**State of Idaho**
**Department of Water Resources**

# Water Right License

**Water Right No. 37-23099**

**Priority**: February 08, 2018

**Maximum Diversion Rate:** 0.16 CFS
**Maximum Diversion Volume:** 30.5 AF

It is hereby certified that:

HARTLEY ROGERS 610 5TH AVE STE 401 NEW YORK NY 10020-2403

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 08, 2018, and has submitted Proof of Beneficial Use on March 31, 2023. An examination confirms water is diverted from:

**Source :** GROUND WATER

| Beneficial Use | Period of Use | Rate of Diversion | Annual Volume |
|---|---|---|---|
| HEATING | 01/01 to 12/31 | 0.16 CFS | 24.4 AF |
| COOLING | 01/01 to 12/31 | 0.16 CFS | 6.1 AF |

**Location of Point(s) of Diversion**
GROUND WATER NW¼ NE¼, Sec. 23, Twp 05N, Rge 17E, B.M. BLAINE County

**Place of Use:** HEATING and COOLING

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 17E | 23 | | X | | | | | | | | | | | | | | | |

**Conditions of Approval**

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37.
3. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
4. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
6. Point of diversion and place of use are located within Tax Lot 4401 in Homestead Entry Survey (HES) no. 128.
7. Place of use does not include federal public lands.

**State of Idaho**
**Department of Water Resources**

# Water Right License

**Water Right No. 37-23099**

8. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 6th day of November, 2023.

PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources

# Attachment to Water Right

37-23099

This map depicts the HEATING and COOLING place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.




0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

Form 42-217 Rev. 6/22

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SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

| FOR OFFICE USE ONLY | |
|---|---|
| Amt. of Fee $ | 0 |
| Receipt No. | |
| Receipted By | |
| Date Receipted | |

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

**1.** Permit No. 37-23099 Name of Permit Holder(s) Hartley Rogers

Telephone No. 1-212-752-7850 Email hrogers@hamiltonlane.com

Mailing Address 610 Fifth Ave Ste 401 City New York State NY Zip 10020

**2.** Source of Water Ground Water If Ground Water (well), Date Drilled mo. Nov. / yr. 2017

Drilling Permit/Tag No. IDWR Tag # 0075047 Drilling Company's Name Dirt Works

**3.** Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) N/A. Irrigation (No. acres) N/A. Stockwater (No. and stock type) N/A.

Other Heating and Cooling

**4.** Total diversion rate or volume (storage only) for which proof is submitted 0.16 cfs OR _____ af

*If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.*

**5.** Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Production well provides non-consumptive heating and cooling water for residence, water then returns to source through injection well.

**6.** Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

| Required? | Yes | No | (If "Yes", attach required data, evidence of compliance, or evidence of installation) |
|---|---|---|---|
| ☐ | ☐ | ☑ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☑ | Mitigation plan |
| ☑ | ☐ | ☑ | Lockable controlling works |
| ☑ | ☑ | ☐ | Measuring device |
| ☐ | ☐ | ☑ | Fish screen |
| ☐ | ☐ | ☑ | Other requirements of the water right permit _____ |
| | ☐ | ☑ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ■ No

**7.** Fee Enclosed $ 0.00 or ■ CWRE field report attached or ☐ No fee required

*See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.*

**8.** Person to contact to accompany a Department representative during the field examination of the water system:

Name: _____ Telephone No. _____ Email _____

Mailing Address _____ City _____ State _____ Zip _____

**The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.**

| | | |
|---|---|---|
| [signature] | Hartley R. Rogers | 3/15/23 |
| SIGNATURE OF PERMIT HOLDER* | PRINTED NAME AND TITLE | DATE |

*Attach power of attorney if completing on behalf of permit holder.

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SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# BENEFICIAL USE FIELD REPORT

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

## A. GENERAL INFORMATION

Permit No. 37-23099

1. Owner Hartley Rogers Phone No. _____
   Current address 610 Fifth Ave Ste 401 New York NY 10020
2. Examiner's name G. Erick Powell EXAM DATE 3/8/23
3. Accompanied by Lee Gilman Builders- James Fisher Email james@leegilman.com
   Address PO Box 5348 Ketchum, ID 83340
   Relationship to permit holder General Contractor Phone No. 208-726-3300
4. Source Ground Water tributary to N/A

## B. OVERLAP REVIEW

1. Other water rights with the same place of use None.
2. Other water rights with the same source and point of diversion None.

## C. DIVERSION AND DELIVERY SYSTEM

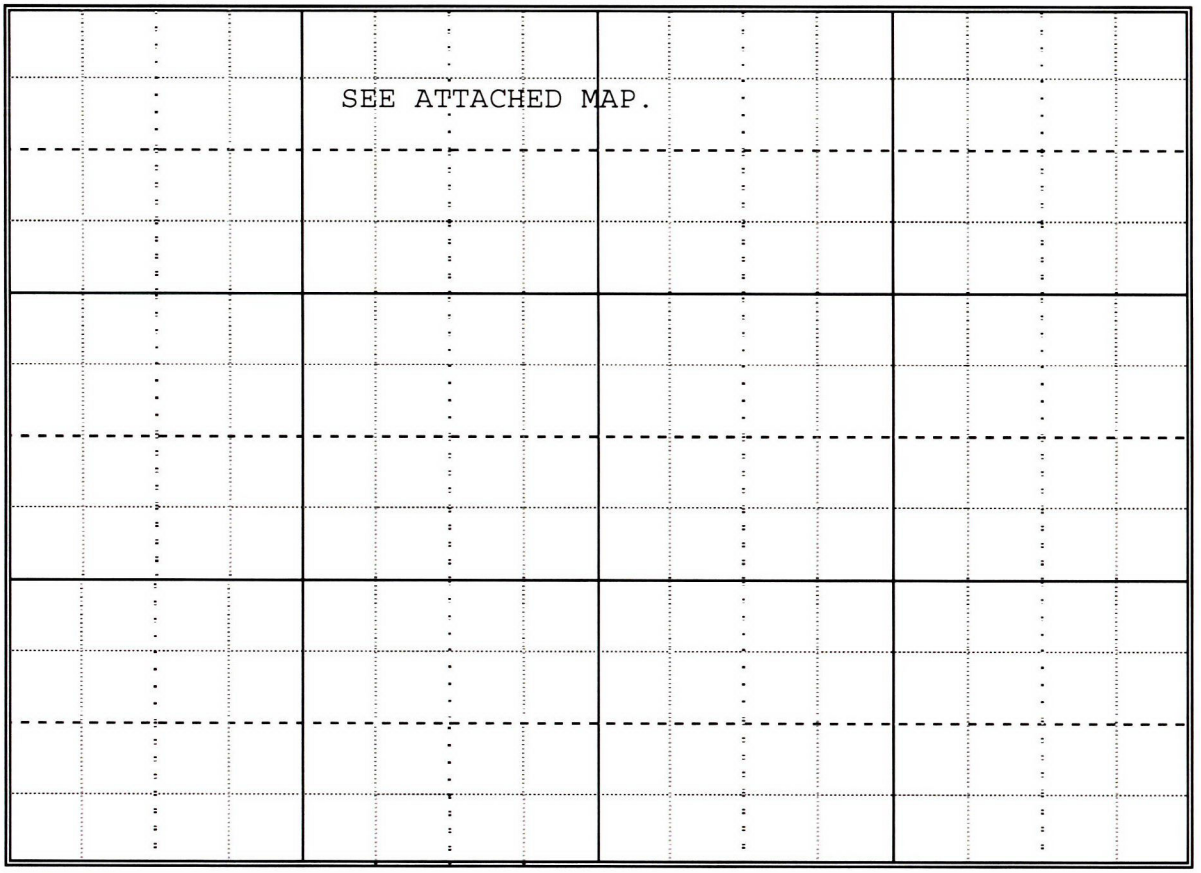
1. **Point(s) of Diversion:**

| Ident. No. | Gov't Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Method of Determination/Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | NW | NE | 23 | 5N | 17E | BLAINE | PRODUCTION WELL ON-SITE VISUA |
| | | | NW | NE | 23 | 5N | 17E | BLAINE | INJECTION WELL- ON-SITE VISIAL |
| | | | | | | | | | |
| | | | | | | | | | |

2. **Place(s) of Use:** Method of determination IDWR GIS WEBSITE PLSS

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 5N | 17E | 23 | | H,G | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.




***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 |
|---|---|---|---|---|---|
| Production Well | Pentek | 7.5 | 4" High-Flo | Sta Rite | 4" High-Flo |
| | | | | | |
| | | | | | |

***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 |
|---|---|---|---|---|---|---|
| In-line Meter- Heating and Cooling | Ultrasonic | Octave | 3" C750 | 20807894 | 3" | 6/24/2020 |
| | | | | | | |

2. **Measurements:** _____

See attached narrative, measurement table included in narrative.

**E. NARRATIVE/REMARKS/COMMENTS**

Please see attached narrative.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

Permit holder has met all requirements outlined in permit 37-23099.

Form 219 07/11

## F. FLOW CALCULATIONS

☒ Additional computation sheets attached

Measured Method:
In-Line flow meter, see attached narrative.

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = N/A

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

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = N/A.

2. Volume Calculations for Other Uses:
See attached narrative for heating and cooling annual diversion volume calculations.

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use | Period of Use From | Period of Use To | Rate of Diversion Q (cfs) | Annual Volume V (afa) |
|---|---|---|---|---|
| Heating | 01/01 | 12/31 | 0.16 | 43.5 |
| Cooling | 01/01 | 12/31 | 0.16 | 43.5 |
| | | | | |
| | | | | |
| | | | | |
| | | **Totals**: | 0.16 | 43.5 |

### 2. Recommended Amendments

☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

## I. AUTHENTICATION

Field Examiner's Signature _____ Date 3/30/2023

Reviewer BLAKE BURNARD _____ Date 10/30/23

PROFESSIONAL ENGINEER LICENSED 13592 STATE OF IDAHO G. ERICK POWELL

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WATER RESOURCES

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SOUTHERN REGION

**HARTLEY ROGERS**

**Narrative in Support of Beneficial Use Exam; Permit 37-23099**

Brockway Engineering PLLC

March 31st, 2023

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Idaho Department of Water Resources (IDWR) water right permit 37-23099 was approved on April 3rd, 2018, with proof due on April 1st of 2023. This narrative explains the beneficial use exam associated with permit 37-23099. For the field exam, a site visit was made to the Rogers property by Brockway Engineering staff on March 8th, 2023. This exam attempts to substantiate the degree of beneficial use associated with the permit at the time of the proof filing.

For heating and cooling system operation under 37-23099, water is diverted from the production well (IDWR Tag #D0066499 and buried in snow on the exam date), run through 2" HDPE pipe into the residence's crawl space, through the heating and cooling system and then returned to the aquifer in the injection well (IDWR Tag#D0075047) as seen in Figure 1. The production well also serves as the domestic well for the residence as authorized under Idaho Statute 42-111A although it is not metered. The production pump is manufactured by Starite, 4" High-Flo model, and the production motor is a 7.5 HP Pentek 4" High-Flo. The serial number for the motor and the pump are not known.

The heating and cooling system is comprised of three identical Lochinvar boilers and eight Carrier water source heat pumps, and example of one of the units is shown in Figures 2 and 3. For reference, the Lochinvar boiler as shown has a serial number of 2101 122671740 and model number of WHB399N; model numbers for the additional boiler two units are identical. Additionally for reference, the Carrier water source heat pump has a serial number of 1617V58482, model number; GP024HELNXET1XX1; model numbers for the additional seven heat pumps are identical.

During the March 8th 2023 field exam, an existing in-line 3" ultrasonic meter made by Octave (serial number; 20807894, model number; 3" AWWA C750 Ultrasonic Meter) was used to observe instantaneous discharge rates and discharge volumes accrued over a forty-one-minute period on the heating and cooling return line only. Water pumped for domestic use is not run through the meter and is therefore not included in this analysis. Because the system is a closed loop system and there is no water lost in the system, all water entering the residence for heating and cooling leaves the residence.

The in-line ultrasonic meter registered a flow rate of 59.1 gpm at the beginning of the exam. This flow rate represents the usage required to heat the un-occupied residence during the date of the exam. The heating and cooling system was then run at a maximum output level, or 85 °F, for approximately thirty minutes. When the eight heating and cooling units responded to the 85 °F heating requirement, the ultrasonic meter registered a maximum average flow rate of 74 gallons per minute (gpm) or 0.16 cubic feet per second) (cfs).

Water temperature on the return flow line as reported on the in-line ultrasonic meter during this time was 44 °F. An example of an instantaneous flow rate and return flow temperature as shown on the meter readout screen can be seen in Figure 4.

The annual volume estimation for the residence was calculated two ways with the first using actual diversion volumes. The in-line ultrasonic meter was installed on 2/24/21 and a second reading of 16,163,670 gallons was taken at the end of the exam on March 8th 2023. If the total diversion volume is divided by the time the meter has been functional, the average daily volume equates to 21,784 gallons. If this daily volume is applied over the course of a year, the estimated annual diversion volume is 7,951,131 gallons or 24.4 acre-feet.

The second annual volume estimation is calculated using IDWR's methodology that was applied to heating and cooling permit 37-22685 wherein Mr. Bill Mills (IDWR Southern Region Senior Water Resource Agent) calculated yearly volumes likely used based on the number of days both above and below freezing using a nearby weather station, an assumed rate that water would be diverted for each heating and cooling uses and the flow rate observed in the system. For this analysis, the U.S. Forest Service's Sawtooth National Recreation Area North Fork RAWS weather station data was used to calculate daily average temperatures for the years 2018 through 2022. This weather station is located approximately 2.7 miles northwest of the permit holder's property. The number of days in each year both above and below freezing was then calculated (Table 1).

| Year: | Temp (oF) > 32 | Temp (oF) < 32 |
|---|---|---|
| 2018 | 234 | 131 |
| 2019 | 218 | 147 |
| 2020 | 229 | 136 |
| 2021 | 237 | 128 |
| 2022 | 219 | 146 |
| AVG: | 227 | 138 |

Table 1: Daily average temperatures per year, number above and below freezing at USFS North Fork RAWS weather station.

Using the average of days both above and below freezing, a percentage of time that a heating system is on was assumed to be associated with actual diversion of water for each use, 30% for cooling and 50% for heating. For the heating use, if the discharge rate of 0.16 cfs (measured maximum diversion rate) is allowed to run at 50% of the time when temperatures are below freezing, the resultant diversion volume for that 138 days is 21.9 AF ((0.16 cfs) x 138 days ≤ freezing at North Fork* (0.50 avg system operation time) x 1.983 AF/cfs = 21.9 AF). Likewise for the cooling use, if the discharge rate of 0.16 cfs is allowed to run at 30% of the time when temperatures are above freezing, the resultant diversion volume for that 227 days is 21.6 AFA ((0.16 cfs) x 227 days ≥ freezing at North Fork* (0.30 avg system operation time) x 1.983 AF/cfs = 21.6 AF). Therefore, the total heating and cooling diversion volume recommended for licensing should be 21.9 + 21.6 or 43.5 acre-feet annually.

**Condition Review and Recommendations:**

1. *Proof of application of water to beneficial use shall be submitted on or before April 01, 2023.*
    a. Condition has been met with the filing of this exam.
2. *Subject to all prior water rights.*
    a. Recommend condition remain on license.
3. *Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resource that delays were due to circumstance over which the permit holder had no control.*
    a. Condition has been met, recommend condition be removed on license.
4. *Use of water under this right shall be non-consumptive.*
    a. Condition has been met, recommend condition remain on license.
5. *Use of water under this right will be regulated by a Watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37*
    a. Condition has been met, recommend condition remain on license.
6. *Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.*
    a. Condition has partially been met, measuring device is installed and operational, no lockable, controllable works were installed due to the nature of the diverting works (residential application). Recommend removing lockable controlling works from license or modify the language stating lockable controlling works may be required by IDWR.
7. *Return flow discharged to a subsurface system must be authorized by a separate injection well permit.*
    a. Condition has been met, injection well permit has been issued by IDWR, recommend condition remain on license.
8. *This right is for the use of trust water, and it is subject to a review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.*
    a. Recommend removal of condition prior to license approval. Water diverted under this right is non-consumptive and therefore condition is not warranted.
9. *Use of water to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gauge shall not be required.*
    a. Condition has been met, recommend condition remain on license.
10. *Point of diversion and place of use are located with Tax Lot 4401 in Homestead Entry Survey (HES) no. 128, a location situated in Sections 23 and 24 of Township 5 North, Range 17 East, B.M. On the date of permit approval, the POD and POU are projected as located in the NWNE of Section 23 using the current version of the GCDB.*
    a. Condition has been met, recommend condition remain on license.
11. *Place of use does not include federal public lands.*
    a. Condition has been met, recommend condition remain on license.

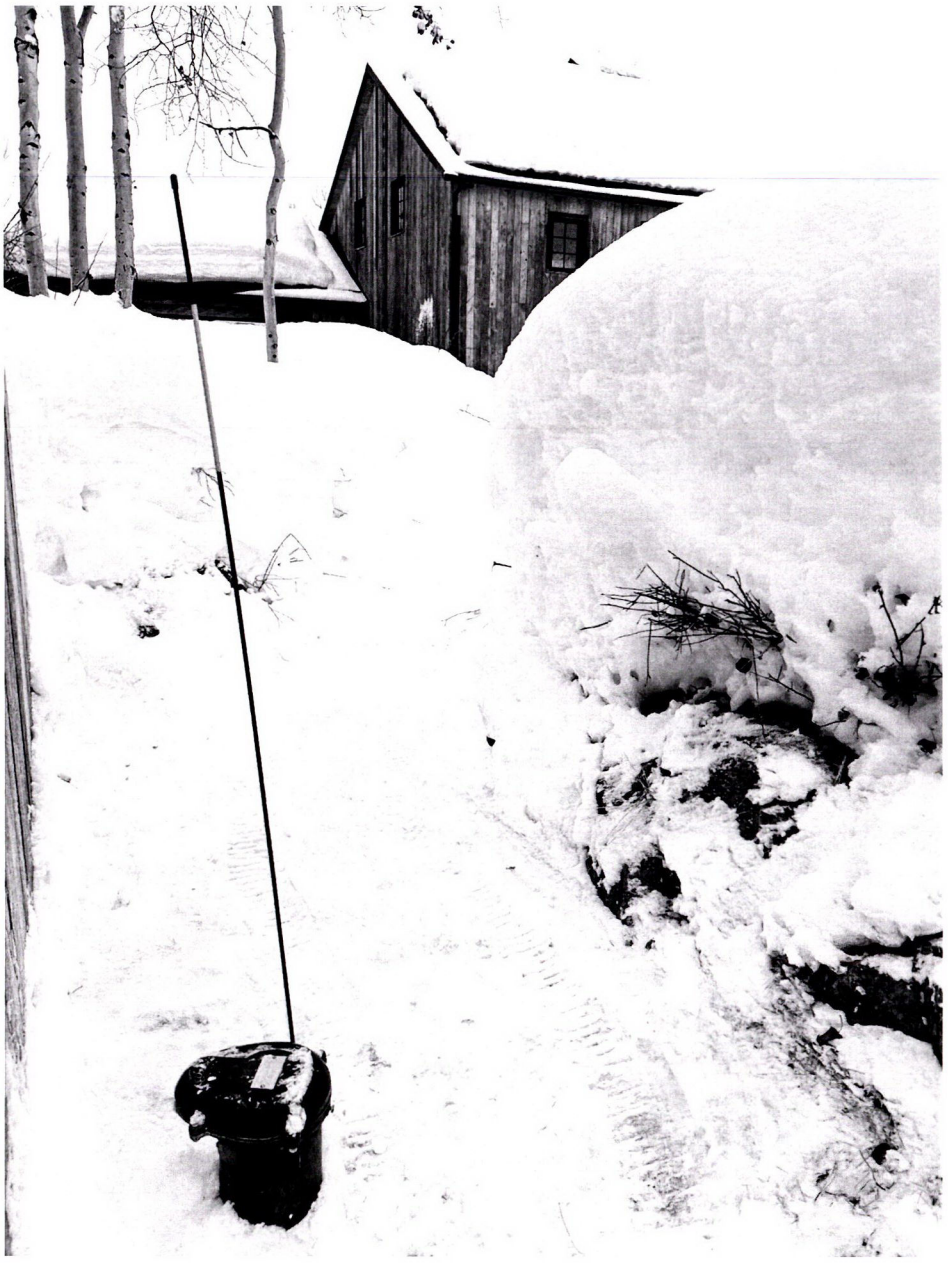


Figure 1: Injection Well on South Side of Residence.

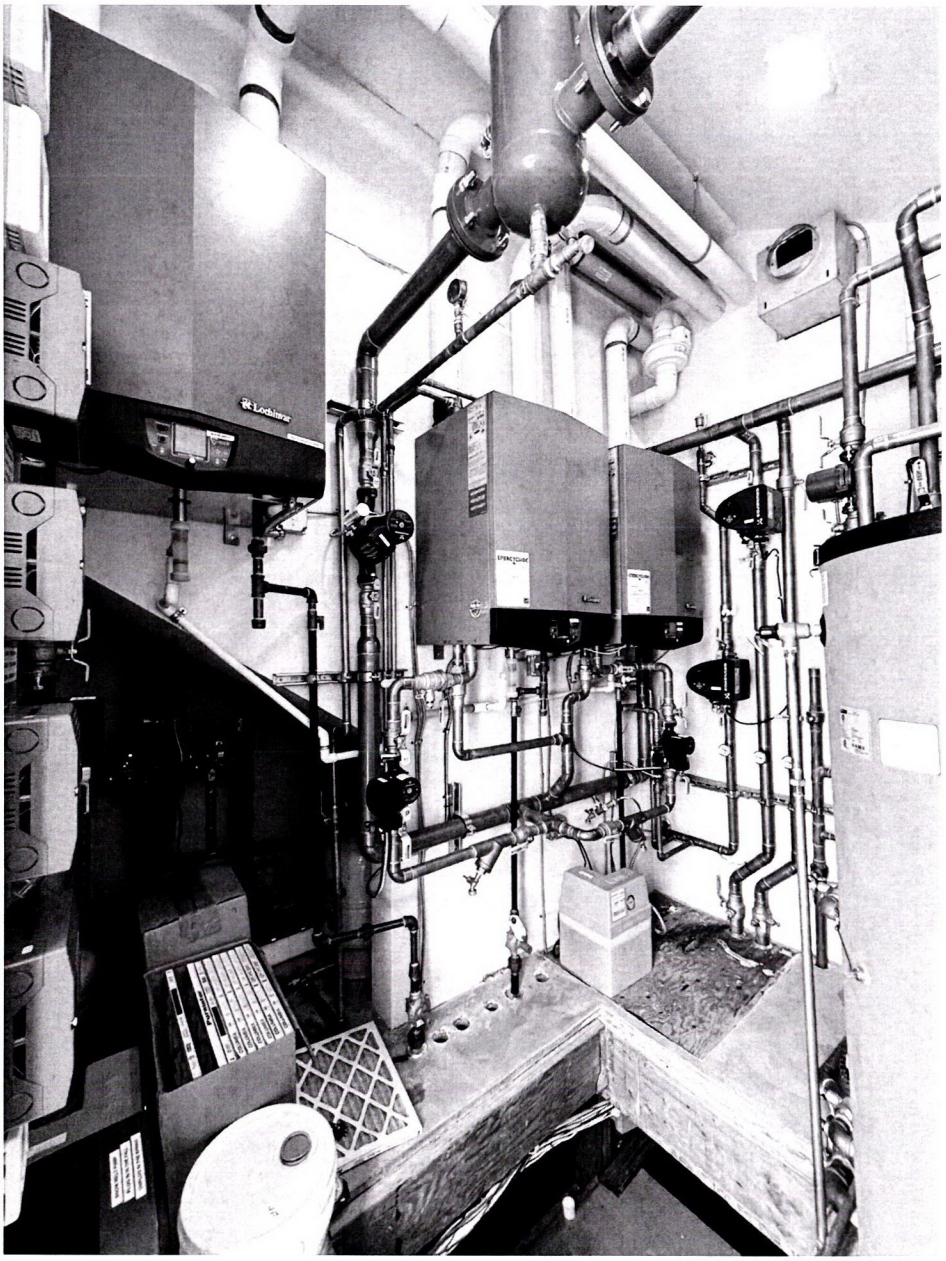



Figure 2: Lochinvar Boiler Units 1, 2 and 3.

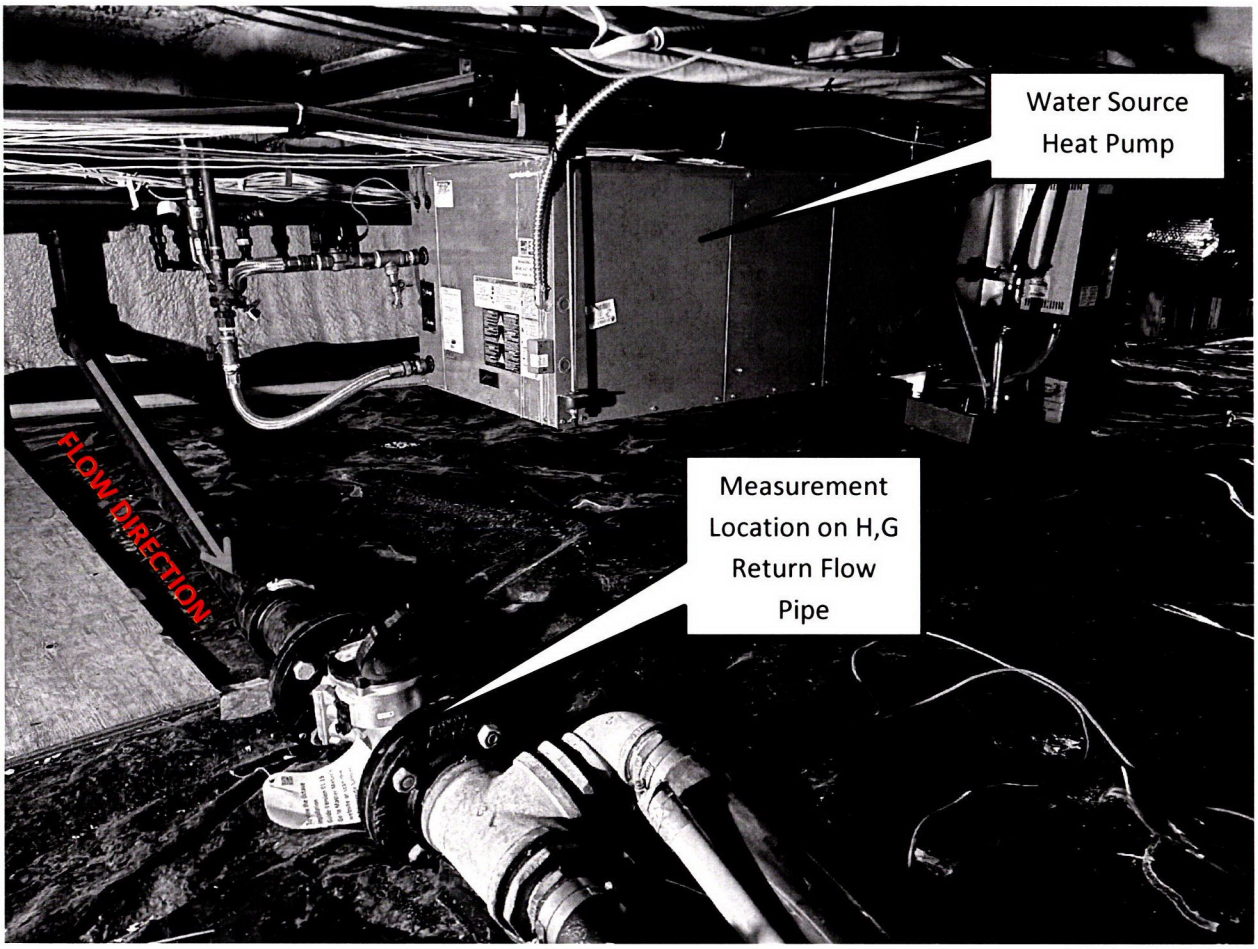



Figure 3: Water Source Heat Pump, Fow Meter in Foreground.

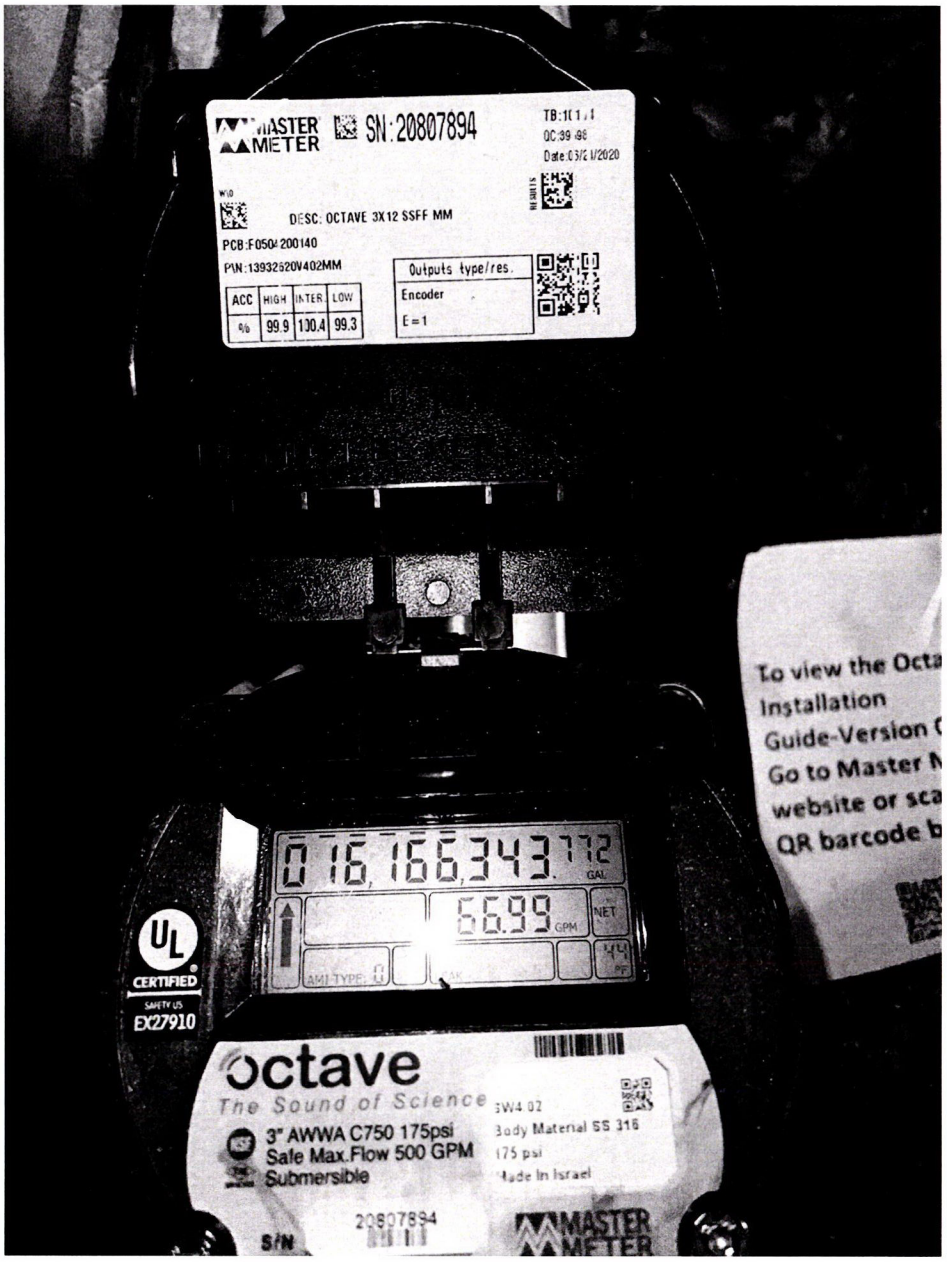



Figure 4: Heating and Cooling Measurement Meter Location.

Form 238-7
6/07

# IDAHO DEPARTMENT OF WATER RESOURCES
# WELL DRILLER'S REPORT

DP

**1. WELL TAG NO. D** 00 75047
Drilling Permit No. 884343
Water right or injection well #

**2. OWNER:** Lee / Gilman Builders
Name Lee / Gilman Builders
Address P.O. Box 5348
City Ketchum State Id Zip 83340

**3.WELL LOCATION:**
Twp. 5 North ☒ or South ☐ Rge. 17 East ☒ or West ☐
Sec. 23 ____ 10 acres 1/4 NW 40 acres 1/4 NE 160 acres 1/4
Gov't Lot ____ County Blaine
Lat. 43 ° 45. 191 (Deg. and Decimal minutes)
Long. 114 ° 23. 736 (Deg. and Decimal minutes)
Address of Well Site 13370 Hwy 75
(Give at least name of road + Distance to Road or Landmark) City Ketchum
Lot ____ Blk ____ Sub. Name

**4. USE:**
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☒ Other Heating & Cooling

**5. TYPE OF WORK:**
☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other

**6. DRILL METHOD:**
☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other

**7. SEALING PROCEDURES:**

| Seal material | From (ft) | To (ft) | Quantity (lbs or ft³) | Placement method/procedure |
|---|---|---|---|---|
| Bentonite Chips | 20 | +1.5 | 1000 lbs | Dry Pour |
| | | | | |

**8. CASING/LINER:**

| Diameter (nominal) | From (ft) | To (ft) | Gauge/ Schedule | Material | Casing | Liner | Threaded | Welded |
|---|---|---|---|---|---|---|---|---|
| 8 | 60ft | +1.5 | 250 | Steel | ☒ | ☐ | ☐ | ☒ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 60ft

**9. PERFORATIONS/SCREENS:**
Perforations ☐ Y ☒ N Method
Manufactured screen ☐ Y ☒ N Type
Method of installation

| From (ft) | To (ft) | Slot size | Number/ft | Diameter (nominal) | Material | Gauge or Schedule |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

Length of Headpipe ____ Length of Tailpipe ____
Packer ☐ Y ☒ N Type

**10.FILTER PACK:**

| Filter Material | From (ft) | To (ft) | Quantity (lbs or ft³) | Placement method |
|---|---|---|---|---|
| | | | | |
| | | | | |

**11. FLOWING ARTESIAN:**
Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG)
Describe control device

**12. STATIC WATER LEVEL and WELL TESTS:**
Depth first water encountered (ft) 20 Static water level (ft) 14
Water temp. (°F) Cold Bottom hole temp. (°F) Cold
Describe access port Well Cap

**Well test:**

| Drawdown (feet) | Discharge or yield (gpm) | Test duration (minutes) | Test method: Pump | Bailer | Air | Flowing artesian |
|---|---|---|---|---|---|---|
| 40 | 140 | 20 | ☐ | ☐ | ☒ | ☐ |
| | | | ☐ | ☐ | ☐ | ☐ |

Water quality test or comments: Goood

**13. LITHOLOGIC LOG and/or repairs or abandonment:**

| Bore Dia. (in) | From (ft) | To (ft) | Remarks, lithology or description of repairs or abandonment, water temp. | Water Y | Water N |
|---|---|---|---|---|---|
| 12 | 0 | 2 | Top Soil | | X |
| 12 | 2 | 16 | Gravel & Boulders | | X |
| 12 | 16 | 20 | Clay & Gravel | | X |
| 8 | 20 | 26 | Clay & Gravel | X | |
| 8 | 26 | 60 | Gravel & Sand | X | |

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SOUTHERN REGION

Completed Depth (Measurable): 60ft
Date Started: 11/10/2017 Date Completed: 11/13/2017

**14. DRILLER'S CERTIFICATION:**
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dirt Works Co. No. 652
*Principal Driller Brian McJunkin Date 11/24/2017
*Driller ____ Date
*Operator II ____ Date
Operator I ____ Date

* Signature of Principal Driller and rig operator are required

884343

Form 238-7
6/07

# IDAHO DEPARTMENT OF WATER RESOURCES
# WELL DRILLER'S REPORT

DA

**1. WELL TAG NO.** D D00 78024
Drilling Permit No. 885979
Water right or injection well # 37W-106-001

**2. OWNER:** Hartley Rodgers
Name Hartley Rodgers
Address 610 Fifth Ave. Suite 401
City New York State NY Zip 10020

**3.WELL LOCATION:**
Twp. 5 North ☒ or South ☐ Rge. 17 East ☒ or West ☐
Sec. 23 SW 1/4 (10 acres) NW 1/4 (40 acres) NE 1/4 (160 acres)
Gov't Lot _____ County Blaine
Lat. 43 ° 45. 16494 (Deg. and Decimal minutes)
Long. 114 ° 23. 72166 (Deg. and Decimal minutes)
Address of Well Site 13370 Hwy 75
(Give at least name of road + Distance to Road or Landmark) City Ketchum
Lot. _____ Blk. _____ Sub. Name _____

**4. USE:**
☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☒ Injection
☐ Other _____

**5. TYPE OF WORK:**
☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

**6. DRILL METHOD:**
☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

**7. SEALING PROCEDURES:**

| Seal material | From (ft) | To (ft) | Quantity (lbs or ft³) | Placement method/procedure |
|---|---|---|---|---|
| Bentonite Grout | 20 | 8 | 350 lbs | Pumped-Tremie |
| Bentonite Chips | 8 | 0 | 500 lbs | Dry Pour |

**8. CASING/LINER:**

| Diameter (nominal) | From (ft) | To (ft) | Gauge/ Schedule | Material | Casing | Liner | Threaded | Welded |
|---|---|---|---|---|---|---|---|---|
| 6" | 61 | +1.5 | 250 | Steel | ☒ | ☐ | ☐ | ☒ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 61 Ft

**9. PERFORATIONS/SCREENS:**
Perforations ☒ Y ☐ N Method Knife
Manufactured screen ☐ Y ☒ N Type _____
Method of installation _____

| From (ft) | To (ft) | Slot size | Number/ft | Diameter (nominal) | Material | Gauge or Schedule |
|---|---|---|---|---|---|---|
| 60 | 40 | 1/8 | 8 | 6" | Steel | 250 |
| | | | | | | |
| | | | | | | |

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☒ N Type _____

**10.FILTER PACK:**

| Filter Material | From (ft) | To (ft) | Quantity (lbs or ft³) | Placement method |
|---|---|---|---|---|
| | | | | |
| | | | | |

**11. FLOWING ARTESIAN:**
Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____
Describe control device _____

**12. STATIC WATER LEVEL and WELL TESTS:**
Depth first water encountered (ft) 4 ft Static water level (ft) 10ft
Water temp. (°F) Cold Bottom hole temp. (°F) Cold
Describe access port Well Cap

Well test:

| Drawdown (feet) | Discharge or yield (gpm) | Test duration (minutes) | Test method: Pump | Bailer | Air | Flowing artesian |
|---|---|---|---|---|---|---|
| 50 ft | 150 | 45 | ☐ | ☐ | ☒ | ☐ |
| | | | ☐ | ☐ | ☐ | ☐ |

Water quality test or comments: Goood

**13. LITHOLOGIC LOG and/or repairs or abandonment:**

| Bore Dia. (in) | From (ft) | To (ft) | Remarks, lithology or description of repairs or abandonment, water temp. | Water Y | Water N |
|---|---|---|---|---|---|
| 10 | 0 | 2 | TOP Soil | | X |
| 10 | 2 | 18 | Sand - Gravel - Boulders | X | |
| 10 | 18 | 20 | Gravel & Clay | X | |
| 6 | 20 | 23 | Gravel & Claay | X | |
| 6 | 23 | 35 | Gravel & Sub Soil | | X |
| 6 | 35 | 50 | Gravel - Clay | | X |
| 6 | 50 | 61 | Gravel - Clay | X | |

RECEIVED
JUL 02 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

Completed Depth (Measurable): 61 ft
Date Started: 5/21/2018 Date Completed: 5/25/2018

**14. DRILLER'S CERTIFICATION:**
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dirt Works Co. No. 652
*Principal Driller Bob McLaughlin Date 5/29/2018
*Driller _____ Date _____
*Operator II _____ Date _____
Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

626 S88

Path: F:\Projects\Falls-Rogers\GIS 2018\2023 Beneficial Use Exam.mxd




0 45 90 180 Feet

# HARTLEY ROGERS

## HEATING & COOLING BENEFICIAL USE EXAM

37-23099

Place of use
Parcel
Injection Well
Production Well
Delivery Lines
N

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 3/10/2023

2022 BLAINE COUNTY NEARMAP AERIAL

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 03, 2018

RECEIVED
MAY 07 2018

Hartley Rogers
610 Fifth Ave. Suite 401
New York, NY 10020

*Re: Permit for the Operation of Injection Well 37W-106-001*

Dear Mr. Rogers,

Enclosed is a copy of the approved permit for your injection well. The Conditions of Approval are specific to the operation of your well. Attachment I is a copy of your permit application.

**The permit to operate this well will expire on 5/1/2028.** If use of the well is desired beyond this date, a new application must be filed. If you have any questions, please call me at (208) 287-4991.

Regards,

Nathaniel Fischer
UIC Hydrogeologist

cc: File
Zach Latham, Brockway Eng.

*Please Note: Injection wells represent potential hazards to groundwater resources through intentional or unintentional injection of contaminating substances. The well owner and/or operator may incur considerable costs for mitigation, cleanup, and legal fees in the event that contamination is caused through an injection well. An injection well permit does not release the well owner and/or operator from such potential liability.*

*Well closure is encouraged wherever practical, and requires prior approval. Please contact IDWR for further information.*

# State of Idaho
# Department of Water Resources

## Injection Well Permit No. 37W-106-001

**Permit Holder:** Hartley Rogers
610 Fifth Ave. Suite 401
New York, NY 10020

**Facility:** 13370 Hwy 75
Ketchum, ID 83340

**Expiration Date:** 5/1/2028

**Injection Well Classification:** 5A7

**Injection Well Location:**

| PLSS | Latitude/Longitude | County |
|---|---|---|
| T5NR17ES23SWNWNE | 43.752749 N<br>114.395361 W | Blaine |

**Well Construction Information:**

| Well Casing Diameter | Well Depth |
|---|---|
| 6 inches | 60 feet |

**Injectate:** Heat Exchange Return Flow

**Pretreatment Method:** N/A

**Injection Activity:**

| Frequency | Maximum Average Weekly Injection Rate |
|---|---|
| Continuous | 75 gpm |

**Land Use in Drainage Area:** N/A

**Conditions of Approval:**

1. This injection well is administered under IDAPA 37.03.03, Rules and Regulations for the Construction and Use of Injection Wells, and IDAPA 37.03.09, Well Construction Standards & Rules.

2. The facility owner and operator bear sole responsibility to mitigate for harm or degradation resulting from the injection activities authorized in this permit.

3. Violating the water quality standards stated in IDAPA 37.03.03.070.05, degrading the quality of the groundwater, or impacting a beneficial use of groundwater resources through the use of this injection well is prohibited and is cause for cancellation of this permit.

4. In the event that existing or future points of diversion for beneficial use are suspected by IDWR of being contaminated by injection activities at this well, IDWR will require

that injection activities at this well cease immediately. Burden of proof that injection activities at this well are not contaminating existing or future points of diversion is the responsibility of the injection well owner.

5. Approval of this permit does not authorize diversion or beneficial use of water. This permit is not a Water Right nor does approval of this permit guarantee the approval of any Water Right being sought for this well.

6. The system must be closed to the surface to prevent contamination of the injectate. A protected air vent may be installed if needed, and a sampling port is required.

7. The injectate entering this well must be restricted to heat exchange unit return water. Prior approval from the IDWR UIC Program is required for the use of additives.

8. Discharge water from the heat exchange into the well is recommended to be delivered via a drop pipe that terminates below the static water level in the well. Seasonal fluctuations in groundwater levels should be considered when determining the depth of the drop pipe to insure that the outflow end is submerged at all times. A pitless adaptor should be used to create a watertight seal between the drop pipe and conductance pipe delivering water to the well to prevent contamination of the discharge water.

9. The temperature of injected water must be maintained below 85° F. If the injectate temperature exceeds 85° F, the Department of Water Resources must be notified within 48 hours of the increased injectate temperature.

10. If use of this injection well at any injection rate is desired after the expiration date of this permit, this permit must be renewed. If at any time use of this injection well is not desired, the owner/operator must contact the IDWR UIC Program to obtain approval prior to decommissioning.

11. Approval of this permit constitutes a waiver of IDAPA 37.03.03.070.05.d.i so that this injection well can be located within the prescribed set back distance of an existing point of diversion for beneficial use. This waiver is contingent upon the injectate quality meeting the MCL's listed in IDAPA 58.01.11.200 and the injection activities not degrading the ground water resource or impacting beneficial uses of groundwater resources.

12. This permit includes Attachment I – Permit Application.

This permit will be administered in accordance with Idaho law and applicable rules of the Idaho Department of Water Resources.

Date this 2ND day of MAY, 2018

Manager, Groundwater Protection Section

**State of Idaho**
**Department of Water Resources**

**Injection Well Permit No. 37W-106-001**

## ATTACHMENT I

PERMIT APPLICATION

RECEIVED
FEB 12 2018
DEPARTMENT OF
WATER RESOURCES

42-39-1
02/2014

Permit No. 37W - 106 - 001

# APPLICATION FOR PERMIT TO CONSTRUCT, MODIFY OR MAINTAIN AN INJECTION WELL

RECEIVED
FEB 08 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

**IDAHO DEPARTMENT OF WATER RESOURCES**
322 East Front St., PO Box 83720, Boise, ID 83720-0098
Under the Provisions of Title 42, Chapter 39 of the Idaho Code

## I. INFORMATION REQUIRED FOR ALL INJECTION WELLS

**A. Application Type:**

- [x] New Injection Well Operating Permit (A Drilling Permit is also required prior to construction)
- [ ] Permit to Modify an Existing Injection Well
- [ ] Renew Operating Permit of an Existing Injection Well

**B. Legal Owner:**

Name: Hartley Rogers
Organization Name:
Mailing Address: 610 Fifth Avenue, Suite 401
City: New York State: NY Zip Code: 10020
Phone No. 1: 1-212-752-7850 Phone No. 2:

**If the property will change ownership soon, provide contact information for future owner:
N/A

**C. Well Location:**

Facility Name: Rodgers Residence
Address: 13370 HWY 75
City: Ketchum State: ID Zip Code: 83340
County: BLAINE Facility Phone No.:

Provide one of the following two options:

1) GPS Location (Datum = WGS84):
Latitude: 43.752750 Longitude: -114.395382

(You can check the accuracy of your GPS data with the "Well Diller's Locator Tool" here: http://maps.idwr.idaho.gov/locator/default.aspx)

2) A USGS Topographic Map or aerial photo with the well location marked **and** Township, Range, Section information.

| Township | Range | Section | ¼, ¼, ¼ Section | ¼, ¼ Section | ¼ Section |
|---|---|---|---|---|---|
| 5N | 17E | 23 | SW | NW | NE |

(Get free maps using this tool: http://maps.idwr.idaho.gov/IrrigationRightsFinder)

**D. Well Operation:**

Frequency of Injection: [x] Continuous (24 hr/day, 7 day/wk) [ ] Intermittent

Maximum Average Weekly Rate: 75 [ ] cfs [x] gpm
(guidance attached)

0.17 cfs

**E. Injection Well Classification:** (Circle the proper code. In PDF version use: Tools → Comments & Markup → Oval Tool)

| Code: | Injection Activity Associated With: | Code: | Injection Activity Associated With: |
|---|---|---|---|
| 5A5 | Electric Power Generation | 5W10 | Cesspools |
| 5A6 | Geothermal Heat (Source $H_2O$ Temp > 85° F) | 5W11 | Septic Systems (General) |
| (5A7) | Closed-Loop Heat Pump Return (Source $H_2O$ Temp < 85° F) | 5W12 | Water Treatment Plant Effluent |
| 5A8 | Aquaculture Return Flow | 5W20 | Industrial Process Water |
| 5A19 | Cooling Water Return (Industrial Cooling) | 5W31 | Septic Systems (Well Disposal) |
| 5B22 | Saline Water Intrusion Barrier | 5W32 | Septic Systems (w/ Drainfield) |
| 5D2 | Storm Water Runoff (Roadway/Pavement Drainage) | 5X13 | Mine Tailing Backfill |
| 5D3 | Improved Sinkholes | 5X14 | Solution Mining |
| 5D4 | Industrial Storm Runoff (Building/Pavement Drainage) | 5X15 | In-Situ Fossil Fuel Recovery |
| 5F1 | Agricultural Runoff Waste (Agricultural Drainage) | 5X16 | Spent Brine Return Flow |
| 5G30 | Special Drainage Water (Rarely Used) | 5X25 | Experimental Technology |
| 5N24 | Low-Level Radioactive Waste | 5X26 | Aquifer Remediation |
| 5R21 | Aquifer Storage & Recharge | 5X27 | Other Wells (Rarely Used) |
| 5S23 | Subsidence Control | 5X28 | Service Station Wells (Motor Vehicle Waste Disposal) |
| 5W9 | Untreated Sewage | 5X29 | Abandoned Drinking Wells (Converted from Domestic) |

**F. Well Construction Information:** (Attach well log, if available)

☐ As Built ■ Expected Construction ☐ Well Modification

Total Well Depth: 60 (ft)

Well Casing: Diameter 6 (in) Depth 60 (ft)

Ht. above Ground Surface 2 (ft) Casing Type STEEL

Perforation: From 20 (ft) To 40 (ft)

Surface Seal: Depth 20 (ft) Seal Type Bentonite chips

Construction Date (Indicate Actual, Approximate or Anticipated): Spring 2018

Driller's Name: Dirt Works

For well modifications describe purpose and intended changes:

N/A

**G. Adjacent Features:**

Depth to Groundwater 14 (ft) ☐ Estimate ■ Measured Date Measured 11/10/17

Distance to Nearest Domestic Well Approx. 200 (ft) Direction NNW

## II. INFORMATION REQUIRED ONLY FOR HEAT EXCHANGE (CLASS 5A7) INJECTION WELLS

Please check all of your domestic uses served by your groundwater well:

☒ Household ☐ Irrigation (≤ ½ acre) ☐ Livestock
☒ Heat Pump ☐ Other _____

What is your total domestic groundwater usage? 108,900 Gallons Per Day
(Guidance on page 6)

Are you connected to a city or community drinking water system? ☐ Yes ☐ No

Do you have a water right for the heat pump? ☐ Yes ☒ No Water Right # See Attached Permit Application

Have you applied for a water right for the heat pump? ☒ Yes ☐ No Water Right Application # See Attached Permit App

* Attach documentation from your heat pump manufacturer that indicates how many gallons per day your heat pump will use during peak heating and cooling days.

** Applicants seeking permits for a Heat Exchange Injection Well can skip Section III.

## III. INFORMATION REQUIRED FOR ALL INJECTION WELLS, EXCEPT HEAT EXCHANGE (CLASS 5A7) INJECTION WELLS

### A. Alternative Methods to Injection Well Use:

Describe alternatives to the use of an injection well for waste disposal _____

Why were the above alternative methods rejected? _____

### B. Water Treatment Prior to Injection:

☐ None ☐ Chemical Treatment ☐ Ultra-Violet Treatment
☐ Settling Pond ☐ Filtration
☐ Other _____

### C. Is this injection well part of a contamination remediation system? ☐ Yes ☐ No

If yes, please attach a copy of the signed regulatory approval for the remediation action, description of the remediation system, and intended use of the injection well.

### D. Constituents in Waste Stream:

☐ None ☐ Hazardous wastes ☐ Automotive fluids ☐ Pesticides
☐ Herbicides ☐ Other additives or chemicals _____

**E. Attach a topographic map or aerial photo showing a one-mile radius of the injection well. Identify the following on the map/photo:**

1. Location of the injection well.
2. Location of domestic wells.

You can use the IDWR Well Drillers' Locator to map the existing wells near your location by:

- Open the Well Drillers' Locator: http://maps.idwr.idaho.gov/locator/default.aspx
- Enter your GPS location into the "Find a Location in Idaho" window. The map will zoom to that location and mark it with a yellow dot.
- Click the down-arrow on the zoom slider button twice (upper left corner of the map) to zoom out. You should now see a map which shows all wells within a one-mile radius of your site
- Click "Wells", in the list of layers on the right side of the map
- Click the "Print Map" button on the left side of the map

## IV. SIGNATURE OF LEGAL OWNER

I hereby submit this Application for Permit to Construct or Maintain an Injection Well. The information herein is true and correct to the best of my knowledge.

1/30/2018 — Date

[signature] — Signature

Title

HARTLEY R. ROGERS — Print Name

**FOR OFFICE USE ONLY:**

**Fees paid**: $100.00 **Date**: 2/8/2018
**Receipt No.**: S036569 **By**: DM

## V. PROCESSING FEE

A $100.00 processing fee must be submitted for each permit application. A separate permit application and processing fee must be submitted for each injection well. Make checks payable to: Idaho Department of Water Resources.

All sections of this form must be complete and accurate. Incomplete forms will be returned to applicant. The information submitted is subject to verification by IDWR or its agents. Applications and fees can be submitted your nearest IDWR office:

IDWR Northern Region
7600 N Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
Ph: (208) 762-2800

IDWR Southern Region
650 Addison Ave., Suite 500
Twin Falls, ID 83301
Ph: (208) 736-3033

IDWR Eastern Region
900 North Skyline
Idaho Falls, ID 83402
Ph: (208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705
Ph: (208) 334-2190

IDWR State Office
322 East Front St., PO Box 83720
Boise, ID 83720-0098
Ph: (208) 287-4800.

IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 14, 2023

HARTLEY ROGERS
610 5TH AVE STE 401
NEW YORK NY 10020-2403

RE: License No. 37-23099

**ISSUANCE OF LICENSE**

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

*Phill Hummer*

Phill Hummer
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2023, I served a true and correct copy of Water Right License No. 37-23099 by U.S. Mail, postage prepaid, to the following:

HARTLEY ROGERS (Current Owner)
610 5TH AVE STE 401
NEW YORK NY 10020-2403

BROCKWAY ENGINEERING PLLC (Representative)
C/O ZACH LATHAM
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT #37
SUNNY HEALEY (Watermaster)
107 W 1ST ST
SHOSHONE ID 83352-5425

Debra Mansfield
Technical Records Specialist 1

# EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

## REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

## ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director 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 Director 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 service date 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.

# Memorandum

**Date:** August 29, 2023

**From:** Blake Burkard

**To:** Water Right File 37-23099

**Subject:** Licensing Review of Certified Water Right Examiner Report

---

Water right permit 37-23099 authorizes the diversion of ground water at 0.17 cfs for the uses of heating and cooling of one home in Blaine County. The field exam for this right was performed by Certified Water Right Examiner #151, G. Erick Powell, P.E., on March 8, 2023. The purpose of this memo is to review the recommendations made in the field exam report submitted March 31, 2023.

**Ownership:**

Application for permit 37-23099 was submitted by Brockway Engineering, PLLC, on behalf of Hartley Rogers, the owner of the permit. The POU for this right is still owned by Rogers, so there are no ownership concerns at the time of this review.

**Overlap:**

The submitted beneficial use field report determined that there were no other water rights with the same place of use or with the same source and point of diversion. However, in the attached narrative, Powell states that the heating and cooling uses are diverted from the house's domestic well. The domestic system is authorized by water right 37-20798, licensed in 2013. The application for 37-23099 stated: "Existing domestic well will be used for heating and cooling supply for residence." This is also contrary to the evidence submitted with the field report, which shows that a new well was drilled to replace the domestic well. While Powell made no effort to provide an overlap review, the supply well was designed to provide water for heating, cooling, and domestic uses without limitations. The production well pump is 7.5 horsepower, and assuming 60 ft of lift based on the well drillers report, the well should be able to provide 0.26 cfs for both uses. Since 0.26 cfs exceeds the combined flow rates for 37-20798 and 37 23099, I am not recommending a combined use limit for the right.

**Point of Diversion and Place of Use:**

The point of diversion, injection location, and place of use were confirmed in the field report to be SW¼ NW¼ NE¼, Sec. 23, Twp 05N, Rge 17E in Blaine County. The submitted narrative stated that the production well was tagged as D0066499, which conflicts with the attached well log.

The injection well was also described incorrectly in the narrative. The correct tag numbers for the production and the injection well are D0075047 and D0078042, respectively.

**Diversion Rate and Volume:**

The examiner used the installed totalizer flow meter to recommend a rate of 0.16 cfs, which represented the heating system being used at its full capacity. I agree with the rate recommendation. The totalizer showed that approximately 24.4 acre-ft had been diverted per year, but the recommended volume for the water right was 43.5 acre-ft, which is 1.78 times greater than the actual diverted amount. In addition to being a large overestimate, the heating and cooling volumes were almost identical, and a home in Ketchum would require a much larger volume for heating than for cooling due to its climate. I used totalizer data to recommend a volume below:

Using the weather station identified in Powell's analysis, heating and cooling degree days for the year 2022 were used to determine a general breakdown of the volume used:

Days requiring heating: 313 (86.5% of volume) Est. volume = 21.1 AF

Days requiring cooling: 49 (13.5% of volume) Est. volume = 3.3 AF

The variation of heating and cooling requirements from year to year within the period of record. In order to recommend a volume that would be adequate for extreme years, I calculated percent difference between the maximum and minimum degree day values and added that to the estimated volumes:

$$\%diff\ Heating = \frac{9215 - 7873}{(\frac{9215 + 7873}{2})} = 15.7\%$$

$$Heating\ recommendation = 21.1 + (21.1 * 0.157) = 24.4\ AF$$

$$\%diff\ Cooling = \frac{203 - 8}{(\frac{203 + 8}{2})} = 185\%$$

$$Cooling\ recommendation = 3.3 + (3.3 * 1.85) = 6.1\ AF$$

Total Volume Recommendation: 30.5 AF

Source for degree days: https://pnwpest.org/dd/model_app

**Conditions:**

The reviewer recommended removing conditions 26A and 933 and altering condition 01J. 26A is routinely removed, but 933's usage description states that it should remain on licenses even if they are non-consumptive uses. 01J shouldn't have been placed on the permit, according to the measuring device flowchart, and I recommend replacing it with 01R. The reviewer recommended keeping the rest of the conditions, to which I agree.

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
APR 03 2023
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAR 31 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

March 31st, 2023

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Ave W, Ste 500.
Twin Falls, ID 83301-3380

RE: Water Right Permit 37-23099; Beneficial Use Field Report.

Dear Corey,

On behalf of Mr. Hartley Rogers, enclosed is the beneficial use field report for water right permit 37-23099. Please copy our office on all correspondence regarding this water right permit beneficial use field report. Don't hesitate to call our office should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,

G. Erick Powell, Ph.D., P.E.

Enclosures: (1) Beneficial Use Field Report; 37-23099

Cc: Mr. Hartley Rogers

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

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

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 31, 2023

HARTLEY ROGERS
610 5TH AVE STE 401
NEW YORK NY 10020-2403

**NOTICE: STATEMENT OF COMPLETION DUE**

RE: Permit No. 37-23099

**IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.**

Dear Permit Holder(s):

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 **April 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosure(s)

c: BROCKWAY ENGINEERING PLLC

CERTIFIED MAIL
7016 0750 0000 2176 2985
NO

SCANNED
JAN 31 2023