hosts as many as six or seven family reunions each weekend, Dallin said. People come to swim and just to get outdoors.

"We get a lot of skiers in the winter," he said. "There's nothing like sitting in a hot pool after a day of skiing. And when there's snow on the ground, people enjoy coming and soaking in the pool and rolling in the snow."

Just as many people come for the therapeutic value of the mineral springs.

Dallin said Crystal Spring water contains a number of minerals and has been analyzed and "tests very high for healing value."

The water comes out of the ground at about 132 degrees.

"We cool it with cold spring water," Dallin said. "We're a geologic wonder — the only place in the world with hot and cold springs coming up so close (within 60 feet) to each other."

The availability of fresh cold water enables the resort to provide soaking areas with different temperatures. There are three whirlpools, with temperatures of 102 degrees, 104 degrees and 108 degrees. The soaking pool is maintained between 90 and 101 degrees, depending on the time of year.

Don Perkins of Sandy likes "just sitting in the springs and relaxing. The kids really like the water slide."

Perkins, who has broken his back twice, said the steaming mineral waters make his back feel better.

"We like to come up in the winter," he said. "It's nice to sit in the pools with snow falling on you."

For Bob Orme, Riverdale, a visit to Crystal Springs is "a trip back into nostalgia."

Orme grew up in Honeyville when Crystal Springs was "the local hangout for all the kids." With family still in Honeyville, Orme said he still visits Crystal Springs "a couple of times a year."

Though Riverdale Resort north of Preston has been open only two years, it's already starting to get quite a following, said owner Jim Read.

The 4 1/2-acre site has several pools of varying temperatures, each with partial wooden covers to provide shade and protection from the elements. And it features a water slide that starts 53 feet above the ground.

Read said the site was always bare of snow in the winter — "so they knew there was something down there." A California man owned the property for several years, but never developed it.

Read and his brother bought the property in 1983 and opened the resort one year later.

"It's still really new — there's a lot we still plan to do with it, like put in a new swimming pool next year and add another water slide," Read said. "We figure it will take a few years to get established."

Nature has provided a good start, with hot water not too far below the surface. Each day, Riverdale's well brings up 600,000 gallons of 120-degree water, but the underground water temperature is even hotter farther below the surface.

"We're sitting on water that's between 200 and 225 degrees right below us," he said.

A ingenious system of cooling fountains brings the water temperature down to where it's tolerable for humans. The water is conveyed to therapy pools that have water jets to put the 104-degree water under pressure, giving the effect of a whirlpool.

A larger pool, suitable for soaking or swimming laps, contains water that is slightly cooler, but still warm enough to provide relaxation.

The water itself contains nearly 40 minerals, Read said, and — except for too much fluoride — meets Idaho's drinking water standards.

The resort takes on an almost-eerie appearance as the sun goes down and the air cools. Clouds of steam rise off the water, almost completely obscuring the bathers whose heads seem to float on the surface.

Riverdale's therapeutic values are appreciated by father and son Glenn and R.J. Smith.

Glenn is a retired Utah Power & Light Co. lineman who has "just a little" arthritis.

"(The springs) really help," he said as steam billowed around his head. "My wife has arthritis, too. She didn't think she'd feel the difference when she came out here, but she has."

R.J. used to come out to Riverdale "once in a while," but after he hurt his back, he began coming out every night to swim and soak. The hot mineral water "really helped it feel better."

"I still like coming out," he said. "It feels real good relaxing after work."

Mike (I



Cansen & Rounds Insurance

59 So. State
Preston, Idaho 83263
208-852-1767

October 10, 1990

Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

RE: James S. Read, DBA Riverdale Resort

This is to certify that I have knowledge that Riverdale Resort has been in operation and using natural hot water in public pools for at least five years.

Sincerely,

Blayne Rounds

Blayne Rounds

YOUR SECURITY IS OUR BUSINESS

Thane D. Winward

CERTIFIED PUBLIC ACCOUNTANT
#9 EAST ONEIDA STREET (P.O. BOX 328)
PRESTON, IDAHO 83263

—
(208) 852-1120

September 20, 1990

TO WHOM IT MAY CONERN:

I know that the Riverdale Resort has been in operation and using natural hot water in public pools for beneficial use for at least five years.

Sincerely,

Thane D. Winward

Thane D. Winward

West One Bank, Idaho, N.A.
Post Office Box 352
Preston, Idaho 83263
208 852-2100

WEST ONE
BANK

10 September 1990

TO WHOM IT MAY CONCERN:

I know that the Riverdale Resort has been in operation and using natural hot water in public pools for beneficial use for at least five years.

Sincerely,



Daniel M. Keller
Loan Officer

DMK/cb

13-7420

RECEIVED

SEP 25 1990

Department of Water Resources

September 20, 1990

Idaho Department of Water Resources

RE: Application of James S. Read

To Whom It May Concern:

Please be advised that I have represented James S. Read of Riverdale Resort in Preston, Idaho, as his attorney in his application for a water right.

It is my understanding that he is getting other information to you concerning operations for the past several years.

I may have been the cause of some delay because he left some paper work at my office while I was closing my practice down. That was also during a time I had a child in the intensive care unit at Primary's Children Hospital in Salt Lake City.

Yours very truly,



Dallin J. Phillips

October 23, 1990

RE: Permit No. 13-7420

James S. Read
DBA Riverdale Resort
Rt. 2 Box 382
Preston, ID 83263

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to May 4, 1990.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at (208) 525-7161.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 13-07420 IN THE NAME OF)
JAMES S. READ)

ORDER REMOVING
CONDITION OF APPROVAL

WHEREAS, on July 27, 1984, James S. Read applied to the Department of Water Resources (Department) for a permit to appropriate water from a groundwater source for recreation and heating uses; and,

WHEREAS, the Department approved Permit No. 13-07420 with the following condition:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

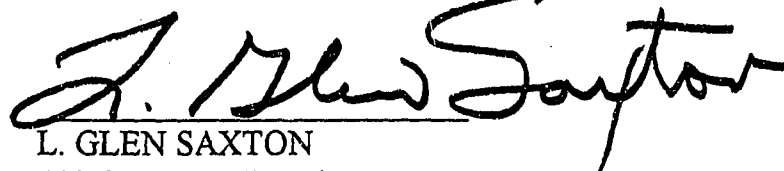
and,

WHEREAS, the watermaster of Water District No. 11 has informed the department that a measuring device and lockable controlling works are not necessary for regulation of this water right; and,

WHEREAS, there appears to be reasonable cause to remove the condition,

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of a measuring device and lockable controlling works for Permit No. 13-07420 is REMOVED provided that the Director retains jurisdiction to reinstate the condition in the future if determined by the Director to be necessary.

Dated this 15th day of October, 1997.


L. GLEN SAXTON
Chief, Water Allocation Bureau

Pump #1

0105.6 MMSEC
099.88 % T0

02-06 02:2900 *R
+002.80 % AI2

02-06 02:2900 *R 4 Values
+ 1.380E 2GPM 0 per

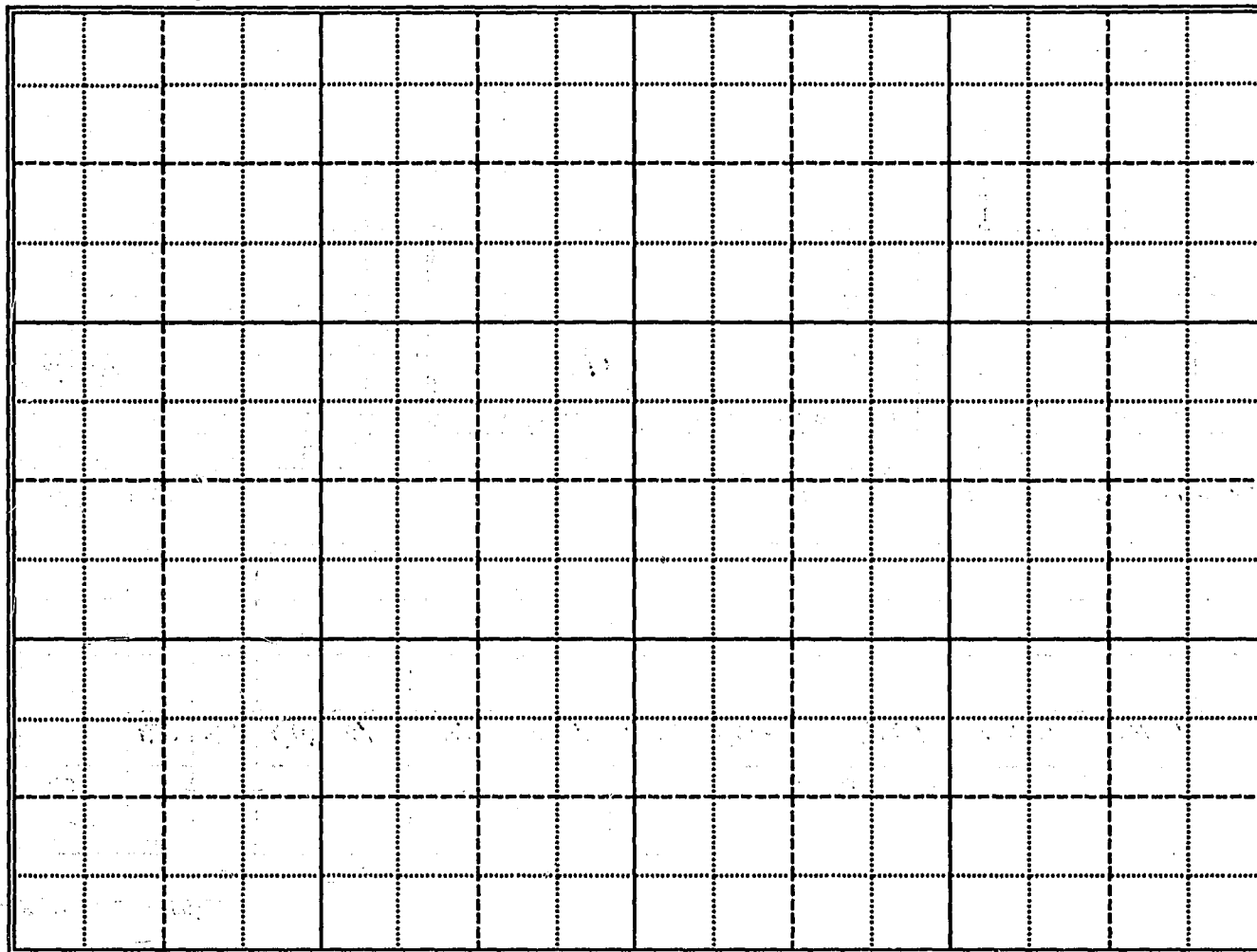
02-06 02:3200 *R 4 Values
+ 1.622E 2GPM 3" 0 per
all other Cloud

Very Poor measurement, do not use!
No measurement on system #2

13-7420

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable. *SEE PHOTO'S*



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	FRANKLIN	10			2"
	FRANKLIN	10			3"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE		USG			0-100	32 PSI AT TANK

2. Measurements: WATER TABLE AT 27' WITH BOTH PUMPS IN OPERATION
DURING FIELD EXAM.

E. NARRATIVE/REMARKS/COMMENTS

RECREATIONAL SYSTEM USES GEOTHERMAL HOT WATER TO
SUPPLY WARM WATER TO SEVERAL HOT POOLS, SHOWERS, LARGE
SWIMMING POOL AND TWO WATER SLIDES.

(9" ID CASING)
SYSTEM CONSISTS OF ONE WELL WITH TWO SUBMERGIBLE
10 HP MOTORS/PUMPS. PUMP #1 HAS A 3" OUTPUT PIPE
WHICH PUMPS INTO ~~AN~~ A MANIFOLD SYSTEM, BUT MAINLY
IS USED TO FILL LARGE HOT POOL, SWIMMING POOL AND
BOTH WATER SLIDES. PUMP #2 HAS A 2" OUTPUT PIPE
AND IS USED IN CONJUNCTION WITH A PRESSURE TANK.
PUMP #1 IS BASICALLY OPEN DISCHARGE TO POOLS.
BOTH PUMPS CAN BE USED AS BACK FOR OTHER PUMP
OR TO AUGMENT INCREASED WATER DEMANDS DURING
PEAK SUMMER DEMANDS.

ALL WATER, LESS EVAPORATION, IS DISCHARGED BACK TO
BEAR RIVER.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

PKHP#1 3" DISCHARGE ^{*Assume} S#751

PKHP#2 2" DISCHARGE

$$Q = \frac{10 (8.814) (1.70)}{22 (5 \times 2.308)} = \frac{61.698}{38.54} = 1.6 \text{ cfs}$$

$$Q = \frac{10 (8.814) (1.70)}{22 (32 \times 2.308)} = \frac{61.698}{100.856} = 0.61 \text{ cfs}$$

$$Q = 1.6 + 0.6 = 2.2 \text{ cfs}$$

PERMIT LIMITS TO 1.2 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{i.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.2 \times 365 \times 1.9835 = 868.77 \text{ AFA}$$

$$V = \text{Smaller of } V_{i.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

$$0.07 \times 1.9835 \times 365 = 50.67$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
RECREATIONAL	1/1	12/31	1.2	868.77
HEATING	1/1	12/31	0.07	50.67
Totals:			1.2 cfs	868.77 AFA

2. Recommended Amendments

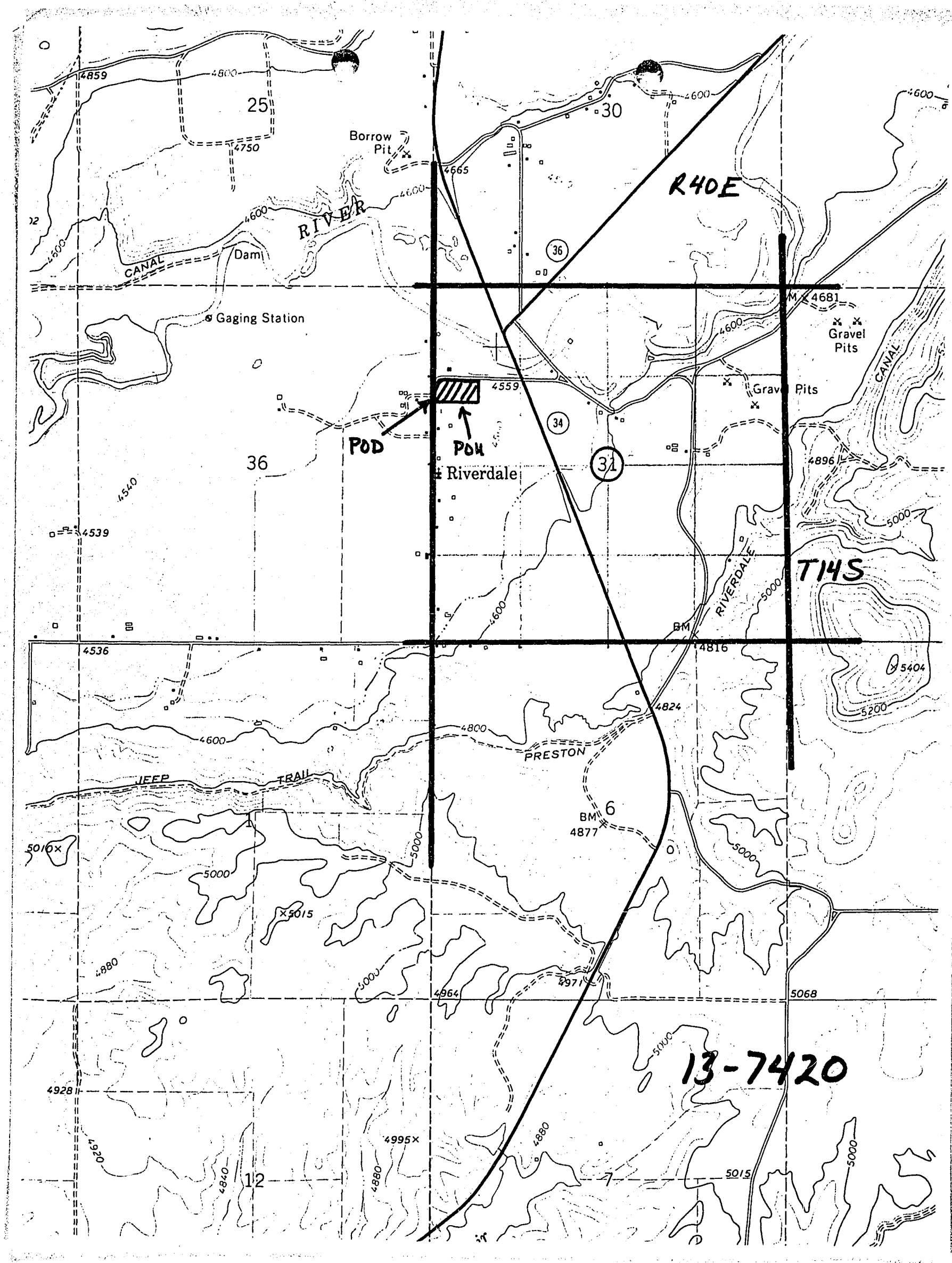
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

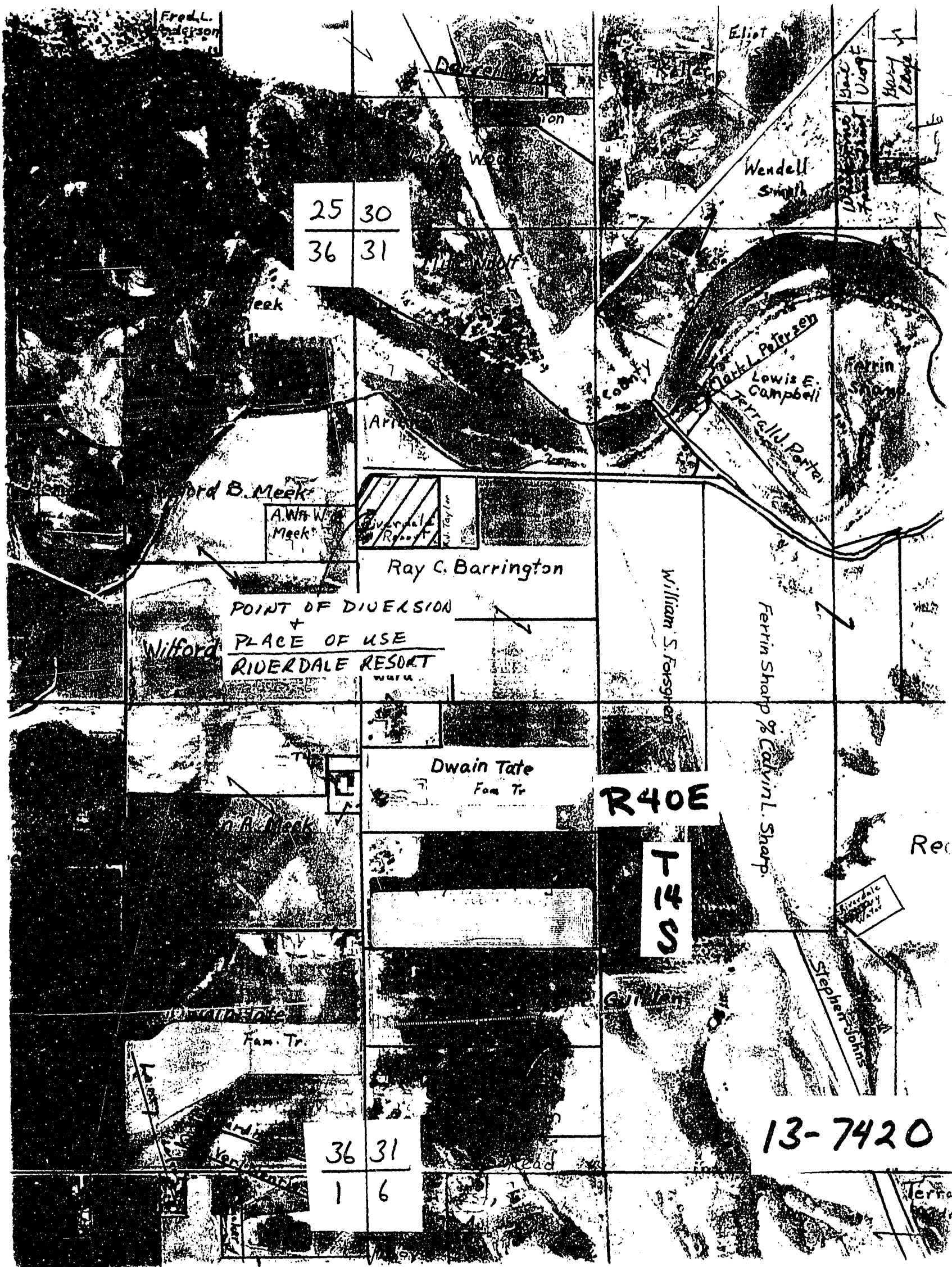
I. AUTHENTICATION

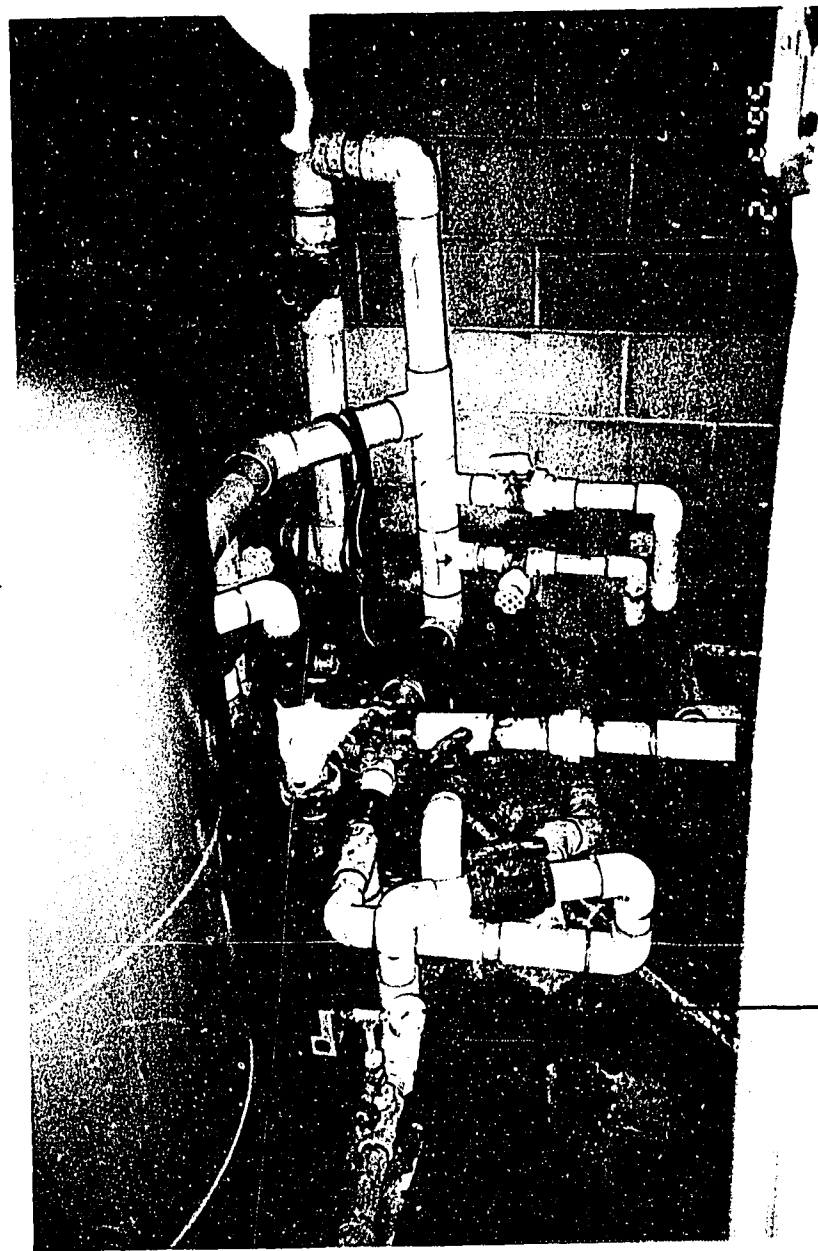
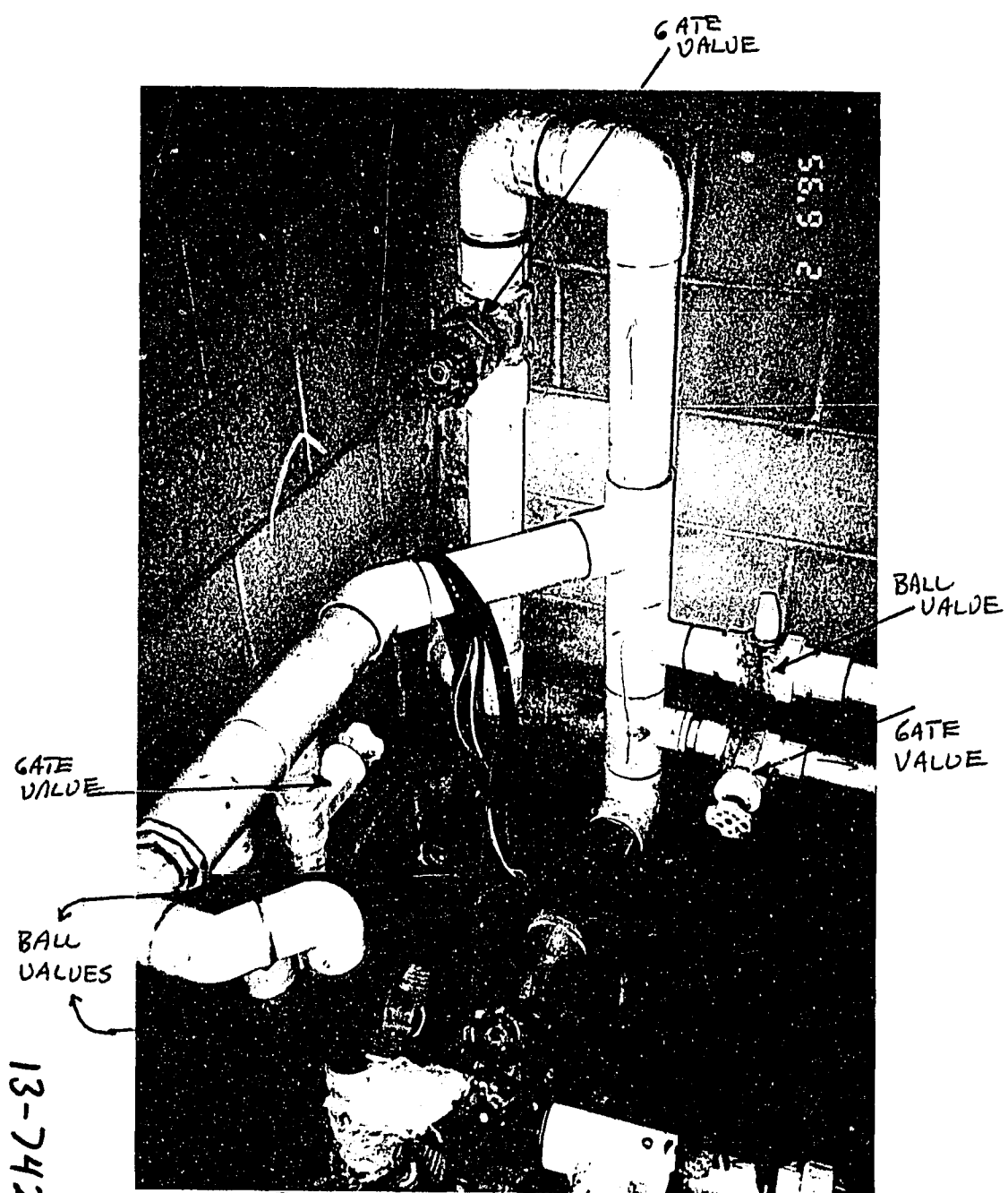
Field Examiner's Name SIMPKINS Date 3/13/95

Reviewer [Signature] Date 1-1-97

SEAL







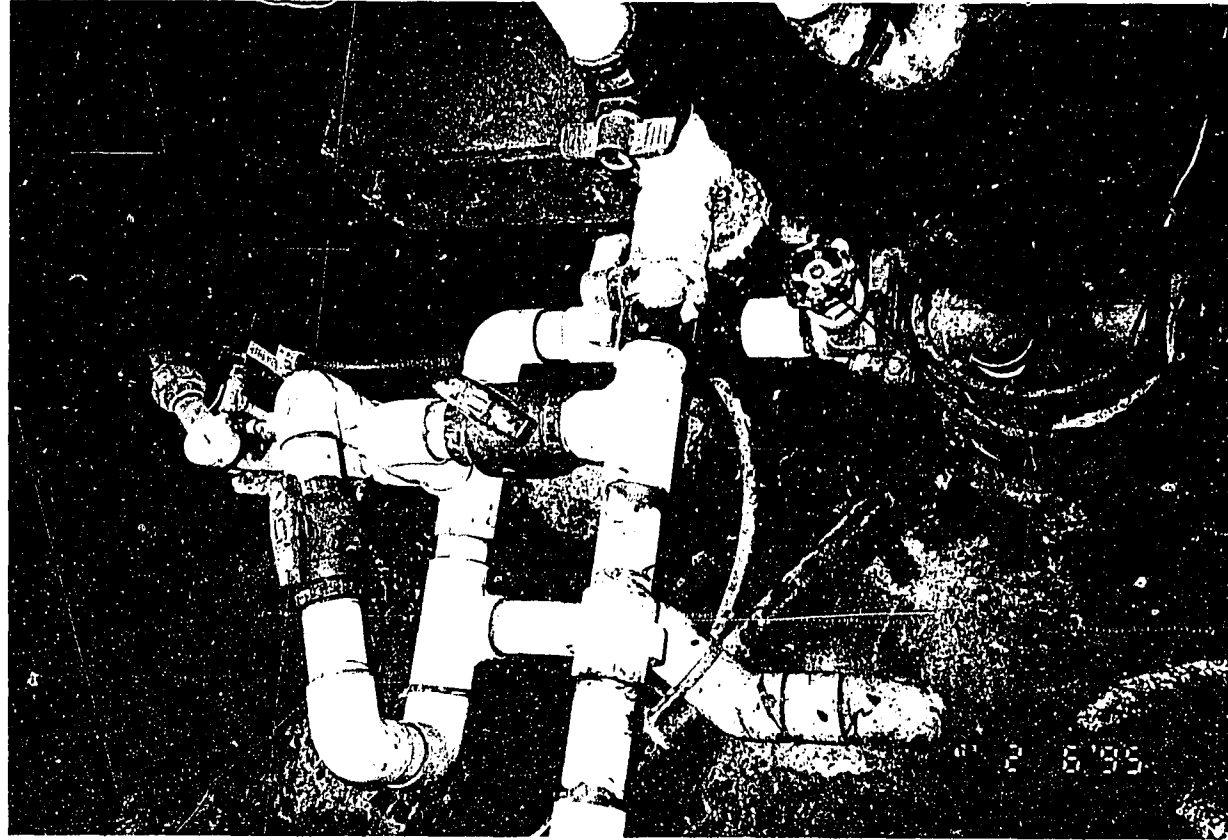
WELL SHOWING TWO PIPES FROM PIPES INTO WHITE PVC MANIFOLD SYSTEM.

13-7420

PRESSURE
TROL
AND
PRESSURE
GAGE
FOR
SMALL
PRESSURE
PUMP

3/3

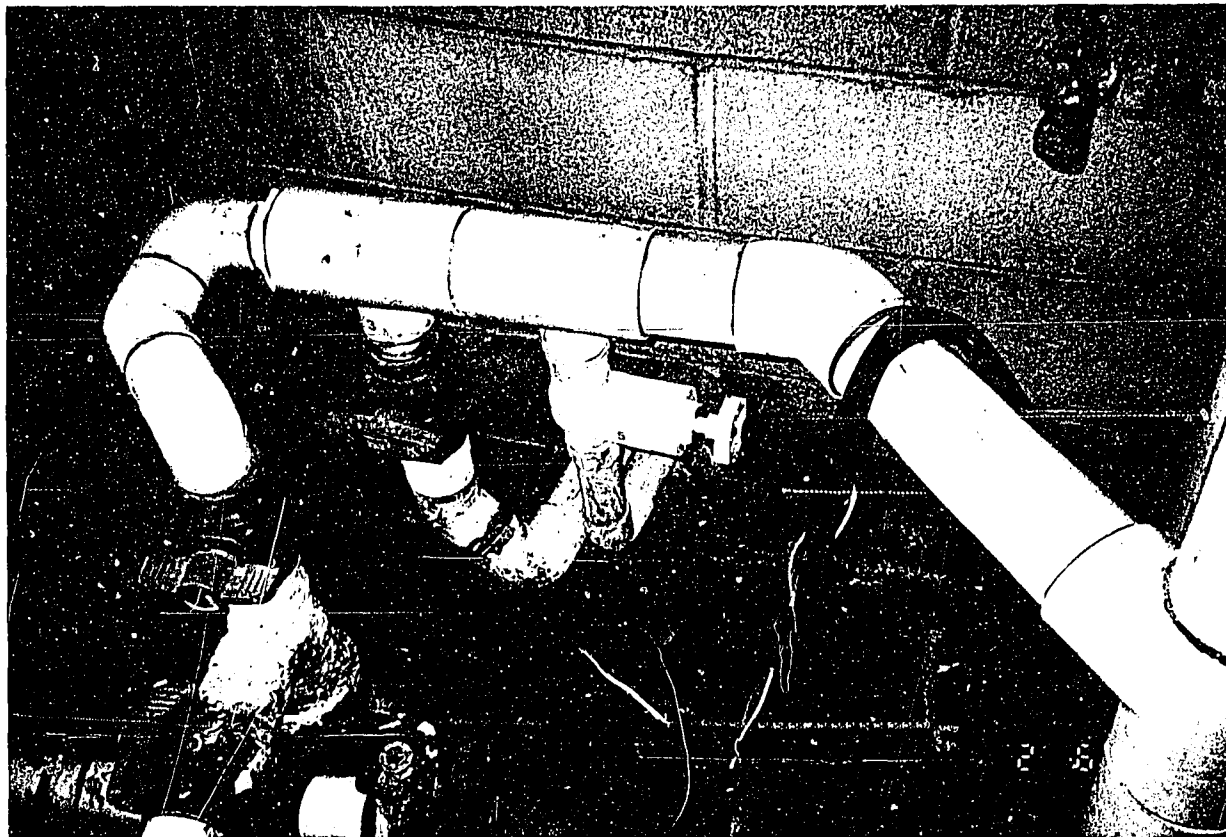
(HIGH PRESSURE)
 GEOTHERMAL WELL - 2" PIPE HANDLES SHOWERS/SMALL
 HOT POOLS - 3" PIPE HANDLES WATER SLIDE AND LARGE POOLS
 (VOLUME PUMP)



← 2"

← 3"
 PIPES UP
 FROM
 SUBMERSIBLE
 PUMPS

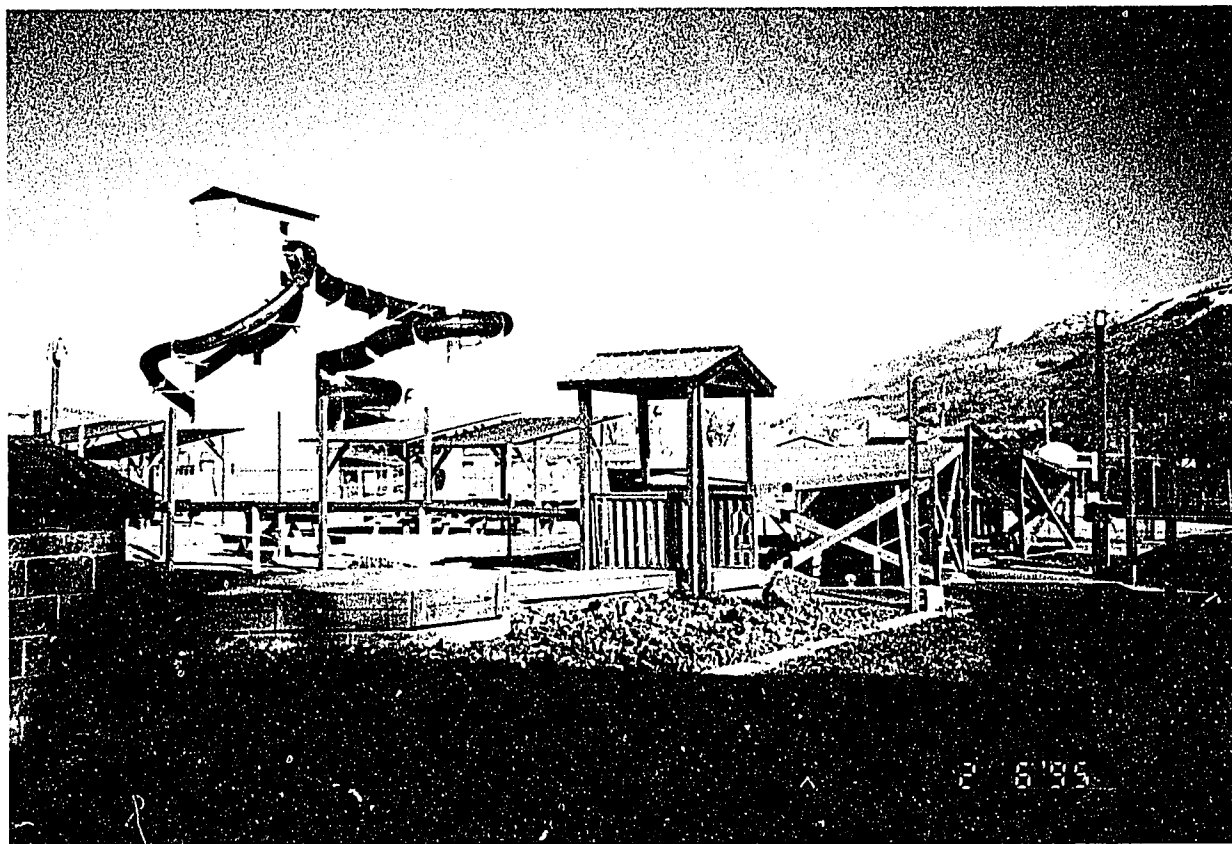
GATE
 VALVE



13-7420

RIVERDALE RESORT - JAMES S. READ

193



WELL HOUSE - FOREGROUND



13-7420

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

MEMORANDUM

TO: File 13-07420

FROM: Sharla

DATE: February 28, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 13-07420 are based on the following:

H. RECOMMENDATIONS

Recreation	1/1 - 12/31	1.2 cfs	867.2 afa
------------	-------------	---------	-----------

The water source under this right is geothermal groundwater at approximately 120 degrees. In news articles printed about the recreational facility, it was explained how approximately 600,000 gallons of this warm water is pumped to the various components of the facility after running it through cooling fountains to bring the temperature down to where it's tolerable for humans. There is no "heating" use; the entire use is covered under the recreation use with a volume component reflecting continuous diversion.

Examiner: Don Simpkins
Exam Date: February 6, 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 24, 1997

Pete Peterson
2483 Riverdale
Preston, ID 83263

RE: Water Rights 13-7277 and 13-7420.

Dear Pete,

I am in the process of reviewing permit numbers, 13-7277 and 13-7420 for licensing. One of the conditions on the permits was that a measuring device was to be installed. During our field examinations of these water rights the examiner found that no measuring devices were installed. Are measuring devices necessary for regulation of these rights? If so, we will retain the conditions when licenses are issued, but if they are not necessary, we will remove the conditions.

I have enclosed profile reports on both water rights for your information. I appreciate your help in this matter. If you have any additional questions, please feel free to contact me at (208) 327-5452.

Sincerely;

A handwritten signature in cursive script that reads "Sharla Curtis".

Sharla Curtis
Water Resource Agent

SC:cb

Enclosure

MEMORANDUM

TO: File 13-07277 and 13-07420

FROM: Sharla

DATE: March 27, 1997

RE: Telecon with Watermaster

On this date, Pete Peterson called in response to my recent letter. He stated that measuring devices are required on these permits; the rates of diversion warrant the devices so that he has a means of control. I told him that we would withhold license issuance for the permits until they have complied with the condition. He agreed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 1997

James S. Read
3696 N. 1600 E2
Preston, ID 83263

RE: Permit #13-07420

Dear Water Right Holder(s):

We are in the process of reviewing your permit for licensing. During the field examination on February 6th, 1995, our examiner found no measuring devices installed. The conditions of the permit stated: "A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works".

In order to complete the licensing process you must comply with the conditions of the permit. Before proceeding with installation of a device, you should contact the watermaster directly for explanation of the type(s) of acceptable measuring devices.

If you have any questions, please contact me as soon as possible. My telephone number is (208) 327-5452.

Sincerely,

Sharla Curtis
Water Resource Agent

SC:cb



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

July 7, 1997

James S. Read
3696 N. 1600 E2
Preston, ID 83263

RE: Permit #13-07420

Dear Water Right Holder(s):

In April we sent you a letter in regards to the conditions of your permit. In order to complete the licensing process you must comply with the conditions of the permit. As of this date, we have not received any further information to let us know that you have talked with the watermaster to determine an acceptable type(s) of measuring device(s) and have installed such a device(s). Please give us a time-frame of when you expect to complete this process.

We will hold further license review until we receive this information. Please notify us within 30 days of your progress in this matter. If you have any questions, please contact me as soon as possible. My telephone number is (208) 327-5452.

Sincerely,

Sharla Curtis
Water Resource Agent

SC:cb

TOTAL P.01



Peterson Land Surveying

2483 E Riverdale Rd. • Preston, ID 83263 • Telephone 852-1385 • Fax 852-3223

October 14, 1997

Sharla Curtis
Water Resource Agent

RE: Permit #13-07420

In looking at the set-up of Mr. Reads pump and delivery system, a measuring device is not needed. Pump & motor can not exceed water right. Also to many diversion from main pipe for one measuring device. If you have any questions, please contact me, thank you.

Sincerely,

Pete Peterson
Watermaster Dist. #11
Bear River

ATT: SHARLA C.



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

October 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES S READ
3696 N 1600 E2
PRESTON ID 83263

RE: Permit 13-07420

Dear Permit Holder(s):

Enclosed please find an Order Removing Condition of Approval which was issued on October 15, 1997 concerning the above mentioned permit.

If you have any questions regarding this matter please call our office.

Sincerely,

A handwritten signature in cursive script, reading "Kari Lynn Townsend".

Kari Lynn Townsend
Secretary

/k

Enclosure

7/94

NOV

For Office Use Only

\$25 Filing Fee

Receipt#

Date

11/1/97

CD40582

RECEIVED

OCT 27 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

LAVELL

I, JAMES S. READ, hereby assign to LAVELLA TIRRETT
of, 3975 So. Main - MURRAY, UT 801-752-0666
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 13-07420 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

N/A

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 7th day of OCTOBER, 1997.

James S. Read
Permit Holder

State of Idaho)
County of Franklin) ss

On this 7th day of October, 1997, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

Shirley Hadley
Notary Public residing at
Swan Lake, ID

My commission expires: 8/9/03

NOTARY
PUBLIC

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07420

Priority: May 4, 1990

Maximum Diversion Rate: 1.20 CFS
Maximum Diversion Volume: 867.2 AF

This is to certify, that LAVELL TIPPETTS
3975 S MAIN
NIBLEY UT

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 27, 1984; and
has submitted Proof of Beneficial Use on May 4, 1990. An examination indicates
that the works have a diversion capacity of 2.200 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.20 CFS	867.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 31, Township 14S, Range 40E
FRANKLIN County

PLACE OF USE: RECREATION
TWN RGE SEC
14S 40E 31 SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right shall be non-consumptive.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
8. The Director retains jurisdiction to require installation of measuring devices in the future if determined to be necessary.

State of Idaho
Department of Water Resources

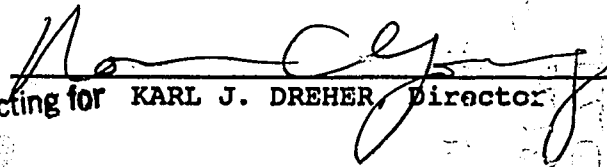
WATER RIGHT LICENSE

WATER RIGHT NO. 13-07420

CONDITIONS OF APPROVAL AND REMARKS

9. Recreation use is for Riverdale Resort's swimming pools, hydro tube slides, therapeutic pools, park, and campground facilities utilizing geothermal water.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 17th day of NOVEMBER, 1977.


Acting for KARL J. DREHER, Director





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

October 28, 1997

Lavell Tippetts
3975 S Main
Nibley, UT

RE: Permit No. 13-07420

Dear Mr. Tippetts:

We have received the Assignment of Permit form transferring ownership from James Read to you. There is a \$25 filing fee requirement for an assignment. I will hold the assignment for 14 days to allow you to submit the fee. We are ready to issue a water right license on this permit and the license can be issued in your name upon submittal of the assignment fee. When submitting the fee, please reference the above permit number on the check.

If the fee is not received within 14 days, the license will be issued in the name of James Read. A license is considered real property; proof of owning the water right is evidence by proof of owning the land. Therefore, it is not critical that the license be issued in your name, however, since you have started the process of ownership change, it might as well be completed.

If you have any questions, please give me a call.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Water Resource Agent

MEMORANDUM

TO: File 13-07420

FROM: Sharla

DATE: Novemer 14, 1997

RE: Telecon

On this date, I contacted Mr. Tippetts to document the annual volume for licensing. He explained that pump #1 (theoretical capacity of 1.6 cfs) runs continuously and pump #2 runs upon demand. Except for during the winter when the system is shut off Saturday night and started up again Sunday morning, the system runs 24 hrs/day, 365 days/year. Volume for this license is based on continuous flow.



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

November 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LAVELL TIPPETTS
3975 S MAIN
NIBLEY UT

RE: WATER RIGHT NO. 13-07420

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

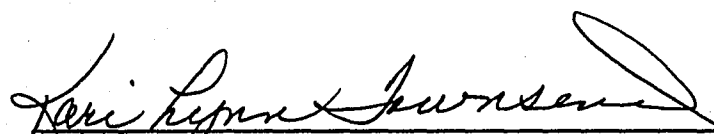
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07420

LAVELL TIPPETTS
3975 S MAIN
NIBLEY UT


Kari Lynn Townsend
Secretary

RECEIVED

NOV 19 1997

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

LAVELL TIPPETTS
1975-S-MAIN
NIBLEY UTAH

MEMORANDUM

DATE: November 19, 1997

TO: File 13-07420

FROM: Kari Lynn Townsend

RE: Returned Mail

=====

Statehouse mail carrier returned the envelope because we did not have a zip code shown on the address. In checking the file it appears that mail has previously been sent to this person without a zip code.

I checked the zip code directory in the vault and Nibley, UT is not listed. I called the right holder and left a message requesting the zip code so that we could send the water right license.

*Called Postal Service zip code info & got a
zip code of: 84321-6306. Resent mail.
updated WR2 (also added phone no. to WR2)*