

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05195
Date Received: 7/07/1989
Receipt No: W003500
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAYMOND F. STRALOW
Address: 3911 WHITEHEAD
BOISE, ID 83703
208-345-5191

2. Date of Priority: JAN 01, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	29	SW	NE			ADA

5. Description of diverting works:
APPROX. 1400' DEEP GEOTHERMAL WELL - ARTESIAN FLOW W/PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.740		
DOMESTIC	01/01	12/31	0.100		

7. Total Quantity Appropriated is:
0.840 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/6 HOMES, G/HEATING OF 6 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	29	SW	NE		HEAT	
			SW	NE		DOMEST	

A63-05195

Page 1

Date: 07/07/89

MICROFILMED

AUG 21 1992

SCANNED
OCT 06 2006

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jayma L. Stinson Date: 7/7/89
_____ Date: _____

State of Idaho)
County of ADA) ss.

Subscribed and sworn (or affirmed) before me this 7th day

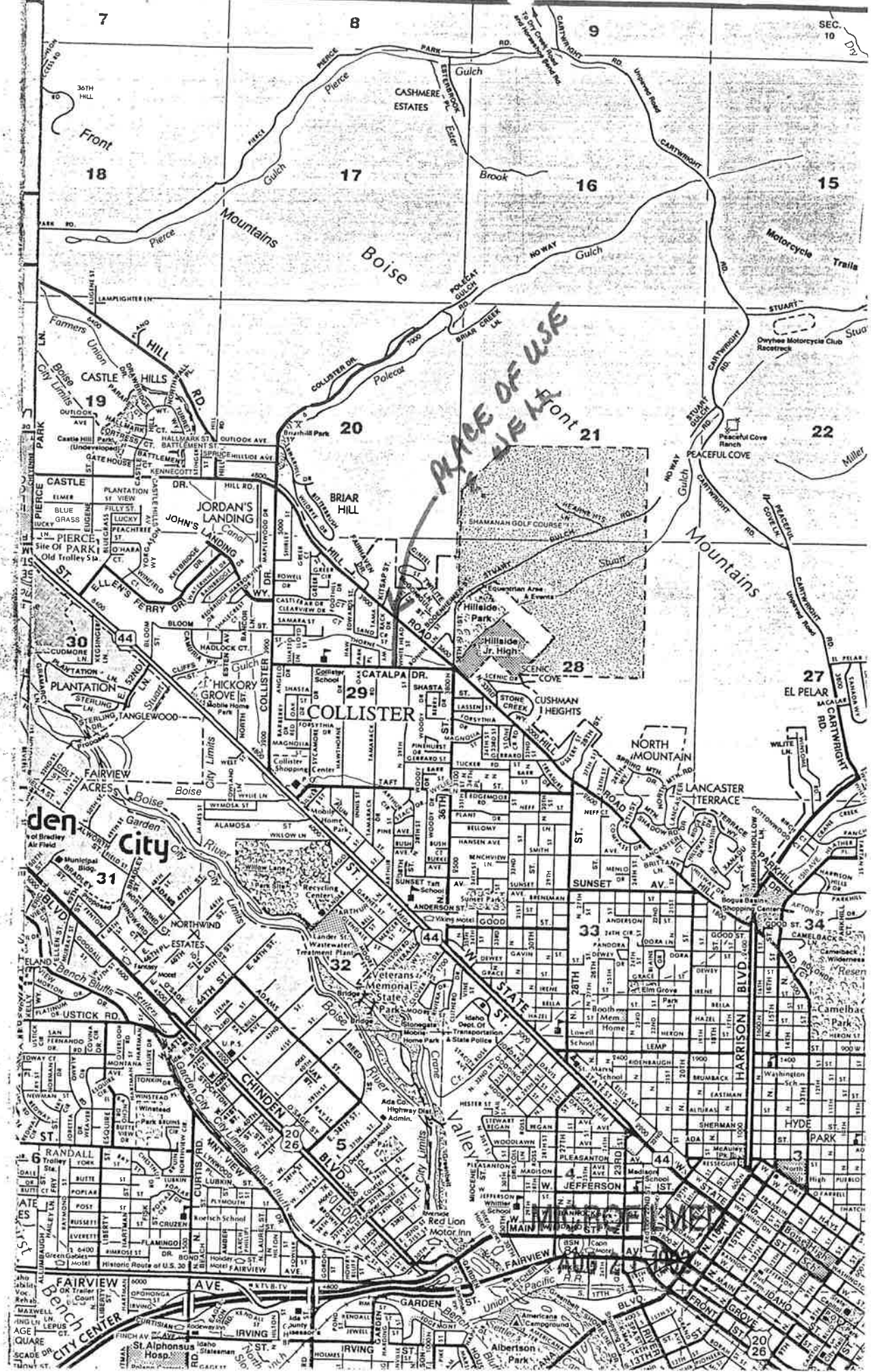
of July 19 89

Seal

Jan Thuite
Notary Public

Residing at Meridian ID

My Commission Expires 9-14-94



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

Ident. Number: **A63-05195**
Date Received: 7/ 7/1989
Receipt No: W003500
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SHERMAN A NELSON 208-342-0380
Address: 4015 WHITEHEAD STREET
BOISE ID 83703

AND

Name: KIMBERLY NELSON 208-342-0380
Address: 4015 WHITEHEAD STREET
BOISE ID 83703

2. Date of Priority: JAN 1, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	29	SW	NE			ADA

5. Description of diverting works:

APPROX. 1400' DEEP GEOTHERMAL WELL - ARTESIAN FLOW W/PIPELINES.

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DOMESTIC	01/01	12/31	0.100		

7. Total Quantity Appropriated is:

0.840 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/6 HOMES, G/HEATING OF 6 HOMES.

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	29	SW	NE		HEAT	
			SW	NE		DOMEST	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05195
Date Received: 7/07/1989
Receipt No: W003500
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAYMOND F. STRALOW 208-345-5191
Address: 3911 WHITEHEAD
BOISE, ID 83703

2. Date of Priority: JAN 01, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	29	SW	NE			ADA

5. Description of diverting works:
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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	29	SW	NE		HEAT	
			SW	NE		DOMEST	

A63-05195

Page 1

Date: 09/20/89

MICROFILMED
AUG 21 1992

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

DIA0:[WATERA.WRUSERS.WRSTATE.WRSAXTON]STEWART.RIGHTS;1

draft

09-21-89

lgs

Known water rights or recordings of claimed water rights to the use of the low temperature geothermal water resource in the Stewart Gulch area include the following:

Ident	Orig. Owner	Pres owner	Amt-cfs	Priority
63-0012	Frances Silkey	Hunt Bros	0.14	July 1, 1921
63-0013	"	"	0.66	July 1, 1922
63-0014	Thomas Edwards	Paul Edwards	0.82	Nov. 22, 1926

- Further limitation on use:

Oct 1 to Apr 1 - 0.30 cfs allowed to flow

Apr 1 to Oct 1 - 0.40 cfs allowed to flow

63-0015	H. W. Tiegs	Hunt Bros	0.80	Mar. 23, 1927
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- Further limitation on use: No water allowed to flow until allowed by a subsequent order of the court. i.e. after August 19, 1930.

- A subsequent order apparently was not issued.

63-0016	J. Ryan	M.E. Ryan	0.80	Sept 24, 1927
---------	---------	-----------	------	---------------

- Further limitation on use: No water allowed to flow until allowed by a subsequent order of the court. (i.e. after August 19, 1930).

- A subsequent order apparently was not issued.

- Water from this well thru a 1" pipe) has been allowed to flow for a long period of time and is used for irrigation.

63-4037	V. Nibler	Quail Hollow	2.4	Oct 1, 1931
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- p.d. - NWNE sec 28, T4N, R2E

- "Lower" well for golf club.

Aug 5 1989
MICROFILMED

9/16/10

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5195

NAME AND ADDRESS: DAVID NIZNIK
3911 WHITEHEAD
BOISE ID 83703

DIANE PECK-NIZNIK
3911 WHITEHEAD
BOISE ID 83703

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.030 CFS
16.50 AFY

PRIORITY DATE: ~~06/01/1921~~ 07/02/1921

POINT OF
DIVERSION: T04N R02E S29 SWNE Within ADA County

Source is low temperature geothermal water.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	HEATING	01/01 12/31	0.030 CFS 16.50 AFY
	DOMESTIC	01/01 12/31	0.030 CFS

Heating use is for 4 homes.

Domestic use is for internal use in 4 homes and does not include lawn, garden, landscape, or other types of irrigation.

If this right is changed in any way via the IDWR administrative transfer of water right process, the transfer will include a condition that the low temperature geothermal water will be used for its heat value first before any other use.

PLACE OF USE: HEATING in ADA County
T04N R02E S29 SWNE
DOMESTIC in ADA County
T04N R02E S29 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This water right is subject to the terms of a private Agreement dated , 2010 recorded at the Ada County Recorder's Office on , 2010 as Instrument No. .

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Place of use is also known as parcel nos. S0629131450, S0629131400, S0629131410 and S0629131434.

~~WATER IS 120 DEGREE F GEOTHERMAL WATER~~

Water temperature is measured at 120 degrees F.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer.

The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.

Music, Vicky

From: Music, Vicky
Sent: Thursday, January 28, 2010 10:05 AM
To: 'Andy J. Terteling'
Subject: RE: 63-5795 Stralow/Niznick

No. I don't think there is an objection to priority date so I won't be doing anything. Time for you and Charlie to talk.

Vicky Music

-----Original Message-----

From: Andy J. Terteling [mailto:ajt@tertco.com]
Sent: Thursday, January 28, 2010 9:52 AM
To: Music, Vicky
Subject: RE: 63-5795 Stralow/Niznick

Vicky,

Thanks for your response. Does that mean you will update your recommendation showing Silkey #1 with the first priority date?

Andy

-----Original Message-----

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, January 28, 2010 9:48 AM
To: Andy J. Terteling
Subject: FW: 63-5795 Stralow/Niznick

Andy -

I looked at the file again and see that in me memo to file dated 3/15/05, on page 1 I refer to an affidavit by Mr Cantwell and on page 2, I refer to a statement by MR Cantwell. The purpose of the memo to memorialize some of my thoughts are the basis of my rec. They often are no all inclusive when it comes to the information considered. Anyway, there was no affidavit from Mr Cantwell, but 2 statements from Mr Johnson and Mr. Stralow who interviewed Mr Cantwell in 1989 when he was approx 76.

Vicky Music

-----Original Message-----

From: Music, Vicky
Sent: Thursday, January 21, 2010 8:30 AM
To: 'Andy J. Terteling'
Subject: RE: 63-5795 Stralow/Niznick

Good morning Andy - I did get it. Hopefully will be able to look at the file this week and will get back to you. Have a great week!

Vicky Music

-----Original Message-----

From: Andy J. Terteling [mailto:ajt@tertco.com]
Sent: Wednesday, January 20, 2010 12:14 PM
To: Music, Vicky
Subject: FW: 63-5795 Stralow/Niznick

Hi Vicky,

I'm not sure this e-mail got through to you; it didn't show up in my sent items so I'm resending it today... darn computers!

Andy

-----Original Message-----

From: Andy J. Terteling
Sent: Monday, January 18, 2010 11:55 AM
To: Music, Vicky
Subject: 63-5795 Stralow/Niznick

Hi Vicky,

I read the Stralow/Niznick file and I could not find the affidavit from Mr. Cantwell that you mentioned in your basis for recommendation. Instead I only found the letter written by Mr. Stralow that mentions he interviewed Mr. Cantwell, I attached that letter for your reference.

Obviously my concern is the Stralow well being first in line when everything I have read shows it should be second to Silkey #1. Would be willing to provide me the affidavit from Mr. Cantwell? I'm sure that would be really helpful, and then maybe I can put this one to rest.

Thanks again Vicky for all your help.

Andy

ajt@tertco.com
381-5212 work
866-5200 cell

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 63-5195

Case 39576

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC
Address: 4106 Sand Creek Street
Boise, Idaho 83703
Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: David Niznik and Diane Peck-Niznik
Address: 3911 Whitehead
Boise, Idaho 83703

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)):

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*.

F.

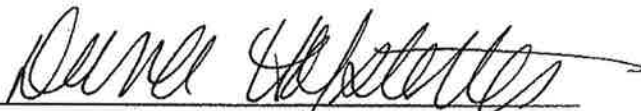
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

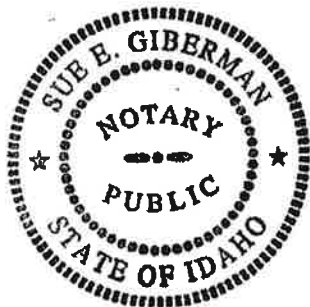
Signature of person filing objection



Attorney signing in representative capacity

Subscribed and sworn to before me on:

April 20, 2006



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: David Niznik and Diane Peck-Niznik
Address: 3911 Whitehead
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

05/31/2005

JUN 09 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-5195

DAVID NIZNIK
3911 WHITEHEAD
BOISE ID 83703
Telephone Number: (208)402-9889

DIANE PECK-NIZNIK
3911 WHITEHEAD
BOISE ID 83703
Telephone Number: (208)402-9889

RECEIVED

JUN 10 2005

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-7-05

SIGNATURE: David Niznik

Please print your name:

DAVID NIZNIK DIANE PECK-NIZNIK

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

SCANNED

JUN 9 9 2005

03/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5195
NAME AND ADDRESS: KIMBERLY NELSON
4015 WHITEHEAD ST
BOISE ID 83703

SHERMAN A NELSON
4015 WHITEHEAD ST
BOISE ID 83703

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.030 CFS
16.500 AFY
PRIORITY DATE: 06/01/1921
POINT OF DIVERSION:

T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.030 CFS 16.50 AFY
DOMESTIC	01/01 12/31	0.030 CFS

Heating use is for 4 homes.

Domestic use is for 4 homes and does not include lawn, garden,
landscape, or other types of irrigation.

PLACE OF USE: HEATING Within ADA County
T04N R02E S29 SWNE
DOMESTIC Within ADA County
T04N R02E S29 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Place of use is also known as parcel nos. S0629131450, S0629131400,
S0629131410 and S0629131434.

WATER IS 120 DEGREE F GEOTHERMAL WATER.

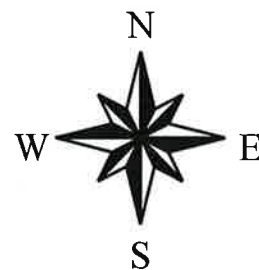


State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 29
Water Right(s) : 63-5195



1320 0 1320 2640 Feet



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: March 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 31, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

David Niznik
Diane Peck-Niznik
3911 Whitehead
Boise, ID 83703

Re: Notice of Claim to a Water Right No. 63-5195

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

03/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5195

NAME AND ADDRESS: DAVID NIZNIK
3911 WHITEHEAD
BOISE ID 83703

DIANE PECK-NIZNIK
3911 WHITEHEAD
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
16.500 AFY

PRIORITY DATE: 06/01/1921

POINT OF DIVERSION:

T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.030 CFS
		16.50 AFY
DOMESTIC	01/01 12/31	0.030 CFS

Heating use is for 4 homes.

Domestic use is for 4 homes and does not include lawn, garden,
landscape, or other types of irrigation.

PLACE OF USE: HEATING Within ADA County

T04N R02E S29 SWNE

DOMESTIC Within ADA County

T04N R02E S29 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Place of use is also known as parcel nos. S0629131450, S0629131400, S0629131410 and S0629131434.

WATER IS 120 DEGREE F GEOTHERMAL WATER .

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-5195
Date Received: 7/7/1989
Receipt No: W003500
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID NIZNIK Phone: (208)402-9889

3911 WHITEHEAD
BOISE ID USA 83703

DIANE PECK-NIZNIK Phone: (208)402-9889

3911 WHITEHEAD
BOISE ID USA 83703

2. Date of Priority: 01/01/1900

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	29	SW NE	ADA	

5. Description of diverting works:

APPROX. 1400' DEEP GEOTHERMAL WELL - ARTESIAN FLOW W/PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
HEATING	1/01	12/31	0.74	
DOMESTIC	1/01	12/31	0.1	

7. Total Quantity Appropriated is:
0.84 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	29	SW	NE		HEATING	
			SW	NE		DOMESTIC	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP 3/31/2005 LG

15. Basis of Claim: Statutory Claim

OK-VLM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 15 2005

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-5195	N			

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

waived

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

EDWARD W. ACTMAN

6529 PLANTATION LANE, BOISE IDAHO 83703

4. New Owner/Claimant(s)

DAVID NIZNIK, DIANE PEER-NIZNIK

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

3911 WHITEHEAD

City, State and ZIP Code

BOISE, IDAHO 83703

New Telephone Number

208 402-9889

5. Date you acquired the property

12/10/2004

X If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

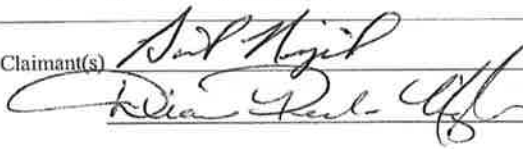
Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7 
Signature of New Owner(s) or Claimant(s)
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RECEIVED

MAR 18 2005

**WATER RESOURCES
WESTERN REGION**



Order No.: A0433876



WARRANTY DEED

FOR VALUE RECEIVED,

PLANTATION WEST BUILDERS, INC

The Grantor(s), do(es) hereby grant, bargain sell and convey unto

DAVID L. NIZNIK and DIANE PECK-NIZNIK, HUSBAND AND WIFE

whose current address is 3911 N WHITEHEAD STREET BOISE, ID 83703

the Grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

That portion of the South half of the Northeast quarter of Section 29, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at the quarter section corner common to Sections 29 and 28, Township 4 North, Range 2 East, Boise Meridian; thence

North 89 degrees 18' West along the half section line 1327.6 feet to an iron pin marking the Southeast corner of the Southwest quarter of the Northeast quarter of Section 29, Township 4 North, Range 2 East, Boise Meridian; thence

North 89 degrees 18' West 48.8 feet to a point on said half of section line; thence

North 0 degree 16' East 25 feet to an iron pin; thence

North 06 degrees 47'39" West 229.75 feet to an iron pin; thence

South 86 degrees 55'30" East 136 feet to an iron pin, the REAL POINT OF BEGINNING; thence

North 86 degrees 55'30" West a distance of 107.57 feet; thence

North 0 degree 16'00" East a distance of 86.69 feet; thence

South 86 degrees 55'30" East a distance of 107.57 feet to a point which bears

North 0 degree 16'00" East 86.69 feet from the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to all existing

TITLEONE CORPORATION
12592 W. EXPLORER DR., STE 150
BOISE, IDAHO 83713
(208)323-4888

STATEMENT OF SETTLEMENT FOR PURCHASERS

PROPERTY ADDRESS: 3911 N WHITEHEAD STREET, BOISE, ID 83703

PURCHASER/BORROWER(S): DAVID L. NIZNIK and DIANE PECK-NIZNIK, HUSBAND AND WIFE

SELLER(S): PLANTATION WEST BUILDERS, INC

SETTLEMENT DATE: December 8, 2004

DISBURSED: December 10, 2004

PRORATION DATE: December 10, 2004

	DEBIT	CREDIT
Contract Sales Price	240,000.00	
Deposit or earnest money		2,000.00
County Taxes 01/01/04 to 12/10/04		1,848.75
SEWER 12/01/04 thru 12/10/04 \$		4.06
TRASH 12/01/04 thru 12/10/04 \$		2.60
Settlement or Closing Fee TITLEONE CORPORATION	200.00	
HECE EXPANDED (HECE) TITLEONE CORPORATION	50.00	
OVERNIGHT EXPRESS FEES TITLEONE CORPORATION	40.00	
2004 TAXES ADA COUNTY TREASURER	1,966.98	
HOME INSPECTION AMERICAN CERTIFIED HOME INSPEC	250.00	
Recording Fees TITLEONE CORPORATION	6.00	
CITY OF BOISE TRANSFER FEE CITY OF BOISE	10.70	
Subtotals	242,523.68	3,855.41
Balance Due FROM Purchaser/Borrower		238,668.27
TOTALS	242,523.68	242,523.68

The above figures do not include sales or use taxes on personal property

APPROVED and ACCEPTED

PURCHASER(S) / BORROWER(S):

ESCROW AGENT:

DAVID L. NIZNIK

TITLEONE CORPORATION

DIANE PECK-NIZNIK

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-5195 – STRALOW WELL
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: BASIS FOR RECOMMENDATION
DATE: 3/15/2005
CC: NA

This is for the claim referred to as the “Stralow “well in the Stewart Gulch geothermal area. It is not part of water district 63S but the well has been replumbed, measuring instrumentation installed, and is being monitored by Ken Neeley, Watermaster of WD 63-S.

Issues with the claim:

1 – Priority date issues

a - A 1900 priority date was claimed which predates nearly all drilling activity in the area. Evidence of priority submitted was affidavit by Mr. Cantwell, grandson of Mrs. Silkey and son the well driller and former resident of the home where the well is located. His statement indicates the well was drilled in 1921.

b – The Silkey v Tiegs decree was an adjudication between 4 parties. No domestic wells were included. We don’t know if the decree intended to include all sources from the geothermal source and no domestic wells existed, hence, none were recommended, or if the action just did not include domestic wells.

2 – Quantity claimed

a – 0.74 cfs claimed for heating of 4 homes – no basis for this Q given

b – 1.0 cfs for domestic for 4 homes

3 - Historical and current uses

a – has been used for internal domestic and heating in the past, but the volume of water is not sufficient for all domestic and heating uses for 4 homes. The first 2 homes [Johnson and Nelson] were built in 1908 and 1925 per Ada Co Assessor taxlot information. The Miller house was built in 1954 and the Bunderson home, in 1978.

b - Over time, the occupants of the 4 homes began using the water as supplemental heating source. They made the system work by reusing and reheating the water, and by remodeling the homes and installing new geothermal heat systems. During the Boise City permitting process, 3 of the homes were required to change over to city water for internal use.

c - The only home to use the geothermal water for internal uses is Helen Miller. Her use of the geothermal water is limited to the clothes washer and the showers.

Basis for recommendation

1 - Priority date - The Department has discussed whether the 1921 priority date should be recommended, or 6/14/1930, 1 day after the Silkey decree. I am recommending the 1921 priority date based on the following rationale.

a - The quantity recommended is considered a de minimus domestic quantity per IDWR and statutory guidance. De minimus domestic claims for a single household which is how this water use originally developed, would not be required to submit proof of priority date.

b - An affidavit of an interview with Mr. Cantwell was submitted. Mr. Cantwell was a former resident of the home where the well was drilled when the well was drilled in 1921. His statement is as good as it gets regarding evidence of priority.

c - It is reasonable to assume that the Silkey v. Tiegs matter was not intended to be a general adjudication but was a private adjudication among 4 parties and that the parties did not intend to include all de minimus domestic uses.

2 - Quantity

The well is only capable of producing 13 gpm. I calculated the rate of flow needed for heating the 4 homes using IDWR Application Processing Memo # 23 - "Methods for Estimating Rate of Flow for Geothermal Heating Systems". I used the lowest house efficiency factors and calculated a flow requirement of over 30 gpm. I am recommending .03 cfs total quantity for both domestic and heating which is the maximum flow rate the well can produce.

3 - Uses

I am recommending 0.03 cfs for domestic and 0.03 cfs and 16.5 afa for heating for a total quantity of .03 cfs. This preserves the historical uses.

VLM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2005

Helen Miller
1023 Whitehead St.
Boise, ID 83703

RE: SRBA Claim 63-5195

Dear Helen,

Enclosed is the IDWR change of ownership form that we discussed this morning. Please call me if you have questions about the form or change of ownership process.

Sincerely,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: IDWR change of ownership form

Graves, Lori

From: Neely, Ken
Sent: Wednesday, November 03, 2004 11:04 AM
To: Graves, Lori; Saxton, Glen
Subject: Whitehead well

Glen and Lori,

Good news! The modifications on the Whitehead geothermal well are complete. I am able to record shut in pressure, water temperature, instantaneous flow, and totalized discharge. I will plan to take photos of the changes on my next visit. I will make the photos available to the main Water District 63S folks (Terteling, Quail Hollow, Edwards, and Ryan) so they can see the work was done to our satisfaction.

ken

Kenneth W. Neely, Technical Hydrogeologist
Idaho Department of Water Resources
Technical Services Bureau
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4852 (phone)
208-287-6700 (fax)
<http://www.idwr.state.id.us/hydrologic/>

Graves, Lori

From: Neely, Ken
Sent: Wednesday, September 22, 2004 8:57 AM
To: Graves, Lori
Subject: RE: update on the Whitehead well meters & Dale Prohaska

Hi Lori,

Dale told me that I could take a look at the work he did, but when I went to the Whitehead location, the shed was locked. However, I did get to see the meter in the line going to the Johnson well, and everything looks okay with it. The Johnsons were receiving 6.8 gpm yesterday afternoon. I called Dale and left a message on his machine asking that he would open up the shed so I could look at the wellhead and plumbing tomorrow morning between 10 AM and noon when I plan to be out and about measuring a couple of the Terteling wells.

ken

-----Original Message-----

From: Graves, Lori
Sent: Wednesday, September 22, 2004 8:21 AM
To: Neely, Ken
Subject: FW: update on the Whitehead well meters & Dale Prohaska

-----Original Message-----

From: HMAYM44@aol.com [mailto:HMAYM44@aol.com]
Sent: Tuesday, September 21, 2004 2:51 PM
To: bunder1@mindspring.com
Cc: bundersont@ci.nampa.id.us; Jani29@ cableOne.net; LGraves@IDWR.State.ID.US
Subject: update on the Whitehead well meters & Dale Prohaska

Dale came by yest. to rod out my sink and balance my radiators....He brought me two little tags from the 2 meters which he installed on the geothermal well: (I must be the keeper of the records???)

The tags are as follows:

Hersey-Meters, Cleveland, NC 27013. Model MUA3056. High flow 100.4, med. flow 101.5, low flow 101. B79814. Hersey S/N: 0706535 and 0706536.

Dale says he completed the work on the well, and on the cutoff in the Johnson yard, last week as per the request of Ken Neeley etc... He left space for Ken to put in his measuring devices when he wants to read the pressure or flow volume or whatever....He has not yet been able to meet Ken at the well for a final OK on the project.

This is progress !!!

Helen Miller

9/22/2004

RECEIVED

MAY 12 2004

WATER RESOURCES
WESTERN REGION

Memorandum

To: Lori Graves
CC: Glen Saxton, Paul Castelin, John Homan
From: Ken Neely, Water Master for Ground Water District 63S *K.N.*
Date: 5/10/2004
Re: Stralow well modifications

Based on my field exam of April 23, 2004 and discussion with IDWR experts, I recommend the following modifications to the Stralow well in order to meet requirements #1 and #2 of Ms. Graves letter of April 7, 2004 (attached), and to provide for pressure measurements as described in the order creating Ground Water District 63S (pertinent portion of order attached), and in the letter of October 10, 1989 from Gary Spackman to Ray Stralow (attached):

1. Install a water meter in the existing access vault between the Stralow well and the Johnson house. The meter should read instantaneous flow in gallons per minute and totalized volume in gallons. Ensure that the adjustable control value in the access vault is fully operational.
2. Combine all production lines at the wellhead that service the home at 3911 Whitehead (the property where the well is located), and the two homes to the north of 3911 Whitehead such that one water meter can be installed upstream of this junction in order to capture all flow to the lines of these three homes. The meter should read instantaneous flow in gallons per minute and totalized volume in gallons.
3. Install an adjustable control value upstream of the water meter in #2.
4. Install a "T" with an adjustable control valve and ½ inch female fitting upstream of the control value in #3 to allow for the installation of a pressure gauges by the Water Master for measuring operating and shut-in pressures.
5. Cut and cap all unused lines coming from the well.

Please let me know if these conditions are acceptable by Thursday, May 13. My next step will be to send these recommendations in final form to the water users of the Stralow well, as well as to Garnette Monnie (Edwards Greenhouses) and Tom Terteling (Flora Company). The recipients will be asked to respond to me with any comments within 7 working days. Hopefully, the modifications will take place on the well before the end of May.

4023 Whitehead St. Boise ID 83703
25 August 2004

Vicky Music
Western Regional Office,
Idaho State Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED
AUG 26 2004
WATER RESOURCES
WESTERN REGION

RE: Stralow Well and agreements w/ users

1- As per our conversation this morning... The early owners of the well had only verbal agreements with users re payment for water. We at 4023 Whitehead had no written agreement, but did receive the geothermal water, and paid a fee, beginning with our purchase of the property in September 1978.

2- When Sherman Nelson bought the Stralow property, he had a lawyer draw up a Well Users Agreement, and each of the Users signed a copy.
See enclosed copy, dated June 17, 1991.

3- Mr. Nelson, in 1991, set the monthly fee @ \$41.66 with payment to be made on the 1st day of each month. In 1994 when the water volume and temperature dropped completely in July and August, we negotiated verbally with Nelson not to pay when received no water. Also, we agreed on a new rate of \$30 per month, to be paid at the end of each quarter, providing the pressure and temperature are maintained at a satisfactory level. We confirmed this in a letter to Nelson on January 9, 1995. We paid to Nelson until the property was sold. The current owner, Ed Altman, has been busy with his renovation of the Stralow house, and construction of an additional house on the property. He has been waiting until he can get the well ownership matters approved by Water Resources before negotiating any contracts with users. When Altman is able to sell the property with the well, the new owner will be the one to negotiate with the users re any payment for access and use of the water.



Helen M. Miller
PH 344-6215.
HMAYM44@aol.com

encl: Nelson Well Users Agreement 1991

File Copy

WELL USERS AGREEMENT

ORIGINAL

DATED: June 17, 1991

BETWEEN: SHERMAN A. NELSON and KIMBERLY NELSON
4015 Whitehead Street
Boise, ID 83703

NELSONS

AND:

MARYANN DUGGAN and HELEN MILLER
4023 Whitehead Street
Boise, ID 83703

USERS

This Well Users Agreement (hereinafter "Agreement") is entered into with the understanding as follows:

A. The Nelsons are the owners of a geothermal artesian well ("well") existing on real property located at 3911 Whitehead Street, Boise, Idaho, said well having been drilled in approximately 1921 to a depth beyond 1000 feet from the surface. Currently, this well has served as a source of clean hot water for the Nelsons' residence and other residences located near the well. (Attached hereto as Exhibit B)

B. MARYANN DUGGAN and HELEN MILLER (Users) have a home located at 4023 Whitehead Street, Boise, ID 83703, on property described in Exhibit A attached hereto (Users' Property) and have been receiving hot water from the well through underground pipes which run from the well to the Users' property. The water is received by Users at the temperature and pressure naturally provided by the well, with loss of both temperature and pressure occurring as the water is transported through the underground pipes.

C. Nelsons and Users wish to enter into an agreement which governs the terms of use of the well.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, the parties agree as follows:

1. The Nelsons will continue to allow hot water to flow at its natural rate and temperature through the underground pipes existing on Nelsons' property to those pipes which connect Users' property to the well. The Nelsons do not guarantee continued flow from the well in any specific amount, pressure or temperature.

2. The Nelsons agree that they will not increase the number of properties on the Users' system beyond the number of properties currently using the well.

3. No Party hereto, whether or not that Party uses or needs the System, shall do or suffer anything to impair or interfere with an adequate and continuous supply of hot water to each Parcel served by the System.

4. Payment. Users agree to pay Nelsons \$41.66 per month for the use of the water supply from the well whether or not the water is used. Users shall be charged for the flow of water irrespective of amount, rate, pressure or temperature. The fee stated in this paragraph shall remain unchanged until January 1, 1997, whereafter the fee amount may be adjusted by the Nelsons. Payment is due on the 1st day of each month. The Nelsons shall have the right to shut off the Users flow if payment is not made within 30 days of this date, provided however that the Nelsons must give the Users 30 days notice of their intention to shut off the Users well supply.

5. The Nelsons agree to perform ordinary maintenance on the existing pipes used to transport the water on Nelsons' property. Work or repair to the well and existing pipes beyond ordinary maintenance is at Nelsons' sole discretion, even if such work or repair beyond ordinary maintenance is necessary to supply water to one or more of the Users on the well system.

6. Users hereby agree to perform all necessary maintenance on the pipes or other devices used to transport water on Users' property. Users expressly agree to accept the flow of water at its natural rate and temperature and agree that the flow rate shall not be altered by a pump or any other device other than valve without written agreement from Nelsons.

7. Users understand and agree that certain pipes on the well system cross properties that are not within the ownership or control of either Nelsons or any of the system users. Nelsons have no responsibility or authority to maintain the well pipes on these properties. Nelsons makes no representation to Users concerning the existence of any easements, licenses or other uses relative to the maintenance of these pipes.

8. Users hereby release Nelsons from any and all claims, including claims from negligence for property damage or personal injury arising out of the provision of hot water to Users' property or the maintenance and operation of the well and pipes on Nelsons' property.

9. Users may terminate this Agreement and discontinue use of the water at any time by providing 30 days written notice to the Nelsons at the address stated in this Agreement. Any fee owed for use of the water shall also cease as of the 30th day from the date notice was delivered to the Nelsons. Reinstatement of service thereafter shall be solely at the Nelsons' discretion.

10. Execution of this Well Users Agreement does not imply or constitute an abandonment of any water rights which the Users may have through historic use or adjudication.

11. This Agreement will benefit and bind the heirs, successors and assigns of the Parties, and will be recorded in the real estate records of Ada County, Idaho. The covenants contained herein run with the land, and are binding on all who have or acquire any right, title or interest in the land described herein, or any part thereof, and will inure to the benefit of each owner thereof.


Sherman A. Nelson


Kimberly Nelson


Maryann Duggan


Helen Miller

Before me Ainta L. Whelchel a notary public, personally appeared Maryann Duggan known to be the person whose name subscribed to the within instrument and acknowledged to me that she executed the same.

Dated this 21st day of June, 1991.

SUBSCRIBED AND SWORN to before me this 21st day of June, 1991.

Ainta L. Whelchel
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7-11-96

Before me Ainta L. Whelchel a notary public, personally appeared Helen Miller known to be the person whose name subscribed to the within instrument and acknowledged to me that she executed the same.

Dated this 21st day of June, 1991.

SUBSCRIBED AND SWORN to before me this 21st day of June, 1991.

Ainta L. Whelchel
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7-11-96

TELEPHONE MEMO

DATE: 8/25/04
TO: MEMO TO CLAIM FILE NO. 63-5195
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: CONVERSATION WITH HELEN MILLER

I called Helen Miller today re whether the right of the four homeowners using water from the Stralow well were using it pursuant to an agreement or lease of any kind, and whether language appeared in the deeds. Helen said that no language regarding the water right appeared in her deed or any of the others that she was aware of. Use of the water was per a gentleman's agreement for many years. There was no written agreement until Sherm Nelson owned the property. He had an attorney draft an agreement and the four water users signed it.

She said that the current owner, Mr. Altman, has not updated the agreement. She will send me a copy of the agreement.

VLM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1993

Re: Notice of Claim to a Water Right No. A63-05195

Sherman A. Nelson
Kimberly Nelson
4015 Whitehead Street
Boise, ID 83704

Mr. & Mrs. Nelson:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED

JUL 25 1994

Steve L.

Sent change of
ownership form
1/19/93 -JC

✓ RECEIVED

JAN 06 1993

Department of Water Resources
Western Regional Office

RECEIVED
JAN 5 1993
Department of Water Resources

TO: WATER DISTRICT 63-S DISTRIBUTION
STEWART GULCH

JANUARY 4, 1993

PLEASE BE ADVISED THAT THE GEOTHERMAL ARTESIAN WELL PREVIOUSLY OWNED BY
MR. RAY F. STRALOW HAS BEEN ACQUIRED BY MY WIFE AND I, EFFECTIVE
AUGUST, 1991.

PLEASE CHANGE YOUR RECORDS ACCORDINGLY AND NOTE THE FOLLOWING ADDRESS
AND PHONE NUMBER:

SHERMAN A. & KIMBERLY NELSON
4015 WHITEHEAD STREET
BOISE, IDAHO 83703

PHONE: (208)342-0380 HOME
375-4450 OFFICE



SHERMAN A. NELSON

MICROFILMED

JUL 25 1994

AG3-05195

William F Ringert
Ringert, Clark et al
PO Box 2773
Boise, ID 83701

J A Terceling
877 W Main Rm 706
Boise, ID 83702

Susan D Miner
Hawley, Troxell et al
PO Box 1617
Boise, ID 83701

Jeffrey C Faraday
Givens Pursley et al
PO Box 2720
Boise, ID 83701

Kenneth R Arment
Brady, Saetrum & Lerma
PO Box 1398
Boise, ID 83701

Michael C Creamer
Givens Pursley et al
PO Box 2720
Boise, ID 83701

M E and R E Ryan
4505 Foothill Dr
Boise, ID 83703

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD STREET
STATEHOUSE MAIL
BOISE IDAHO 83720

SHERMAN A. & KIMBERLY NELSON
4015 WHITEHEAD STREET
BOISE, IDAHO 83703

MICROFILMED
JUL 25 1994



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

March 9, 1990

Raymond F. Stralow
3911 Whitehead
Boise, ID 83703

Re: Snake River Basin Adjudication (SRBA)
Claim A63-05195 Ada County

Dear Mr. Stralow,

After you submitted your Notice of Claim to Water Right in July 1989, you provided to Mr. Saxton in this office a historical summary of the development and use of water from the well on your property. The purpose of this letter is to solicit further supporting documentation or evidence for your claim in light of this agency designating the Boise Front Low Temperature Geothermal Resource Ground Water Management Area.

Although the owner of the Church well, as you called it in the summary, may not have been a party to the Silkey law suit, the January 1, 1900, priority date you claimed would substantially precede the priority dates determined for the surrounding wells in that law suit. The summary contradicts the priority date you submitted on the claim.

For the size of the well described in the summary, you have claimed a large amount of water. A total discharge of almost 377 gallons per minute would be almost as large or larger than any of the Hunt Brothers, Edwards or Ryan wells. This element of the water right will be verified by a field inspection later in the adjudication, but I thought you would want to be aware of our concerns at this date.

Lastly, I would like to address the process of placing the water from the well to beneficial use. Your summary indicates that with the initial development of the well, the use of the water for a long period of time was less than the existing or previous extent of use for up to six homes. This could be interpreted as the presence of more than a single water right for use in the homes. Would you please provide this office with more extensive detail on the date each home was connected to the system and the amount of water diverted to accomplish any expansions of the delivery system?

MICROFILMED

AUG 21 1992

Raymond F. Stralow
March 9, 1990
Page 2

Before replying, you may want to discuss your claim and the subject of these questions with your attorney. Your water right claim and the investigation of it in the Snake River Basin Adjudication are legal proceedings, and as such, you may not want to be without legal counsel. Your reply is not required in the near future, particularly in light of the information that is requested, but the ground water management area can be administered more effectively if the extent of all water rights within it are properly described.

Regards,



Donald V. Shaff
Manager, Adjudication Section

DVS:state

MICROFILMED
AUG 21 1992

SEP 22 1989
RECEIVED

TO: Department of Water Resources
1301 N. Orchard
Boise, ID

ATTN: L. Glen Saxton, Chief, Water Allocation Bureau

Department of Water Resources

As a follow-up to the Show Cause hearing which you conducted September 7, 13 and 14 relative to the Stuart Gulch geothermal water wells, I am submitting the following for your information and consideration.

The geothermal artesian well located at 3911 Whitehead, formerly known as the Church well, but located on my property, is now believed to be the second such well to be drilled in the Stuart Gulch area, in the summer of 1921. Today I interviewed Mr. Carl M. Cantwell of 2415 N. 32nd, Boise, concerning the time when this well was drilled. Mr. Cantwell was born in 1913, and stated that he was living on the property at the time the well was drilled, and was about 7 years of age. His grandmother was Mrs. Silkey, and his father was the well-driller. After the first Silkey well was drilled (now the first Hunt well) Mrs. Silkey had the drilling rig moved to the present Whitehead St. and the well drilled to heat the Cantwell home. This home is now 3907 Whitehead, with Mr. and Mrs. Clifton W. Johnson owner and resident there for the past 20 years.

As per Mr. Cantwell's recollection, and our own observation, the size of the well is 2", with a 4" casing. Mr. Cantwell has photos dated 1921, showing drilling of the Cantwell well, and we have a tape recording of our conversation. Both of these would be available to Water Resources if desired to add to your files.

The home I live in at 3911 Whitehead was built in 1955 by Mr. Church, who at that time also owned the 3907 Whitehead house. The large lot was split, and the well became part of the lot for my home. The geothermal hot water heats the house through pipes laid in the cement floor, and the temperature is controlled with a thermostat set at 70°F. at all times.

Multiple lines feed from the geothermal artesian well -- a 2" pipe feeds the original house at 3907 Whitehead, and 3/4" pipes feed the other houses. The flow to the users is restricted due to the size of the pipe, and cut-off valves for each user are also in place. The well has over the years served as many as 6 houses, for heating and domestic use. At the present time, there are only 4 houses on the well, including mine.

The output of the well has been curtailed by new wells having been drilled, and the hot water being pumped from them for irrigation. It is not only the volume of output that has been lowered, but the temperature has also dropped from approximately 118°F. to 90°F. This makes it very difficult, if not impossible, to adequately heat the homes that depend on this for year-round comfort, and to provide warm water for bathing.

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AUG 21 1992

The expense involved to go into a different source of heat and hot water would be great. These homes have been using this Church/Stralow well as a source of heat and domestic hot water for many years (since 1921 in the case of the Johnson home). My own home was specifically designed and built for geothermal heating. There had not been any problems of this nature -- declining pressure and heat -- prior to the drilling and pumping of new wells in the area, referring in particular to the Quail Hollow wells.

I feel that being fortunate enough to have the hot water in this area of Boise, the water should be used for it's heating potential, and not wasted in irrigation. The amount that Quail Hollow uses in one day could heat one home for a year. I feel that it has been proven by tests that the Quail Hollow wells have affected my well adversely, and other artesian wells in this immediate area. Therefore, I believe that the Department of Water Resources should limit the pumping of geothermal water for irrigation purposes, and should preserve the reservoir for senior rights.



Raymond F. Stralow

Copies to:
Hunt Bros. Floral, 3823 N. 36th
Edwards Greenhouse, 4106 Sand Creek
Mary E. Ryan, 4504 Foothill Dr.
Quail Hollow Golf Club, 4520 N. 36th

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AUG 21 1992

Shurte, Jan

From: Harvey, Becky
Sent: Thursday, May 15, 2003 10:03 AM
To: Spencer, Nick; Shurte, Jan; Howerton, Ron; Hamlin Nygard, Susan
Subject: Water District 63S

Hi all,

Ken Neely spoke with me today. He has been appointed the watermaster for [re-activated] groundwater district 63S. He will be working on many issues in this water district. I told him to keep the adjudication staff apprised since Basin 63, Part 2 will be reported later in the year and the Adj agents are doing field work. Ken will be forwarding e-mail's and memos to me which I said I would pass along to the appropriate Legal and Adj staff. The first e-mail is regarding 63-5195 (heads up, Ron). Here is info from Ken's e-mail to Tim Luke:

"One of the wells that I will need to do some follow up work on is known as the 'Stralow" well. It is located at 3911 Whitehead. The Water Right Report 63-5195 has it listed at Whitebird...which needs to be corrected. Can you make that change? The occupants at that home are Mr. and Mrs. George Andrade, but I don't know if they own the property. Could you check with Ada County records and see who the owner is?"

There are 2 homes to the north of 3911 that are using the geothermal water. The second home to the north is 4023 Whitehead and is owned by Helen Miller. I don't know the address of the home between 3911 and 4023. Can you find that out the house number, and the owner?"

There is a home directly to the south of 3911 that is using the water...I don't know that number either, but it would be a Whitehead address. Can you find out the number and the owner?"

If you can not determine the numbers of these two houses, I will plan to go by them and get the numbers.

Also, do you have a mailing list for Water District 63S...that would include both the owners, attorneys, and hydrogeologists? I am preparing a mailing to go to them...a monitoring plan and a map. Both are attached if anyone wants to look them over and give me comments."

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
JAN 25 1993
Department of Water Resources
Western Regional Office

DATE OF CLOSING: 8/91

LEGAL DESCRIPTION OF PROPERTY: Township 04N Range 02E
Section 29, SWSW 1/4 of NENE 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) Assigned by IDWR: A63-05195
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): RAY STRALOW
2401 S OWYHEE
BOISE ID. 83706
- ☐ New Owner/Claimant (Purchaser): SHERMAN A. & KIMBERLY NELSON
- ☐ New Mailing Address: 4015 WHITEHEAD STREET
BOISE IDAHO 83703
- ☐ New Telephone Number: (208) 342-0380
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Sherman A. Nelson Date 1/21/93
Kimberly Nelson Date 1/21/93
- ☐ Signature of Former Owner/Claimant(s): Raymond L. Stralow Date 27 Jan 93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2-1-93 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2-1-93 By: JD

Claim Numbers of Split, if any:

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JUL 25 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Steve L.

RECEIVED

JAN 06 1993

RECEIVED

JAN 5 1993

Department of Water Resources

Department of Water Resources
Western Regional Office

RECEIVED

JAN 25 1993

Department of Water Resources
Western Regional Office

TO: WATER DISTRICT 63-S DISTRIBUTION
STEWART GULCH

JANUARY 4, 1993

PLEASE BE ADVISED THAT THE GEOTHERMAL ARTESIAN WELL PREVIOUSLY OWNED BY
MR. RAY F. STRALOW HAS BEEN ACQUIRED BY MY WIFE AND I, EFFECTIVE
AUGUST, 1991.

PLEASE CHANGE YOUR RECORDS ACCORDINGLY AND NOTE THE FOLLOWING ADDRESS
AND PHONE NUMBER:

SHERMAN A. & KIMBERLY NELSON
4015 WHITEHEAD STREET
BOISE, IDAHO 83703

PHONE: (208)342-0380 HOME
375-4450 OFFICE

Sherman A. Nelson

SHERMAN A. NELSON

PLZ SEE ATTACHED
COMPLETED FORM

1/19/93
*Use the enclosed form to record a change in
ownership of the water right.*

Submit the completed form to:

*Adjudication Staff
IDWR
2735 Arapahoe way
Boise 83705*

This will place the water right in

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JUL 25 1994

[Signature]

63-5195 STRALOW WELL*All homes have been updated/ remodeled.*

NOTES FOR HEATING CALCULATIONS. SEE ATTACHED PRINTOUTS FROM ADA CO ASSESSOR WEBPAGE FOR HOME FOOTAGE.

SERVES 4 HOMES FOR HEATING AND SOME MISC DOMESTIC USES:

3907 WHITEHEAD - JOHNSON [PARCEL NO S0629131450]*Built 1908. Assume $T_0 = 118^\circ$* HEATING, BATHROOMS. HOME IS 3000 FT²

1989 ESTIMATE - 5GPM [7200 GAL/DAY] WINTER AND 1 GPM [1440 GAL/DAY] SUMMER

SUMMER

$$\text{Design heat load} = (.44)(10^\circ - 4^\circ)(3000 \text{ ft}^2) = 87,120 \text{ BTU/hr}$$

$$T_0 \text{ Drop} = (.3)(118^\circ - 10^\circ) = (.3)(108) = 14.4$$

$$\text{Flow rate} = 87,120 / (500)(14.4) = 87,120 / 7200 = 12.1 \text{ gpm}$$

$$\begin{array}{r} 12.1 \\ 7 \\ 7 \\ 5 \\ \hline 31 \text{ gpm} \end{array}$$

3911 WHITEHEAD - STRALOW/ ALTMAN ** WELL LOCATION [PARCEL NO**S0629131434] HEATING ONLY?***Built 1954. Assume $T_0 = 120^\circ$*

2004 ESTIMATE - 5GPM [7200 GAL/DAY] WINTER

$$\text{Design heat load} = (.44)(10^\circ - 4^\circ)(1800 \text{ ft}^2) = 52,272 \text{ BTU/hr.}$$

$$T_0 \text{ Drop} = (.3)(120^\circ - 10^\circ) = (.3)(110) = 15$$

$$\text{Flow rate} = 52,272 / (500)(15) = 52,272 / 7500 = 6.96 = 7 \text{ gpm}$$

4015 WHITEHEAD - NELSON/ BUNDERSON [PARCEL NO S0629131410]

HEATING ONLY?

Built 1978 - replaced w/ new home, geothermal system, heat pump - very efficient.

SMALL COTTAGE - ESTIMATE BETWEEN 1.5 AND 5 GPM

Assume $T_0 = 120^\circ$

$$\text{Design heat load} = (.28)(10^\circ - 4^\circ)(2100 \text{ ft}^2) = 49896 \text{ BTU/hr.}$$

$$T_0 \text{ Drop} = (.3)(120^\circ - 10^\circ) = (.3)(110) = 15$$

$$\text{Flow rate} = 49896 / 7500 = 6.65 = 7 \text{ gpm}$$

4023 WHITEHEAD - HELEN MILLER & MARYANN DUGGAN [PARCEL NO**S0629131400]***Built 1925. Assume $T_0 = 114^\circ$. Also use wood burner & oil boiler to heat H2O*USES: HEATING, LAUNDRY ROOM, 2 BATHROOMS. DISCHARGE TO BACKYARD FOUNTAIN AND FISHPOND. HOME IS 1800 FT².

1989 ESTIMATE - 1.5 GPM [2160 GAL/DAY] SUMMER. COLD WATER WELL FOR OTHER DOMESTIC, IRRIGATION

$$\text{Design heat load} = (.28)(10^\circ - 4^\circ)(1800) = 33,264 \text{ BTU/hr}$$

$$T_0 \text{ Drop} = (.3)(114^\circ - 10^\circ) = (.3)(104) = 13.2$$

$$\text{Flow rate} = 33,264 / (500)(13.2) = 33,264 / 6600 = 5.04 \text{ gpm}$$

$$(14 \text{ gpm})(60)(24) = 20,160 \text{ gpd} \div 24 \text{ hrs used} \div 60 \div 450 = .03 \text{ cfs}$$



Johnson

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General Information

Property Acres: 0.400
 Zone Code: R-1B
 Primary Code Area: 01-3 Tax Districts
 Group Type: SECT
 Subdivision: 4N 2E 29
 Section: 4N2E29

Property Description

PAR #1450 OF S2NE4
 SEC 29 4N 2E
 #99092979



Property Address

3907 N WHITEHEAD ST
 BOISE, ID 83703

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.400	\$48,000	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$191,700	COST

Total Assessed Value: \$239,700

Parcel Valuation History

Assessed value for year 2004 \$239,700
 Assessed value for year 2003 \$231,700
 Assessed value for year 2002 \$231,700
 Assessed value for year 2001 \$195,800
 Assessed value for year 2000 \$158,100

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Residential

Land

Residential Characteristics 1 for Parcel "S0629131450"

Occupancy Date:	No Date Available
Year Built:	1908
Year Remodel:	2001
Effective Age:	0
Construction Class:	5
Number of Bedrooms:	4
Number Bathrooms:	2.75
Number of Fireplaces:	0
Air Conditioning:	Y
Car Storage Sq Ft #1:	308
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	320
Porch Sq Ft:	448
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	3407
Main Floor Sq Ft:	1782
Upper Floor Sq Ft:	1545
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	80
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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General Information

Property Acres: 0.860
Zone Code: R-1C
Primary Code Area: 01-3 Tax Districts
Group Type: SECT
Subdivision: 4N 2E 29
Section: 4N2E29

Property Description

PAR #1400 OF S2NE4
 AND OF HOWARD WATERMAN TRACT
 SEC 29 4N 2E



Property Address

4023 N WHITEHEAD ST
 BOISE, ID 83703

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.860	\$96,000	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$100,500	COST

Total Assessed Value: \$196,500

Parcel Valuation History

Assessed value for year 2004 \$196,500
Assessed value for year 2003 \$180,500
Assessed value for year 2002 \$178,200
Assessed value for year 2001 \$114,200
Assessed value for year 2000 \$114,200

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Residential

Land

Residential Characteristics 1 for Parcel "S0629131400"

Occupancy Date:	No Date Available
Year Built:	1925
Year Remodel:	1980
Effective Age:	1955
Construction Class:	4
Number of Bedrooms:	3
Number Bathrooms:	1.75
Number of Fireplaces:	1
Air Conditioning:	N
Car Storage Sq Ft #1:	380
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	114
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	2572
Main Floor Sq Ft:	1488
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	784
Finished Attic Sq Ft:	300
Unfinished Attic Sq Ft:	0

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Nelson/Bunderson

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General Information

Property Acres: 0.600
Zone Code: R-1C
Primary Code Area: 01-3 Tax Districts
Group Type: SECT
Subdivision: 4N 2E 29
Section: 4N2E29

Property Description

PAR #1410 OF S2NE4
 AND OF HOWARD WATERMAN TRACT
 SEC 29 4N 2E



Property Address

4015 N WHITEHEAD ST
 BOISE, ID 83703

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.600	\$72,000	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$170,700	COST

Total Assessed Value: \$242,700

Parcel Valuation History

Assessed value for year 2004 \$242,700
Assessed value for year 2003 \$207,900
Assessed value for year 2002 \$205,000
Assessed value for year 2001 \$179,300
Assessed value for year 2000 \$179,300

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Residential

Land

Residential Characteristics 1 for Parcel "S0629131410"

Occupancy Date:

No Date Available

Year Built:

1978

Year Remodel:

2003

Effective Age:

0

Construction Class:

4

Number of Bedrooms:

6

Number Bathrooms:

3.25

Number of Fireplaces:

2

Air Conditioning:

N

Car Storage Sq Ft #1:

884

Car Storage Sq Ft #2:

0

General Purpose Building Sq Ft:

420

Porch Sq Ft:

0

Deck Sq Ft:

200

Deck Covered:

N

Patio Sq Ft:

0

Patio Covered:

N

Pool Sq Ft:

450

Total Sq Ft:

2756

Main Floor Sq Ft:

1664

Upper Floor Sq Ft:

0

Finished Lower Floor Sq Ft:

0

Unfinished Lower Floor Sq Ft:

0

Finished Basement Floor Sq Ft:

1092

Unfinished Basement Floor Sq Ft:

0

Finished Attic Sq Ft:

0

Unfinished Attic Sq Ft:

0

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well located nice parcel
stralow/Altman

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General Information

Property Acres: 0.210
 Zone Code: R-1B
 Primary Code Area: 01-3 Tax Districts
 Group Type: SECT
 Subdivision: 4N 2E 29
 Section: 4N2E29

Property Description

PAR #1434 OF S2NE4
 SEC 29 4N 2E
 #131430-S



Property Address

3911 N WHITEHEAD ST
 BOISE, ID 83703

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.210	\$30,000	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$72,200	COST

Total Assessed Value: \$102,200

Parcel Valuation History

Assessed value for year 2004 \$102,200
 Assessed value for year 2003 \$97,200
 Assessed value for year 2002 \$95,800
 Assessed value for year 2001 \$94,200
 Assessed value for year 2000 \$94,200

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Property Characteristics

Residential
 Land

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Residential

Land

Residential Characteristics 1 for Parcel "S0629131434"

Occupancy Date:	No Date Available
Year Built:	1954
Year Remodel:	2004
Effective Age:	1980
Construction Class:	4
Number of Bedrooms:	3
Number Bathrooms:	2.0
Number of Fireplaces:	1
Air Conditioning:	Y
Car Storage Sq Ft #1:	418
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	204
Porch Sq Ft:	80
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	1800
Main Floor Sq Ft:	1800
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Music, Vicky

From: Neely, Ken
Sent: Thursday, March 03, 2005 5:04 PM
To: Music, Vicky
Subject: Water District 63S

Hi Vicky,

Here's the info on your questions for Water District 63S

1. I think all of the wells have been GPS'd, except for the Terteling Spring.
2. The Attached map shows the district and the wells greater that 71 degrees F. The northeast border of the district is wrong on this map and I have sent an email to a couple GIS people. The well fartherest to the north east should be outside of the revised 63S boundary.
3. Edwards uses the geothermal well for heating only, so the cold water wells must be used for irrigation, but I don't know anything about them.
4. From October 7, 2004 to March 1, 2005, the Stralow well discharged 2,835,720 gallons. = 5 months
5. In Water Year 2004, the Edwards well discharged 48,482,130 gallons.
6. The Edwards well is 110-120 degrees F, and I suspect that it is commonly in the 119-120 range, and the low end was unusual. The water temperature for the Stralow well is 114 F based on historic data (I haven't measured it yet).
7. The diversion rate for Stralow is about 13 gallons per minute.
8. The average diversion rate for Edwards is 92 gallons per minute (based on the annual discharge).

Hope this helps.

ken



water district
63s.jpg

Kenneth W. Neely, Technical Hydrogeologist
Idaho Department of Water Resources
Technical Services Bureau
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4852 (phone)
208-287-6700 (fax)
<http://www.idwr.state.id.us/hydrologic/>

$$\begin{array}{r} 19653 \text{ gpd} \times 182 \text{ days} \\ 9827 \text{ gpd} \times 182 \text{ days} = 1788332 \\ \hline 5365178 \\ \hline 325950 = 16.5 \text{ cfs} \end{array}$$

$$\begin{array}{r} 173162.5 \text{ gpd} \\ \hline 325.950 \\ \hline \end{array}$$

$$325950 = 16.5 \text{ cfs}$$

mo	days
10/04	24
11/04	30
12/04	31
1/05	31
2/05	28

132460

144 days
 $2835720 \text{ gpd} \div 144 \text{ days} = 19652.5 \text{ gpd}$
 $\div 4 \text{ months} = 4923 \text{ gpd}$
for hrs & dom.
 $5000 \text{ gpd} \div 9 \text{ hr/day} \div 60 \div 450 = 0.23 \text{ cfs}$
 $(0.23 \text{ cfs} \times 9825 \times 265) = 16.75$



Ed Altman • (208) 853-0650 • Cell (208) 850-8917 • Boise, Idaho

Gene has file

08/18/2003

DEPARTMENT OF WATER RESOURCES
Judication Claim Report 63-5195

Ed Altman

Possible New

OWNER

Owner Type	Name and Address
Current Owner	KIMBERLY NELSON 4015 WHITEHEAD ST BOISE, ID 83703 (208)342-0380
Current Owner	SHERMAN A NELSON 4015 WHITEHEAD ST BOISE, ID 83703 (208)342-0380
Original Owner	RAYMOND F STRALOW 3911 WHITEHEAD BOISE, ID 83703 (208)345-5191
Original Owner	VERA K STRALOW 3911 WHITEHEAD BOISE, ID 83703

Priority Date: 01/01/1900
Basis: Statutory Claim
Status: Active

3/1/1921 or 6/14/1930 - 1 day > given
decided

Source
GROUND WATER

Tributary

Beneficial Use

HEATING
DOMESTIC

From	To
1/01 to 12/31	
1/01 to 12/31	

Diversion Rate
0.740 CFS
0.100 CFS

Annual Volume

16.5 afy
- standard for 4 houses

Total Diversion: 0.840 CFS

Location of Point(s) of Diversion

GROUND WATER
ADA County

SW1/4NE1/4

Sec. 29, Twp 04N, Rge 02E, B.M.

Place of Use
HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29			X														

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5195

04N 02E 29 |

X |

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 7/7/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

N10[✓] a for dom not a def. of inst b/c.

WAS[✓] dom use is for 4 homes, internal use only.

✓ Heating is for 4 homes

✓ parcel #s:

B07[✓] water is 1200 F geothermal water.

$(13 \text{ gpm})(60)(18)^{\text{hr/day}} \approx 12480 \text{ gpd}$

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5195

03/14/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4775	Claim	04N	02E	29	SW	NE		GROUND WATER	CONNIE LIGHTFIELD
63-5195	Claim	04N	02E	29	SW	NE		GROUND WATER	KIMBERLY NELSON
63-5287	Claim	04N	02E	29	SW	NE		GROUND WATER	KAY ANDERSON
63-15294	Claim	04N	02E	29	SW	NE		GROUND WATER	HELEN M MILLER
63-15295	Claim	04N	02E	29	SW	NE		GROUND WATER	HELEN M MILLER
63-15458	Claim	04N	02E	29	SW	NE		GROUND WATER	PAUL ACORDA
63-15476	Claim	04N	02E	29	SW	NE		GROUND WATER	LINDA B HOWARD
63-16599	Claim	04N	02E	29	SW	NE		GROUND WATER	STANLEY M MONNIE
63-17356	Claim	04N	02E	29	SW	NE		GROUND WATER	CAROL H FARNSWORTH
63-17421	Claim	04N	02E	29	SW	NE		GROUND WATER	DOUGLAS A WIEST
63-19193	Claim	04N	02E	29	SW	NE		GROUND WATER	CHARLES F PLATT
63-31997	Claim	04N	02E	29	SW	NE		GROUND WATER	K-C Trust
63-31998	Claim	04N	02E	29	SW	NE		GROUND WATER	David Gee
63-15834	Claim	04N	02E	29	SW	NE		GROUND WATER	MILDRED WITT
63-17449	Claim	04N	02E	29	SW	NE		GROUND WATER	BRADLEY J COX
63-21653	Claim	04N	02E	29	SW	NE		GROUND WATER	ANNE FISHER
63-22266	Claim	04N	02E	29	SW	NE		GROUND WATER	SUSAN ACEE
63-15716	Claim	04N	02E	29	SW	NE		GROUND WATER	KENNETH H MC KENZIE
63-5113	Claim	04N	02E	29	SW	NE		WASTE WATER SAND CREEK	
63-16499	Claim	04N	02E	29	SW	NE		GROUND WATER	NANCY A DILLNER
63-22598	Claim	04N	02E	29	SW	NE		GROUND WATER	JACOB J KING
63-8584	Claim	04N	02E	29	SW	NE		WASTE WATER BOISE RIVER	GERALD F THUMMEL
63-14	Claim	04N	02E	29	SW	NE		GROUND WATER	EDWARDS FAMILY LLC
63-5065	Claim	04N	02E	29	SW	NE		GROUND WATER	EDWARDS FAMILY LLC
63-5067	Claim	04N	02E	29	SW	NE		GROUND WATER	EDWARDS FAMILY LLC
63-16223	Claim	04N	02E	29	SW	NE		GROUND WATER	JOE GETUSKY
63-14	Water Right	04N	02E	29	SW	NE		GROUND WATER	THOMAS F EDWARDS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5195

03/14/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2402	Water Right	04N	02E	29	SW	NE		GROUND WATER	THOMAS F EDWARDS
63-2817	Water Right	04N	02E	29	SW	NE		GROUND WATER	HOWARD E WATERMAN
63-4775	Water Right	04N	02E	29	SW	NE		GROUND WATER	CONNIE LIGHTFIELD
63-5065	Water Right	04N	02E	29	SW	NE		GROUND WATER	PAUL WILSON EDWARDS
63-5067	Water Right	04N	02E	29	SW	NE		GROUND WATER	PAUL WILSON EDWARDS
63-5195	Water Right	04N	02E	29	SW	NE		GROUND WATER	VERA K STRALOW
63-5287	Water Right	04N	02E	29	SW	NE		GROUND WATER	KAY ANDERSON
63-7043	Water Right	04N	02E	29	SW	NE		GROUND WATER	ALDEN M STROUD
63-7044	Water Right	04N	02E	29	SW	NE		GROUND WATER	HENRY PETRI
63-15294	Water Right	04N	02E	29	SW	NE		GROUND WATER	HELEN M MILLER
63-15295	Water Right	04N	02E	29	SW	NE		GROUND WATER	HELEN M MILLER
63-15458	Water Right	04N	02E	29	SW	NE		GROUND WATER	PAUL ACORDA
63-15476	Water Right	04N	02E	29	SW	NE		GROUND WATER	LINDA B HOWARD
63-16599	Water Right	04N	02E	29	SW	NE		GROUND WATER	GARNETTE MONNIE
63-17356	Water Right	04N	02E	29	SW	NE		GROUND WATER	CAROL H FARNSWORTH
63-17421	Water Right	04N	02E	29	SW	NE		GROUND WATER	DOUGLAS A WIEST
63-19193	Water Right	04N	02E	29	SW	NE		GROUND WATER	CHARLES F PLATT
63-10922	Water Right	04N	02E	29	SW	NE		WASTE WATER BOISE RIVER	ALBERT E FRIDENSTINE III
63-5113	Water Right	04N	02E	29	SW	NE		WASTE WATER FARMERS UNION CANAL	KENNETH H MC KENZIE
63-15834	Water Right	04N	02E	29	SW	NE		GROUND WATER	MILDRED WITT
63-17449	Water Right	04N	02E	29	SW	NE		GROUND WATER	JACQUELINE C COX
63-21653	Water Right	04N	02E	29	SW	NE		GROUND WATER	ANNE FISHER
63-22266	Water Right	04N	02E	29	SW	NE		GROUND WATER	JIM ACEE
63-15716	Water Right	04N	02E	29	SW	NE		GROUND WATER	DOROTHY E MC KENZIE
63-16499	Water Right	04N	02E	29	SW	NE		GROUND WATER	NANCY A DILLNER
63-22598	Water Right	04N	02E	29	SW	NE		GROUND WATER	JACOB J KING

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5195

03/14/2005

1

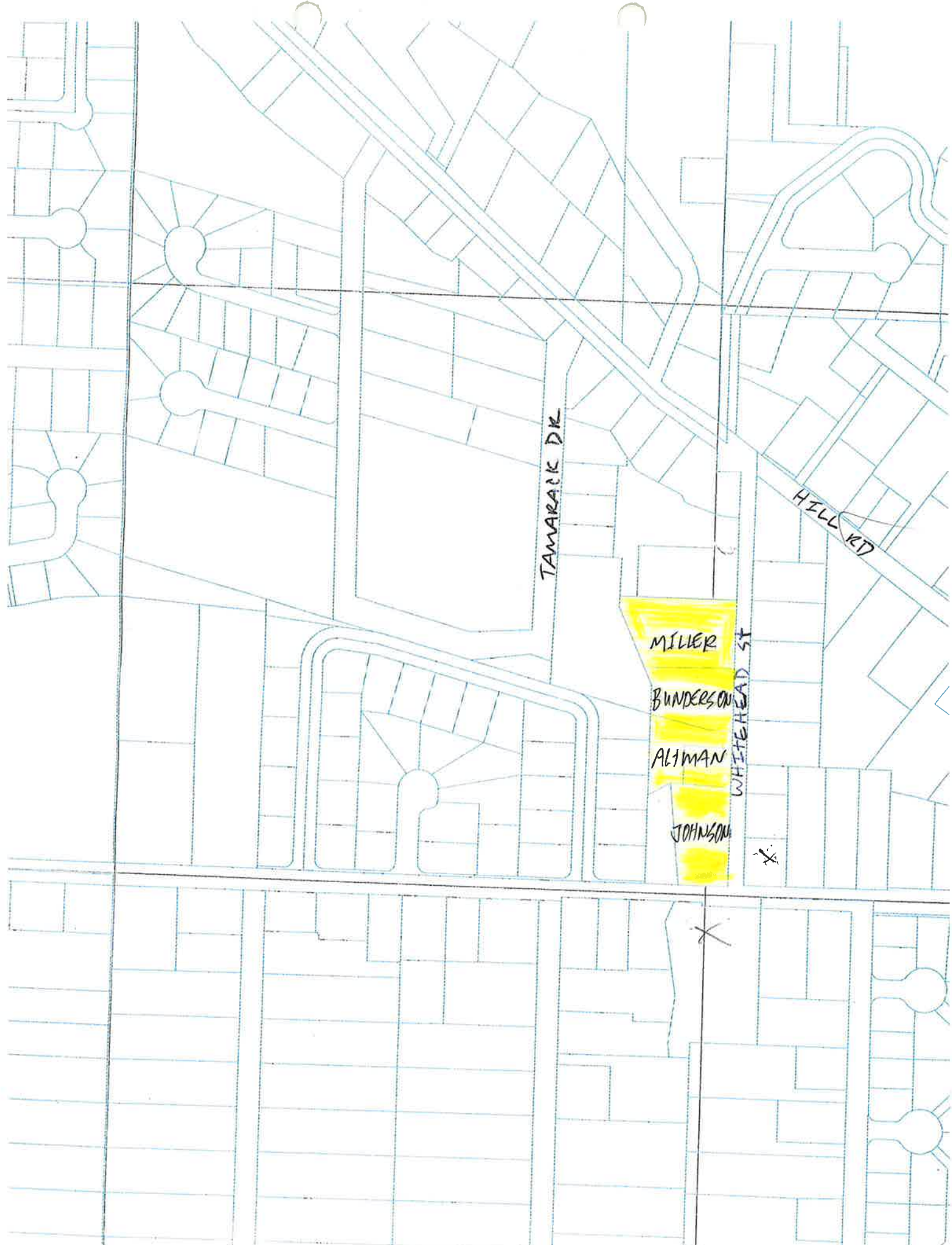
Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-14	Claim	04N	02E	29	SW	NE		IRRIGATION	8.3/8.3	EDWARDS FAMILY LLC
63-2406	Claim	04N	02E	29	SW	NE		IRRIGATION	35/29248	DRAINAGE DIST NO 2
63-5065	Claim	04N	02E	29	SW	NE		IRRIGATION	1/1	EDWARDS FAMILY LLC
63-5067	Claim	04N	02E	29	SW	NE		IRRIGATION	8.3/8.3	EDWARDS FAMILY LLC
63-20040	Claim	04N	02E	29	SW	NE		IRRIGATION	23/575.1	BOISE CITY CANAL CO
63-31997	Claim	04N	02E	29	SW	NE		IRRIGATION	2/2	K-C Trust
63-31998	Claim	04N	02E	29	SW	NE		IRRIGATION	2/2	David Gee
63-14	Water Right	04N	02E	29	SW	NE		IRRIGATION		THOMAS F EDWARDS
63-2402	Water Right	04N	02E	29	SW	NE		IRRIGATION	13/26	THOMAS F EDWARDS
63-2406	Water Right	04N	02E	29	SW	NE		IRRIGATION	35/29248	DRAINAGE DIST NO 2
63-2817	Water Right	04N	02E	29	SW	NE		IRRIGATION	2/2	HOWARD E WATERMAN
63-5065	Water Right	04N	02E	29	SW	NE		IRRIGATION	1/1	PAUL WILSON EDWARDS
63-5067	Water Right	04N	02E	29	SW	NE		IRRIGATION	6/6	PAUL WILSON EDWARDS
63-5113	Water Right	04N	02E	29	SW	NE		IRRIGATION	5/5	KENNETH H MC KENZIE
63-5195	Water Right	04N	02E	29	SW	NE		IRRIGATION	2/2	VERA K STRALOW
63-5287	Water Right	04N	02E	29	SW	NE		IRRIGATION	4/4	KAY ANDERSON
63-14	Claim	04N	02E	29	SW	NE		COMMERCIAL		EDWARDS FAMILY LLC
63-5067	Claim	04N	02E	29	SW	NE		COMMERCIAL		EDWARDS FAMILY LLC
63-14	Claim	04N	02E	29	SW	NE		HEATING		EDWARDS FAMILY LLC
63-5195	Claim	04N	02E	29	SW	NE		HEATING		KIMBERLY NELSON
63-2576	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-7067	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5195

03/14/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-7577	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	29	SW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-5065	Claim	04N	02E	29	SW	NE		DOMESTIC		EDWARDS FAMILY LLC
63-5067	Claim	04N	02E	29	SW	NE		DOMESTIC		EDWARDS FAMILY LLC
63-5195	Claim	04N	02E	29	SW	NE		DOMESTIC		KIMBERLY NELSON
63-31997	Claim	04N	02E	29	SW	NE		DOMESTIC		K-C Trust
63-7043	Water Right	04N	02E	29	SW	NE		DOMESTIC		ALDEN M STROUD
63-15294	Water Right	04N	02E	29	SW	NE		DOMESTIC		HELEN M MILLER
63-15295	Water Right	04N	02E	29	SW	NE		DOMESTIC		HELEN M MILLER
63-15458	Water Right	04N	02E	29	SW	NE		DOMESTIC		PAUL ACORDA
63-15476	Water Right	04N	02E	29	SW	NE		DOMESTIC		LINDA B HOWARD
63-15716	Water Right	04N	02E	29	SW	NE		DOMESTIC		DOROTHY E MC KENZIE
63-15834	Water Right	04N	02E	29	SW	NE		DOMESTIC		MILDRED WITT
63-16499	Water Right	04N	02E	29	SW	NE		DOMESTIC		NANCY A DILLNER
63-16599	Water Right	04N	02E	29	SW	NE		DOMESTIC		GARNETTE MONNIE
63-17356	Water Right	04N	02E	29	SW	NE		DOMESTIC		CAROL H FARNSWORTH
63-17421	Water Right	04N	02E	29	SW	NE		DOMESTIC		DOUGLAS A WIEST
63-17449	Water Right	04N	02E	29	SW	NE		DOMESTIC		JACQUELINE C COX
63-19193	Water Right	04N	02E	29	SW	NE		DOMESTIC		CHARLES F PLATT
63-21653	Water Right	04N	02E	29	SW	NE		DOMESTIC		ANNE FISHER
63-22266	Water Right	04N	02E	29	SW	NE		DOMESTIC		JIM ACEE
63-22598	Water Right	04N	02E	29	SW	NE		DOMESTIC		JACOB J KING
63-10922	Water Right	04N	02E	29	SW	NE		AESTHETIC		ALBERT E FRIDENSTINE III



TAMARACK DR

HILL RD

MILLER

BUNDERSOON

ALTMAN

JOHNSON

WHITEHEAD ST

RECEIVED

MAY 12 2004

WATER RESOURCES
WESTERN REGION

Memorandum

To: Lori Graves
CC: Glen Saxton, Paul Castelin, John Homan
From: Ken Neely, Water Master for Ground Water District 63S *KN*
Date: 5/10/2004
Re: Stralow well modifications

Based on my field exam of April 23, 2004 and discussion with IDWR experts, I recommend the following modifications to the Stralow well in order to meet requirements #1 and #2 of Ms. Graves letter of April 7, 2004 (attached), and to provide for pressure measurements as described in the order creating Ground Water District 63S (pertinent portion of order attached), and in the letter of October 10, 1989 from Gary Spackman to Ray Stralow (attached):

1. Install a water meter in the existing access vault between the Stralow well and the Johnson house. The meter should read instantaneous flow in gallons per minute and totalized volume in gallons. Ensure that the adjustable control value in the access vault is fully operational.
2. Combine all production lines at the wellhead that service the home at 3911 Whitehead (the property where the well is located), and the two homes to the north of 3911 Whitehead such that one water meter can be installed upstream of this junction in order to capture all flow to the lines of these three homes. The meter should read instantaneous flow in gallons per minute and totalized volume in gallons.
3. Install an adjustable control value upstream of the water meter in #2.
4. Install a "T" with an adjustable control valve and ½ inch female fitting upstream of the control value in #3 to allow for the installation of a pressure gauges by the Water Master for measuring operating and shut-in pressures.
5. Cut and cap all unused lines coming from the well.

Please let me know if these conditions are acceptable by Thursday, May 13. My next step will be to send these recommendations in final form to the water users of the Stralow well, as well as to Garnette Monnie (Edwards Greenhouses) and Tom Terteling (Flora Company). The recipients will be asked to respond to me with any comments within 7 working days. Hopefully, the modifications will take place on the well before the end of May.

TO: State of Idaho, Dept of Water Resources
ATTN: Lori Graves, Sr. Water Resource Agent
2735 Airport Way, Boise, ID 83705-5082

May 10, 2004

From: Helen M. Miller, 4023 Whitehead St. Boise 83703

RE: Stralow well, 63-5195 and Stewart Gulch Water Dist 63-S

This is in response to your letter of April 7, 2004 sent to the 4 households which are users of the Stralow well.

BACKGROUND RE STRALOW WELL and the water users:

It was drilled in 1921, by Samuel Cantwell. The drilling was observed by the driller's son Carl Cantwell, then about 7 yrs. of age. Cliff Johnson and Ray Stralow interviewed Carl Cantwell on September 21, 1989, at his home at 2415 32nd St., Boise.

The information from the interview was included in the September 1989 letters which Johnson and Stralow each filed with Water Resources. The following is a summary of those letters. Additional information is from the letters filed by Miller and Nelson also in September 1989.

Carl was born in 1913. His grandmother was Mrs. Silkey, his father was the well-driller, he lived on the property at the time the well was drilled. After the first Silkey well was drilled (now the first Hunt well) Mrs. Silkey had the drilling rig moved to the present Whitehead St. and the well drilled to heat the Cantwell home. This home is now the Johnson house.

As per the Johnson and Stralow accounts of the conversation with Carl Cantwell, the drilling was completed in 1921 or 1922, by drilling a 2" well in an existing 4" well, and deepening to more than 1,100 ft. The hot water was put to use for heating and domestic purposes at Cantwell's and nearby houses soon after completion. Cantwell had photos of the Silkey and Cantwell hot water wells flowing under artesian pressure, and he said the temperature was about 120 F.

The "nearby houses" may have been the 3 Waterman houses, which completed the block North of the Cantwell property. The oldest is the large house #4201, at the far NW end of Whitehead. However, this house was so far from the well that it did not receive adequate hot water, and dropped from the system.

The Miller house at 4023 Whitehead was built for a Waterman daughter in the early 1920's. Through the years the Waterman tract was subdivided, and the barn stayed with the present Miller property, which is .7 acre. The geothermal water comes to the Miller property from a single pipe from the well which also serves the Nelson/Bunderson property. The incoming water temperature is about 100 F at present. Through the years, owners of

the property made adaptations to the heating system, with a wood-fired furnace and an oil-fired heater, through both of which the geothermal pipes run. This provided a hotter water to go through the radiators and better heat the rooms. The geothermal water is also piped into the two bathrooms and the laundry area. There are cut-off valves in the basement where the water comes into the house, including a thermometer showing the current temperature of the water coming in. A large pressure gauge is on the pipe near the furnace, before the water goes to the radiators etc., showing the current pressure. In 1989, in our letter to Water Resources, we estimated the flow at 1 ½ gal. per min. or 2,160 gal. per 24 hr day.

Waterman family members also lived in the original brown frame cottage which became the Nelson property in 1970, and had the geothermal water there. When Nelson built the new house in 1977 to replace the cottage, he installed a water to air heat pump, and stated that it heated the larger home using only a fraction of the hot water used previously.

The grey brick house across Whitehead, facing Catalpa, had the hot water in early years. However, the line from the well across the street to that house was eliminated several years ago.

In 1955 Wayne Church owned the 3907 Whitehead property, which evidently included the large parcel extending North to the Waterman parcel. That year he built the small house next to the well. The large lot was split, and the well became part of the lot for the smaller house. Wayne Church moved back to Kansas in the 1970's, and his relatives continued to live in the house. His daughter Vera, and her husband Ray Stralow, moved into the house in the early 80's. Vera died in 1986 and Ray continued to live there until he sold the property to Sherm Nelson in 1991. The cement floor has pipes laid in it, with a thermostat set at 70 F. Nelson sold the property to Ed Altman in 2003, and it has been upgraded and is on the market for sale.

The Johnson house, 3907 Whitehead, does have a 2" pipe from the well, but in a sunken junction box in the Johnson yard the pipe is cut down to 1". In 1989 Mr. Johnson stated in his letter to Water Resources that the flow is regulated by a valve at the discharge into the ditch, and varies from 1 gal. per min. in summer to over 5 gal. per min. in winter. He said further that he installed a pressure gauge on the inflow pipe on August 18, 1989.

Although the Stralow well was considered too small for the owner and/or users to be active participants in the Stewart Gulch District 63-S, nevertheless the 4 owner/users attended the early meetings about the water problem which led to the establishment of the District. Each of us submitted a letter to Water Resources in September 1989 regarding this well and our usage. A file copy of these letters is attached.

THE STRALOW WATER RIGHTS CLAIM OF 1989

As part of the Snake River Adjudication, Mr. Stralow filed a Statutory Claim on July 7, 1989. The assigned Identification # is A63-05195. The two major problems with his Claim are:

1) He stated the Date of Priority as Jan. 01, 1900. Later, in his letter to Water Resources on September 21, 1989, he stated that (based on his interview with Carl Cantwell) the well was drilled in 1921. However, he did not amend his Claim to show this change of date.

2) He stated the Quantity Appropriated as 0.840 C.F.S., for Domestic and Heating of 6 homes. In his September letter to Water Resources he explained that the well had over the years served as many as 6 houses, but at present there were only 4 houses on the well, including his. He noted the larger pipe to the Johnson house, and the smaller 3/4 pipes to the other houses, stating the flow is restricted due to the size of the pipe, and cut-off valves to each user are also in place. (It is likely that Mr. Stralow did not have good advice on the 0.840 cfs, and did not understand that it would have been perhaps 10 times the true volume which the well could produce.)

Water Resources wrote to Stralow on December 5, 1989 ordering that measuring equipment be installed on the well on or before April 1, 1990.

On March 9, 1990 Water Resources again wrote to Stralow, asking for clarification on the matter of the Claim date, and the amount of water, stating "A total discharge of almost 377 gallons per minute would be almost as large or larger than any of the Hunt Brothers, Edwards or Ryan wells. This element of the water right will be verified by a field inspection later in the adjudication..."

(Mr. Stralow was not a "detail man" and evidently did not follow through with these important details. He sold the property, and well, to Sherm Nelson in August 1991. Mr. and Mrs. Nelson filed the Change of Water Right Ownership on January 21, 1993. The Nelsons also did not clarify these matters, nor add measuring devices. The Nelsons sold the property to Ed Altman in 2003. Mr. Altman has extensively improved the property, and is anxious to conform to Water Resources requirements, and have all matters cleared before he resells the property to a prospective buyer. The well users have each employed Dale Prohaska as plumber for many years, and are currently working with Dale to install monitoring equipment as per requirements of Water Resources.)

May 11, 2004

Supplement to May 10 data

1- The well is in small concrete building adjacent to Stralow/Altman house. Access is very difficult, space compressed, pipes etc. vintage 1921, making plumbing changes to add the measuring devices requested by Water Resources both difficult and risky.

2- All users discharge water to the canal which flows behind each house. This is not a "waste" of the resource. It is necessary for the water to continue to flow in order for it to have heat value when it reaches each house. The Miller house, at the end of the line, especially needs the flow year-round for the bathrooms and laundry. As other houses reduce their use in the summer, the temperature of the water at the Miller house is lower, but is still an important resource.

3- It is believed that the use per household is far below the 13,000 gal. per day which Water Resources cites as excluded from regulation. Mr. Johnson's 1989 estimate for his house was 5 gal per min. or 7,200 gal per day in winter and 1 gal per min or 1,440 gal per day in summer. Miller's estimate then was 1.5 gal per min. or 2,160 gal per day. Mr. Altman tested his line early this year, and estimated it also at 5 gal per min., 7,200 gal per day. Because the Nelson/Bunderson house uses the heat pump Mr. Nelson stated in 1989 that the water usage was far less than when radiators were used in the previous cottage, so that house is probably between the 1.5 gal. per min. of the Miller house and the 5 gal. per min. of the other houses.

4- Regrettably Stralow and Nelson, as the well owners, failed to clarify this usage with Water Resources, and to amend the Water Right Claim. They also failed to work with Water Resources re the addition of measuring devices. The other three "users" of the water were not in a position to take action in the matters.

Helen M. Miller

21 September, 1989

L. Glen Saxton,
Chief, Water Allocation Bureau
Department of Water Resources
Boise, Idaho

Subject: Geothermal Water Resource, Stuart Gulch.

Dear Sir:

The subject issue which was addressed in a hearing on September 7th, 13th and 14th has potential effect upon me, a matter which I wish to report in this letter.

My home is located at 4015 Whitehead Street in Boise. This property is located directly to the north of that owned by Mr. Ray Stralow. I purchased this property in 1970 being motivated to do so to a great extent because of the long established geothermal water availability to the property from the Stralow well. The home located on the property at the time of the purchase used the geothermal water as its sole source of heat and domestic water.

I have highly valued this source of geothermal energy, and as I constructed a new home on the property in 1977 I researched the most efficient means of heating the home using this resource. The technology I installed in the new home is a water to air heat pump which heats this larger home using only a fraction of the hot water used previously.

I pay Mr. Stralow a substantial fee each year for the use of this hot water, however I do so because I believe that this natural heat source is a net benefit to the environment relative to the alternatives using fossil fuels. In short, my use of this resource, although very limited, is for significant benefit both to myself and to the environment.

I was alarmed this summer to note that the geothermal water source to my property was losing its quality in terms of both temperature and pressure. It was particularly disturbing to discover that the reason for this decline in quality was possibly due to a depletion of the basic resource by pumping of large quantities of this hot water simply to irrigate a golf course. Clearly this is a less beneficial use of a highly valued resource. It threatens to permanently affect the availability and quality!

I am not fully appraised of the procedures or laws governing this matter, however, I urge you, as you fulfill your responsibility, to assess this issue in terms of a valued geothermal resource. This resource should not be depleted and, further, it should be used at its highest possible benefit.

Most sincerely,



Sherman A. Nelson
4015 Whitehead Street
Boise, Idaho 83703

Johnson

September 22, 1989

To: L. Glen Saxton, Hearing Officer, Idaho Dept. of Water Resources

From: Clifton W. Johnson, 3907 Whitehead, Boise, Idaho, A user on the Ray Stralow (originally the Samuel Cantwell) artesian well

Subject: A statement regarding water use from the Stuart Gulch Artesian Aquifer resulting from the hearing to "show cause" issued August 25, 1989 and held September 7, 13 and 14, 1989.

I purchased a home on the corner of Whitehead and Catalpa in October 1968. The home is heated with hot water from a well owned by Ray Stralow, 3911 Whitehead, adjoining my property on the North. There are presently 17 radiators in my home to heat about 3,000 sq. ft. of floor space. During the past twenty years I have been able to maintain room temperatures above 70 degrees F, even in the coldest weather. Wayne Church, the former owner of the Stralow well, told me when I bought the property that the temperature of the water was about 115 degrees F and the pressure about 20 pounds per square inch or greater. I did not install a pressure gauge on my inflow pipe from the well until August 18, 1989.

Both my property and Stralow's were owned by Samuel Cantwell from 1917 to 1937. Later the property was divided and the well attached to what is now the Stralow property. According to Carl Cantwell, a son of Samuel Cantwell (in an interview September 21, 1989, at his home 2415 32nd Street), the hot water well was completed in 1921 or 1922 by drilling a 2-inch well in an existing 4-inch well and deepening to more than 1,100 ft. The hot water was put to use for heating and domestic purposes at Cantwell's and nearby houses soon after completion. Evidently, the Cantwell's were motivated to drill by relatives, the Silkey's, who had just completed two hot water wells on 36th Street. Carl Cantwell has photographs of Silkey and Cantwell hot water wells flowing under artesian pressure. He said the temperature of the water was about 120 degrees F.

The flow through my house is regulated by a valve at the discharge into a ditch and varies from about 1 gallon per minute in the summer to over 5 gallons per minute in the winter. Hot water is not used for irrigation since I have shares in the Boise Canal Company sufficient for lawn and garden.

The first time I experienced any difficulty with our hot water supply in over 20 yrs. of use was in late summer and early fall of 1988, when my upstairs shower would barely run. However, by December the pressure had increased, though not back to normal. Then in mid August 1989 my shower upstairs

ceased to run completely and I talked with Ray Stralow about the problem--he said his pressure was very low also. The water temperature was also noticeably colder, down to 92 degrees F. I discussed the problem with other users on the Stralow well, who were experiencing similar problems. Further, I talked with Paul Edwards who said his pressure was the lowest ever. Then, when I visited Robert Hunt he said his well had quit flowing and something had to be done immediately.

Review of "show cause" documents, copies of exhibits at the hearing and other pertinent information assures me that the Stuart Gulch hot water aquifer needs immediate control to protect early priority rights. The Stralow well is my only source of heat and hot water and installation of an alternate system would be very expensive. Until the hearing I was not aware that the golf course was pumping hot water from the same aquifer as the old decreed rights. The aquifer should be maintained to utilize the hot water resource and not waste the heat for irrigation. I estimate from the cost of my hot water, based on my approximate use during the past year, that it costs me about 3 1/2 cents per thousand gallons. My daily water use ranges from about 1500 gallons per day in the summer to over 7000 gallons per day in the winter. The golf course irrigation that was mentioned at the hearing as about 500,000 gallons per day during the peak irrigation season wastes about \$175 worth of heat per day--based on my payment for hot water from the Stralow Well.

As evidenced at the hearing, the heavy pumpage from the Terteling and Golf Course wells during the past few years has caused a drop in water pressure in older wells with earlier priority rights. I am pleased that the problems are being recognized and feel strongly that present use is "mining" this valuable resource and must be controlled if older rights are to be protected.

The pressure at my home has increased in the past month from 9 to 14 pounds per sq. in. and the temperature has increased from 92 dgreess to 104 degrees F. Our system may partly recover sufficient for this winter, but if the downward trend in water levels of recent years continues we will soon not have sufficient water for our uses. It seems to me the Idaho Department of Water Resources must reduce withdrawal from the aquifer and protect older water rights. The most beneficial uses of the water and heat resources appear to be associated with older rights and water use.

Signed:

Clifton W. Johnson

Date:

September 22, 1987

Miller

4023 Whitehead St.
Boise, ID 83703

September 21, 1989

TO: Department of Water Resources
1301 N. Orchard, Boise, ID

ATTN: L. Glen Saxton, Chief, Water Allocation Bureau

FROM: Maryann Duggan & Helen M. Miller, as users of Church/Stralow low
temperature geothermal well

RE: Need for Groundwater regulation in Stuart Gulch Area -- follow-up
comments after Show Cause hearing of Sept. 7, 13 and 14, 1989

I. BACKGROUND re our use of Church/Stralow well.

Our residence at 4023 Whitehead has been furnished with artesian-flowing geothermal water from this well since construction of the home, in 1924/25. The geothermal water is used for heating, through 4 cast-iron radiators, and provides hot water for bathing and laundry. We have our own cold water well for drinking and other domestic purposes, plus irrigation.

Monitoring of the geothermal is accomplished by a pressure guage for registration of p.s.i., and a floating dairy thermometer for temperature. An adjustable needle valve on the exit line controls the flow through the house. The discharge flows through to a backyard fountain and fish pool, thence to an irrigation ditch. One portion of the house, added in 1980/81, has flow of water controlled by a thermostat. As the temperature of the water at our house (the farthest North on the Church/Stralow well) is usually around 98°F. to 102°F., our house has a wood furnace and an old oil boiler through which the geothermal water is circulated, and in colder weather these can be fired to boost the geothermal heat to more adequate levels.

At present we are using approximately 1½ gal. of geothermal water per minute, or 2,160 gal. per 24 hour day, to heat approximately 1800 sq.ft. of living space, and provide for bathing and laundry. Since we purchased this house in September 1978, the pressure has usually varied only between 10 and 16 p.s.i., and the temperature has been near 100°F. However, near the latter part of August, 1989, the pressure here dropped to only 2 p.s.i. and the temperature decreased to 82°F, with the maximum flow only ¼ to ½ gal/minute -- and for some time no flow at all!

We began to check with the other users of the Church/Stralow well (Sherman Nelson, Clif Johnson and Ray Stralow) and found all were experiencing the same problem of loss of flow and pressure and temperature. Only then did we learn that Mr. Hunt (Hunt Bros. Floral) had experienced almost the same total loss of flow from his 3 wells, and learned that the Quail Hollow Golf Course was pumping geothermal water at the magnitude of 500,000 gal. per day, for irrigation of the golf course.

The Church/Stralow well is artesian, and cannot compete with any other wells in the same aquifer which may be using pumps. The well appears to be only 2" in a 4" diameter casing, and thus is also handicapped when pumping wells such as Quail Hollow are in a much larger diameter. (USGS Open File Report 88-471 lists Quail Hollow casings as 8" and 16" and those of Terteling as 6" and 10" in diameter.)

Although not part of the Silkey/Tiegs adjudication and decree, it is believed that the Church/Stralow well dates back to 1920/21, which would give it very senior rights in the Stuart Gulch area.

Evidence of the interconnection of the geothermal resource was shown when within 48 hours after Quail Hollow responded to the Department's order to shut down, our incoming pressure at 4023 Whitehead moved up from about 2 p.s.i. to 10 p.s.i., and the temperature from about 82°F. to 96°F.

II. RESPONSE TO ISSUES as stated by Hearing Officer. We attended the Water Resources Show Cause hearing on September 7, 13, and the morning session on the 14th, and have studied several relevant documents and exhibits. As we are "users", not "owners" of a geothermal well, we nevertheless wish to respond.

The Silkey/Tiegs decree of 1930 directed the Commissioner of Reclamation of the State of Idaho to create a water district for this area, to regulate the flow of the wells, take measurements and keep a record thereof. The year 1989 may be a good year for the Department of Water Resources to undertake this task. We believe that priority of uses should be given to home heating and other domestic, rather than irrigation of large areas. We feel that unrecorded prior existing rights, namely the Church/Stralow well, should be given their proper place in seniority. We also feel that users of a geothermal resource, even if not owners of the well, should have some place of participation in a water district.

The Department's stated issue of the establishment of a ground water pumping level appears to be a potential conflict with the other wells which are artesian. The "mining" of the aquifer by pumps is generally agreed to be a major factor in the summer decline of this limited geothermal resource. Is there any level of pumping which will not injure the artesian wells?

Senior water rights have been injured by junior rights. The hydrographs presented at the September 13-14 hearings provide data. The USGS Open-File Report 88-471 presents data on altitude, depth of well, diameter of casing, etc. for Terteling, Quail Hollow, Milstead, Edwards, Church, and Ryan wells, as well as other selected wells in the Boise area. The Department's Show Cause letter states specifics.

Evidence of a "common water supply" was stated in the first paragraph of the Silkey/Tiegs decree in 1930. It was also stated in the May 1982 Order of the Director of the Department of Water Resources regarding the Ed Thomas application for Permit No. 63-9365 to appropriate 0.20 cubic feet per second for heating and domestic purposes in this same area. The Department's denial of the Thomas application stated the first reason to be the insufficient water supply.

Evidence that the "withdrawal of the ground water supply exceeds the natural rate of recharge" was provided in Quail Hollow Exhibit # 3 at the hearing September 13 -- a Memorandum from the Director of Water Resources to the Governor, dated June 3, 1987, citing declines in water level during peak pumping periods. Although this Memo related specifically to downtown Boise wells and the winter pumping season, the same tendency was noted in the hydrographs of Paul Castelin presented as Exhibit B through G sent with the Show Cause Order re the Stuart Gulch area, on August 25, 1989.

III. IN SUMMARY, we urge the Director of the Department of Water Resources to fulfill his responsibilities according to the Idaho Code, to supervise and control the rights to the use of ground waters, especially as regards the depleting and mining of the geothermal water in the Stuart Gulch area, with senior priority rights fully protected.

Prompt and continuous action should be taken to preserve this valuable reservoir of geothermal water.



Maryann Duggan



Helen M. Miller

Copies to:

Edwards Greenhouse, 4106 Sand Creek

Hunt Bros. Floral, 3823 N. 36th

Quail Hollow Golf Club, 4520 N. 36th

Mary E. Ryan, 4504 Foothill Dr.

Raymond F. Stralow, 3911 Whitehead St.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 7, 2004

Helen Miller
4023 N Whitehead St
Boise ID 83703

Todd and Becky Bunderson
4015 N Whitehead St
Boise ID 83703

Ed Altman
C/o Plantation West Builders
6529 Plantation Ln
Boise ID 83703

Wynn and Jan Johnson
3907 N Whitehead St
Boise ID 83703

Dear Water User:

On February 23, 2004, the Idaho Department of Water Resources (IDWR) received a complaint regarding the operation of the geothermal well serving your home, also known as the "Stralow" well represented by beneficial use claim 63-5195. This letter is to inform you that the Stralow well is in violation of the law governing the Stewart Gulch Water District 63-S and is subject to the following:

1. The right can be completely curtailed by the watermaster because it is a beneficial use claim.
2. Usage from this well is limited to historical beneficial use for four homes.
3. Measuring and controlling works must be installed.
4. Low temperature geothermal water cannot be wasted. Waste will result in issuance of a notice of violation.

Attached is the order establishing Water District 63-S and letter dated 12/5/1989 to Ray Stralow requiring the installation of flow measuring equipment on the Stralow well by 4/1/1990. According to the watermaster, Ken Neely, the Stralow well users have not complied with the measuring requirement.

The order states that certain domestic heating uses are exempt from regulation by the watermaster of the district unless it can be shown that senior wells are injured by this

protection. The intent of this exemption is to exclude from regulation the heating of single-family residences and in-house uses of the water that utilize the heat of the water. The total use per household is limited to the quantity of water reasonably necessary to heat the home, not to exceed 13,000 gallons per day (gpd). This limitation applies to each of the four homes heated from the Stralow well.

Water right claim no. 63-5195 lists a diversion rate of .84 cfs or 377 gallons per minute. Continuous flow at this rate provides 542,880 total gpd, which is more than ten times the maximum domestic amount allowed for four homes. Based on these figures, the Stralow well is not exempt from regulation as provided for in the order.

Please be advised that the following must be completed by July 31, 2004 to avoid further action by the Department.

1. Installation of a flow meter(s) that measures all of the instantaneous rate of flow and cumulative volume of water withdrawn from the Stralow well.
2. Installation of an adjustable control valve on the main pipelines.
3. Determination of the actual quantity of water necessary to heat the four homes. The requirements should be based on the size of the home heated, temperature of the water, type of heating system employed, and the local climate conditions. Following the submittal of your information, IDWR will review the information and determine whether the information is reasonable. The determination will limit your diversion of water in future years.

Because the weather is warming, you should have little need to divert water from the well for heating this summer. IDWR will ask the watermaster to check diversion and use of water from the Stralow well during the next few months to insure compliance with the law.

If you have any questions, please contact me at this office.

Sincerely



Lori Graves
Sr. Water Resource Agent

Encl: 1989 order & letter to Ray Stralow

C: Gary Spackman, IDWR
Ken Neely, Watermaster, Water District 63-S
Tom Terteling, Chairman, Water District 63-S

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CREATION OF WATER)
DISTRICT 63-S, STEWART GULCH)

COUNTY: ADA

FINAL ORDER
ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

This matter having come before the Idaho Department of Water Resources (Department) as a petition to form a water district and also as a response to an Order to Show Cause why the Department should not prohibit or limit the diversion of water under certain groundwater rights, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On August 22, 1989, the Department received a request to create a water district and appoint a watermaster. On the same date, the Department also received a request to issue a summary order prohibiting water use from some wells used by Quail Hollow Golf Course.

2. The rights to the use of low temperature geothermal groundwater from certain wells in the vicinity of 36th Street and Hill Road in Boise, Idaho were decreed in the case of Silkey v. Tiegs, et. al., Ada County Case No. 11748 on June 13, 1930. The decree found that water to supply the rights was diverted from a common and interconnected source.

3. The decree recognized that water was diverted by means of artesian pressures and established a distribution scheme to protect historic pressures and flow rates by artesian pressure.

4. The identification numbers of the rights and current users of water under the rights as confirmed by the Silkey decree are as follows: 63-0012, 63-0013 and 63-0015, Hunt Bros. Floral, Inc.; 63-0014, Edwards Greenhouses; and 63-0016, M.E. or R.E. Ryan.

5. Two wells are operated for irrigation purposes by Quail Hollow Golf Club under Claim No. 63-4037P and Permit No. 63-9758. Claim No. 63-4037P claims a priority date of 1931. Permit No. 63-9758 has a priority of June 30, 1981. Data gathered by the United States Geological Survey, represented by hydrographs that are part of the record in this matter and testimony of witnesses, establish that the source of water diverted from the Quail Hollow wells is interconnected with the source of water for the rights decreed in the Silkey decree.

6. Testimony indicates the water supply for wells owned by J. A. Terteling also appears to be interconnected to the water supply for the previously described rights.

7. Department records show that Raymond F. Stralow owns a well once known as the Church well, and has filed a claim in the Snake River Basin Water Rights Adjudication alleging a date of priority of January 1, 1900. The Stralow well is also interconnected with the water supply for the uses of water listed above.

8. Section 42-602, Idaho Code, requires the Department to supervise the distribution of Idaho's public waters in accordance with the rights of prior appropriation.

9. Section 42-604, Idaho Code, charges the Department with the responsibility to create water districts and Section 42-605, Idaho Code, provides for the election or appointment of a watermaster to administer the use of water under rights within the water district.

10. The Silkey decree directs the Department to form a water district and administer the uses accordingly.

11. Many legal issues of law and fact have been raised regarding the authority of the Department under Section 42-237a, Idaho Code, to enjoin the use of water by later-in-time diverters to protect senior water rights and the general applicability of the ground water act to wells which predate the act.

12. Both issues of fact and law have been raised and remain to be resolved regarding the scope of authority granted to the Department by Idaho Code, Section 42-237a. A legal question must be resolved regarding the applicability of the reasonable pumping level language as provided in Section 42-226, Idaho Code. Furthermore, if a reasonable pumping level should be established, a factual question regarding what level is reasonable must also be resolved.

13. The unresolved issues of fact and law described in findings of fact Nos. 11 and 12 are before the Department in a separate but related show cause proceeding and will not be further addressed in the present proceeding.

14. Flow measuring devices and pressure measuring equipment are needed on each well to determine the amount of water being diverted within the water district and to properly deliver the water to those entitled to its use.

CONCLUSIONS OF LAW

1. The Department is authorized to create a water district and appoint a watermaster for proper distribution of the water decreed in the case of Silkey v. Tiegs together with other water rights which divert and use water from the same low temperature geothermal aquifer.

2. Section 42-607, Idaho Code states:

It shall be the duty of the said watermasters to distribute the waters of the public stream, streams or water supply, comprising his water district, among the several ditches taking water there from according to the prior water rights of each respectively, and whole or in part, . . . provided, that any person or corporation claiming the right to the use

of waters of the stream or water supply comprising a water district, but not owning or having the use of any adjudicated or decreed right therein, or right therein evidence by permit or license issued by the Department of Water Resources, shall for purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply. . .

3. Interim management is needed. The Department should create a water district for the management and supervision of the low temperature geothermal resource.

4. The Department should require the installation and maintenance of flow measuring devices and pressure measuring equipment which enable a water-master to properly distribute water to those entitled to its use.

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. Water District 63-S, Stewart Gulch, is hereby created in connection with the use of the low temperature geothermal water resource.

2. The area within the following boundaries shall constitute the water district as shown on Figure 1, attached:

Beginning at the East Quarter corner of Section 15, T4N, R2E, B.M., thence south approximately one and one-half mile to the southeast corner of Section 22, thence west one mile to the southwest corner of Section 22, thence south one-half mile to the east quarter corner of Section 28, thence west one-half mile to the center of Section 28, thence south one-half mile to the south quarter corner of Section 28, thence west approximately one and one-half mile to the southwest corner of Section 29, thence north one mile to the northwest corner of Section 29, thence east one mile to the Northeast corner of Section 29, thence north one-half mile to the west quarter corner of Section 21, thence east one-half mile to the center of Section 21, thence north one-half mile to the north quarter corner of Section 21, thence east one-half mile to the northeast corner of Section 21, thence North one-half mile to the west quarter corner of Section 15, thence east one mile to the point of beginning, all in T4N, R2E, B.M.

3. The owners of wells used for the diversion of low temperature geothermal water within the district shall install flow measuring devices and the rate of flow and volume of pressure measuring equipment acceptable to the Department for the measurement of the rate of flow and volume of water diverted from their respective wells. Such devices and/or equipment shall be installed on or before April 1, 1990.

4. Certain domestic heating uses are exempt from regulation by the watermaster of the district. The intent of this exemption is to exclude from

regulation the heating of single family residences and in-house uses of the water which utilize the heat of the water where total use of water per household does not exceed 13,000 gallons per day. Wells not used exclusively for domestic heating purposes are subject to regulation and the requirement to install measuring devices and/or pressure measuring equipment.

Dated this 5th day of December, 1989.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 5th day of December, 1989, I deposited in the United States mail, postage prepaid a true and correct copy of each of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER sent to:

William F. Ringert, Esq.
Ringert, Clark, Harrington, Reid, Christenson & Kaufman
P. O. Box 2773
Boise, ID 83701-2773

Susan D. Miner, Esq.
Hawley, Troxell, Ennis & Hawley
P. O. Box 1617
Boise, ID 83701

Kenneth R. Arment
Brady, Saetrum & Lerma
P. O. Box 1398
Boise, ID 83701

M. E. and R. E. Ryan
4504 Foothill Dr.
Boise, ID 83703

J. A. Terteling
877 W. Main, Rm. 706
Boise, ID 83702

Jeffrey C. Fereday
Michael C. Creamer
Givens, Pursley, Webb & Huntley
P. O. Box 2720
Boise, ID 83701

Ray F. Stralow
3911 Whitehead
Boise, ID 83703


RITA I. FLECK
Secretary/Records Manager

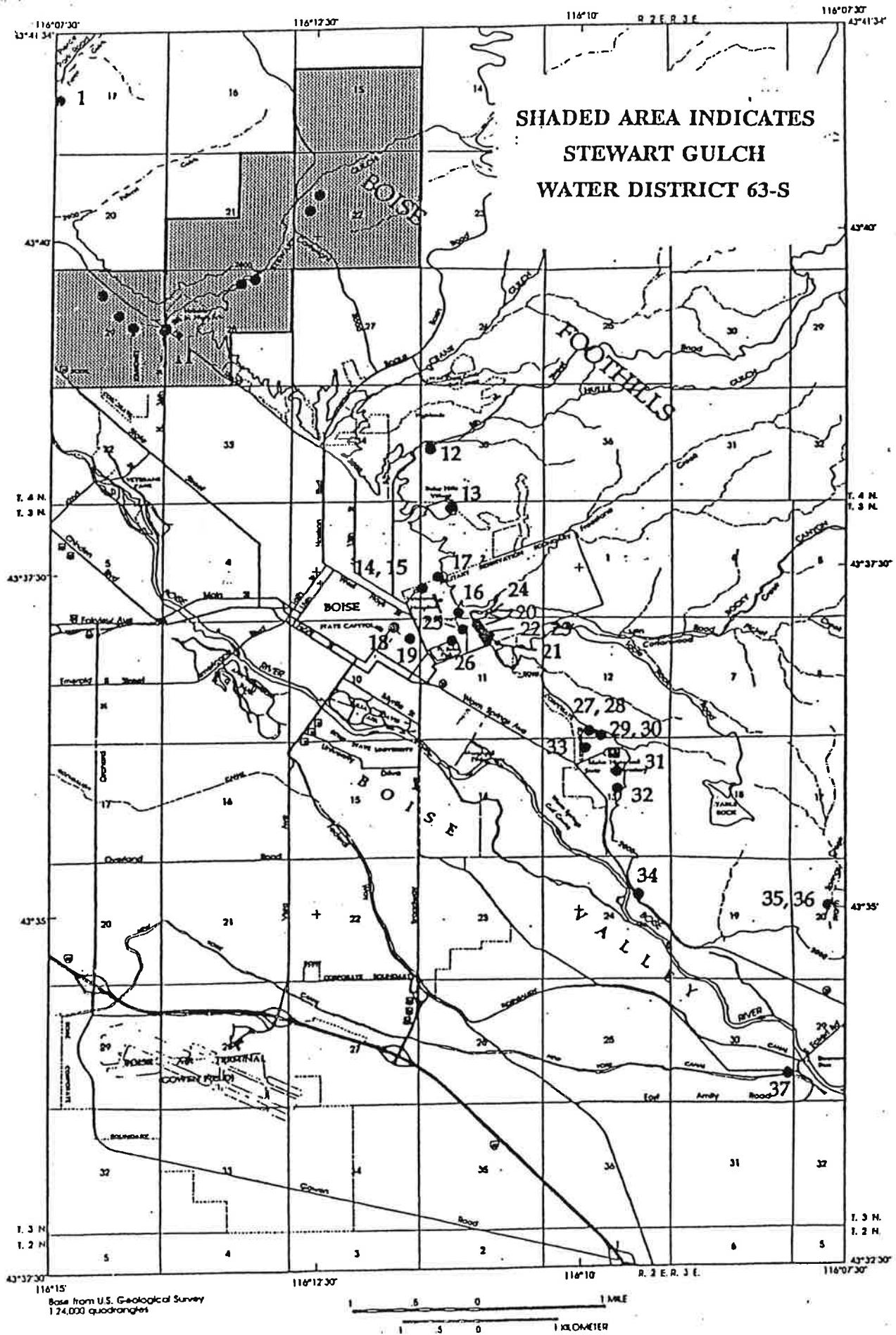


FIGURE 1



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

December 5, 1989

Ray F. Stralow
3911 Whitehead
Boise, ID 83703

Dear Mr. Stralow:

RE: WATER DISTRICT 63-S, STEWART GULCH

Enclosed is a memorandum decision and order which creates the above referenced water district. The intent of the order is to manage the low temperature geothermal water resource (not the cold water) in the area.

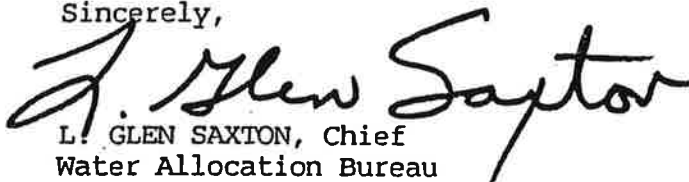
Note that the order requires the installation of measuring equipment on or before April 1, 1990. The department will provide technical advice upon request relative to the needed equipment. The measuring equipment, however, shall be of a type acceptable to the department to monitor the following parameters:

1. Instantaneous rate of withdrawal and cumulative volume withdrawn;
2. Well head temperature;
3. Well head pressure or drawdown;
4. Closed-in pressure or water level when the well is not being used.

The question of the applicability of the reasonable pumping level provisions of the Idaho Code and the authority granted the department by Section 42-237a, Idaho Code, remain before the department and will be addressed in a separate action.

Please feel free to contact the department if you have questions.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region

Graves, Lori

From: HMAYM44@aol.com
Sent: Monday, March 15, 2004 8:37 PM
To: bunder1@mindspring.com
Cc: hydrologic@qwest.net
Subject: Whitehead Street well -- Report from Helen Miller

- 1- Ed Altman's address for Plantation West construction is 6529 Plantation Lane -- from a map, this appears to be S off State at Bloom, and near the end of the Lane.
- 2- Lori Graves of Water Resources found the address thru the Sec. of State's office for the corporate name.
- 3- Lori is assigned to our Water District, within the Water Resources Dept. She sent me some detailed info. re the other wells --Terteling, Edwards, Ryan, Quail Hollow, and the Silkey/Teigs wells which are now under control of Terteling.
- 4- The hand-out and verbal conversation from the Water Meeting on the 11th indicates that at some point the Tertelings learned that the 3911 property was for sale, and Tom Terteling was offered the opportunity to buy it at about \$270,000 with understanding that a second house could be added at the back, and the geothermal could be installed there. Tom replied that he would see his lawyer and protest. He did file an official protest w/ Water Resources. He cited various problems, that Stralow and Nelson never complied with the Water Resources mandate of having measuring devices put on the well, and that this could lead to over production of the well, with possible harm to the other adjudicated wells.
- 5- Water Resources indicate that they will not allow sale of the property, and transfer of the water right to a new owner, until after the measuring devices and cut off valves are installed.
- 6- Water Resources suggest that we 3 users, (Johnson, Bunderson, Miller) whose property has been served by the well for a long period of time, try and arrange a meeting w/ Ed Altman and a representative of Water Resources, to work together to protect our interests and to get Mr. Altman to follow the Water Resources requirement.
- 7- Ed Squires of Hydro Logic, Inc. represents the Terteling Company, and is familiar with the Whitehead well and its use in our properties, and might be able to attend such a meeting and advise Altman and our users about the equipment needed.
- 8- I haven't talked to our plumber, Dale Prohaska, but he would be the person most familiar with the 4 properties involved.
- 9- At some point we, the owner and the users of the well, should petition to officially join the Stewart Gulch Water District 63-S. The annual fee is based on the water usage, which could be determined after the measuring devices are installed. However, it would not be very large as the budget for the entire District is about \$1,000, with the largest fee that of Terteling, next Edwards, then Quail Hollow, and finally the Ryan sisters. We would then have one vote at the District meetings. The next scheduled meeting is the 2nd Thursday of 2005. As formal members of the District our user rights would be protected by the State Water Resources Dept.
- 10- If we can work together to accomplish all this, we might be able to change the name of our well from that of the previous owners (Church/Stralow/Nelson) to just "Whitehead Street Well".
- 11- What do you all think now? You may contact me anytime with your ideas.

Helen M. Miller - 4023 Whitehead St, 83703 Ph 344-6215. HMAYM44@aol.com

Graves, Lori

From: HMAYM44@aol.com
Sent: Tuesday, March 16, 2004 3:36 PM
To: bundersont@ci.nampa.id.us
Cc: hrdrologic@qwest.net; Jani29@ cableOne.net; LGraves@IDWR.State.ID.US
Subject: Re: Whitehead Street well -- Report from Helen Miller

Lori from Water Resources called re # 5. They cannot stop the sale of the property, but can prevent any more houses from being added to the list of well users. This makes it less of a possible confrontation with anybody.

3/17/2004

Graves, Lori

From: Spackman, Gary
Sent: Wednesday, March 03, 2004 3:35 PM
To: Westra, John; Lester, Steve; Graves, Lori; Neely, Ken; Luke, Tim
Cc: Saxton, Glen
Subject: Stewart Gulch/Strahlow Well Administration

Folks,

IDWR received a letter from Ed Squires requesting administration of the "Strahlow" low temperature geothermal well. The mailing information shows that a copy of the letter was sent to Steve Lester and to Ken Neely. I am sending another copy to John Westra.

As you may recall, the Strahlow well is described by a beneficial use claim that asserts a priority earlier than the Silky v. Tiegs decree.

Ed states that he represents The Terteling Company. I question whether Ed Squires should be representing a corporation in a legal proceeding. I will not cause a stir about this at the present time.

After reading Ed's letter, it seems to me some actions by IDWR and the watermaster are appropriate. I suggest that Ed Squires/Ken Neely determine the names and addresses of the homeowners now receiving low temperature geothermal water and submit the information to IDWR. I believe that IDWR regional staff should send a letter to the homeowners informing them that: (1) The right could be completely curtailed because it is a beneficial use claim (was this the well that the Silky decree stated should not be used) and at most, the usage should be limited to historical beneficial use for the four homes; (2) measuring and controlling works must be installed within 60 days; (3) low temperature geothermal water cannot be wasted, and any waste will result in issuance of a notice of violation, and (4) IDWR requires a determination by the users of the actual quantity of water necessary to heat the four homes.

John, would you be willing to ask Lori to pursue the info gathering and draft a letter for review. I'm happy to discuss the details of the letter to the homeowners.

Following the sending of the letter and compliance with the requests, the watermaster can measure water diverted and regulate, if necessary.

Gary

September 18
RECEIVED
SEP 22 1989

TO: Department of Water Resources
1301 N. Orchard
Boise, ID

ATTN: L. Glen Saxton, Chief, Water Allocation Bureau

Department of Water Resources
IS

As a follow-up to the Show Cause hearing which you conducted September 7, 13 and 14 relative to the Stuart Gulch geothermal water wells, I am submitting the following for your information and consideration.

The geothermal artesian well located at 3911 Whitehead, formerly known as the Church well, but located on my property, is now believed to be the second such well to be drilled in the Stuart Gulch area, in the summer of 1921. Today I interviewed Mr. Carl M. Cantwell of 2415 N. 32nd, Boise, concerning the time when this well was drilled. Mr. Cantwell was born in 1913, and stated that he was living on the property at the time the well was drilled, and was about 7 years of age. His grandmother was Mrs. Silkey, and his father was the well-driller. After the first Silkey well was drilled (now the first Hunt well) Mrs. Silkey had the drilling rig moved to the present Whitehead St. and the well drilled to heat the Cantwell home. This home is now 3907 Whitehead, with Mr. and Mrs. Clifton W. Johnson owner and resident there for the past 20 years.

As per Mr. Cantwell's recollection, and our own observation, the size of the well is 2", with a 4" casing. Mr. Cantwell has photos dated 1921, showing drilling of the Cantwell well, and we have a tape recording of our conversation. Both of these would be available to Water Resources if desired to add to your files.

The home I live in at 3911 Whitehead was built in 1955 by Mr. Church, who at that time also owned the 3907 Whitehead house. The large lot was split, and the well became part of the lot for my home. The geothermal hot water heats the house through pipes laid in the cement floor, and the temperature is controlled with a thermostat set at 70°F. at all times.

Multiple lines feed from the geothermal artesian well -- a 2" pipe feeds the original house at 3907 Whitehead, and 3/4" pipes feed the other houses. The flow to the users is restricted due to the size of the pipe, and cut-off valves for each user are also in place. The well has over the years served as many as 6 houses, for heating and domestic use. At the present time, there are only 4 houses on the well, including mine.

The output of the well has been curtailed by new wells having been drilled, and the hot water being pumped from them for irrigation. It is not only the volume of output that has been lowered, but the temperature has also dropped from approximately 118°F. to 90°F. This makes it very difficult, if not impossible, to adequately heat the homes that depend on this for year-round comfort, and to provide warm water for bathing.

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AUG 21 1992

The expense involved to go into a different source of heat and hot water would be great. These homes have been using this Church/Stralow well as a source of heat and domestic hot water for many years (since 1921 in the case of the Johnson home). My own home was specifically designed and built for geothermal heating. There had not been any problems of this nature -- declining pressure and heat -- prior to the drilling and pumping of new wells in the area, referring in particular to the Quail Hollow wells.

I feel that being fortunate enough to have the hot water in this area of Boise, the water should be used for it's heating potential, and not wasted in irrigation. The amount that Quail Hollow uses in one day could heat one home for a year. I feel that it has been proven by tests that the Quail Hollow wells have affected my well adversely, and other artesian wells in this immediate area. Therefore, I believe that the Department of Water Resources should limit the pumping of geothermal water for irrigation purposes, and should preserve the reservoir for senior rights.



Raymond F. Stralow

Copies to:

Hunt Bros. Floral, 3823 N. 36th
Edwards Greenhouse, 4106 Sand Creek
Mary E. Ryan, 4504 Foothill Dr.
Quail Hollow Golf Club, 4520 N. 36th

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AUG 21 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

RAYMOND F and VERA STRALOW
(Name of Claimant)

3911 Whitehead, Boise, Ida. 83703
(Mailing Address)

(Zip Code)

Telephone No. 208-345-5191

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Approx. 1900

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUNDWATER

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.74</u>		Use <u>HEATING</u>		Period of Use From <u>1/01</u>	To <u>12/31</u>
Quantity <u>.10</u>		Use <u>DOMESTIC</u>		Period of Use From <u>1/01</u>	To <u>12/31</u>
Quantity <u>.06</u>		Use <u>IRRIGATION</u>		Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .90 TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NE 1/4, Sec. 29 Twp. 4N Rge. 2E B.M., County of ADA

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. ABOUT 1400 FT GEOTHERMAL WELL & PIPELINES

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2E	29			2														2

No. of acres 2

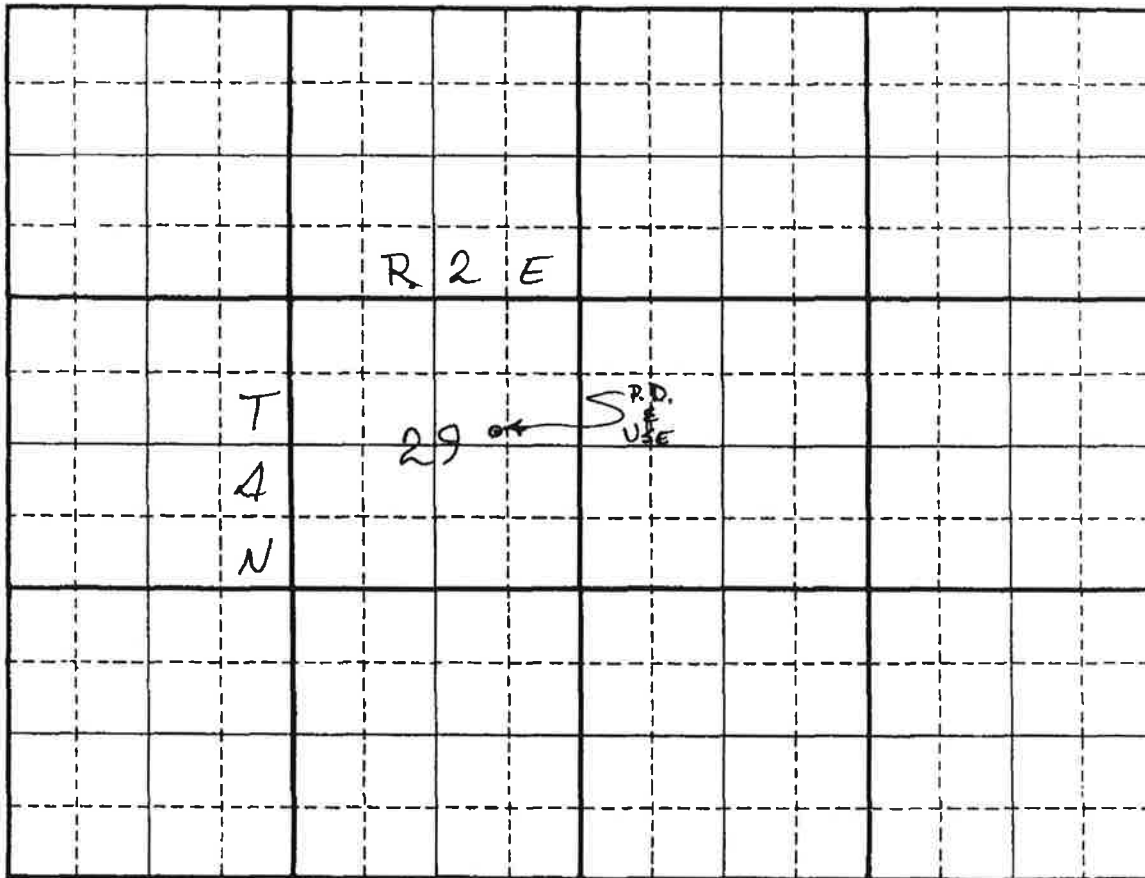
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

DOMESTIC - 6 HOUSEHOLDS (NON-DRINKING)
HEATING - SPACE HEATING

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks PD = PARCEL 1430 OF SEC. 29
PU = PARCEL 1430 AND ADJACENT PROPERTIES.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30 day of JUNE

Vera K. Stralow
(Claimant)

[Signature] 1983
Notary Public
Residing at BOISE, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6/30/83 Exception filed by: _____ Date _____
Prelim. check by CHS Date 11/18/83 Forwarded to claimant by: _____
\$30.00 fee received by [Signature] Date 6/30/83
Published in Idaho Statesman
Dates 11/24 + 12/11/83

State of Idaho
Department of Water Resources

APR 10 1988

ASSIGNMENT OF PERMIT

John F. Wiles as Personal Representative of the
I, Estate of Vera K. Stralow, hereby assign to John F. Wiles of 6220 4th Ave.,
of Sacramento, California 95817, and Richard F. Stralow of Box 83 Woodbine, Kansas 67492
Address

CHECK ONE



All my right, title, and interest in and to ^{Right} ~~Permit~~ No. 63-5195
to appropriate the public waters of the State of Idaho.



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 that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 23rd day of March, 1988.

John F. Wiles
Permit Holder

Representative of the Estate
of Vera K. Stralow
Spouse of Permit Holder

California
State of ~~Idaho~~)
County of Sacramento) ss.

On this 23rd day of March, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Dorothy M. Haesloop
Notary Public residing at

Sacramento, California

My commission expires: DEC 01 1988
11/20/91

