

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78371

This is to certify that: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-12	WR/DECREED	7/1/1921	0.140 cfs	101.4 af	6.0	15.0	GROUND WATER
63-13	WR/DECREED	7/1/1922	0.660 cfs	400.0 af	6.0	15.0	GROUND WATER
63-15	WR/DECREED	3/23/1927	0.800 cfs	400.0 af	6.0	15.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-12	NO	NO	NO	YES	NO	NO
63-13	NO	NO	NO	YES	NO	NO
63-15	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-12	63-12	0.140 cfs	101.4 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
63-13	63-13	0.660 cfs	400.0 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
63-15	63-15	0.800 cfs	400.0 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.860 cfs	400.0 af	6.0	15.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of September, 2016.



PAMELA S. SKAGGS, Water Rights Supervisor

WATER RIGHT NO. 63-12

As Modified by Transfer No. 78371

In accordance with the approval of Transfer No. 78371, Water Right No. 63-12 is now described as follows:

Right Holder: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

Priority Date: 7/2/1921

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.140 cfs	101.4 af
IRRIGATION	01/01	to 12/31	0.140 cfs	38.0 af
			0.140 cfs	101.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: HEATING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0
POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-12
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. The right holder shall comply with the measuring and reporting requirements of the Boise Front Geothermal Monitoring and Reporting Plan.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The points of diversion are also known as the Greenhouse well (NESW S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tiegs well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
6. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
7. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
8. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.

WATER RIGHT NO. 63-12
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-12 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-13**As Modified by Transfer No. 78371**

In accordance with the approval of Transfer No. 78371, Water Right No. 63-13 is now described as follows:

Right Holder: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

Priority Date: 7/1/1922

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.660 cfs	400.0 af
IRRIGATION	01/01	to 12/31	0.660 cfs	38.0 af
			0.660 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: HEATING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0
POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-13
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. The right holder shall comply with the measuring and reporting requirements of the Boise Front Geothermal Monitoring and Reporting Plan.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The points of diversion are also known as the Greenhouse well (NESW S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tiegs well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
6. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
7. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
8. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.

WATER RIGHT NO. 63-13
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-15
As Modified by Transfer No. 78371

In accordance with the approval of Transfer No. 78371, Water Right No. 63-15 is now described as follows:

Right Holder: THE TERTELING CO INC
 3858 N GARDEN CENTER WAY STE 300
 BOISE, ID 83703

Priority Date: 3/23/1927

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.800 cfs	400.0 af
IRRIGATION	01/01	to 12/31	0.800 cfs	38.0 af
			0.800 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: HEATING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0
 POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-15
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. The right holder shall comply with the measuring and reporting requirements of the Boise Front Geothermal Monitoring and Reporting Plan.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The points of diversion are also known as the Greenhouse well (NESW S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tiegs well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
6. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
7. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
8. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.

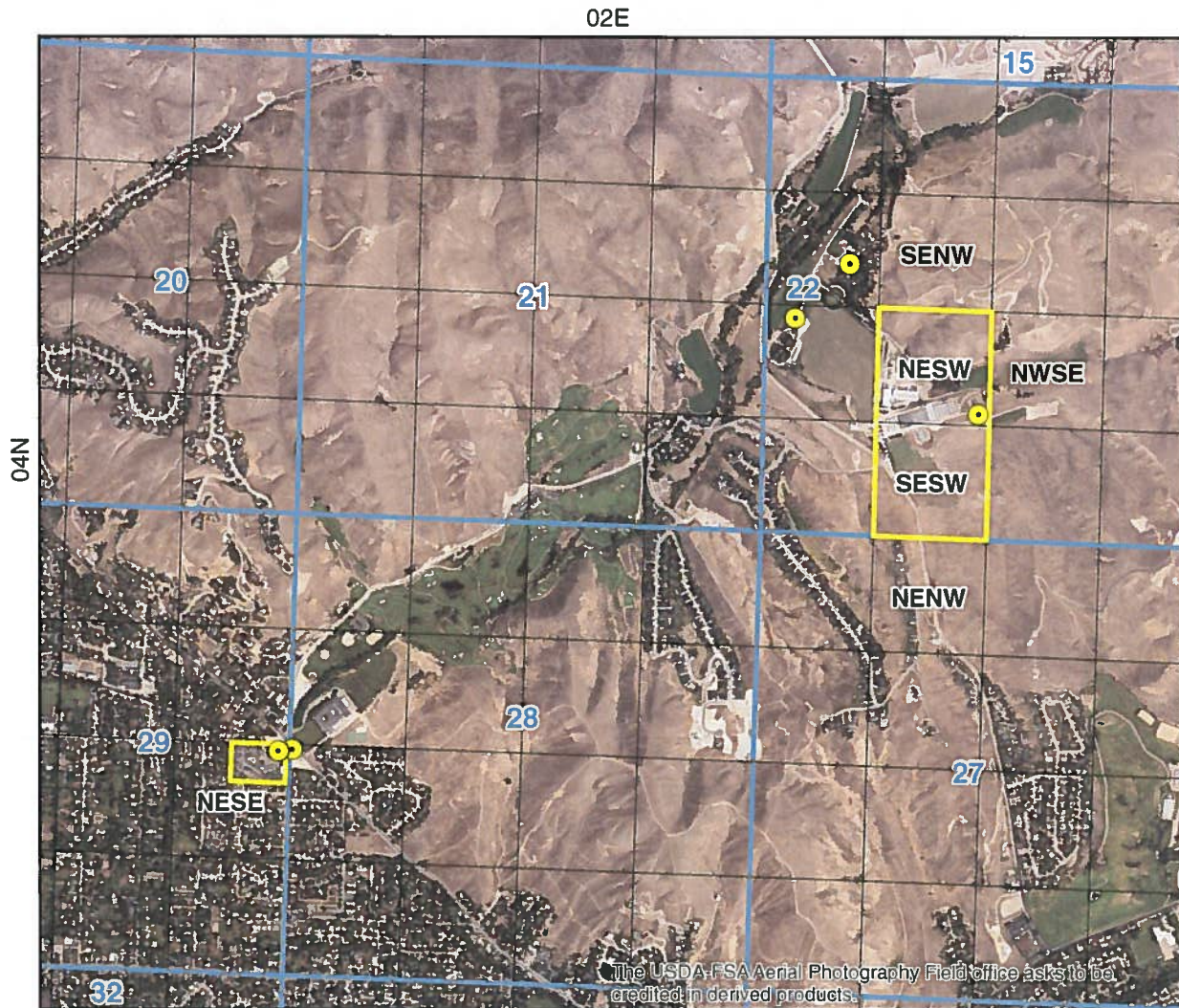
WATER RIGHT NO. 63-15
As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-15 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer 78371
63-12, 63-13, and 63-15

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



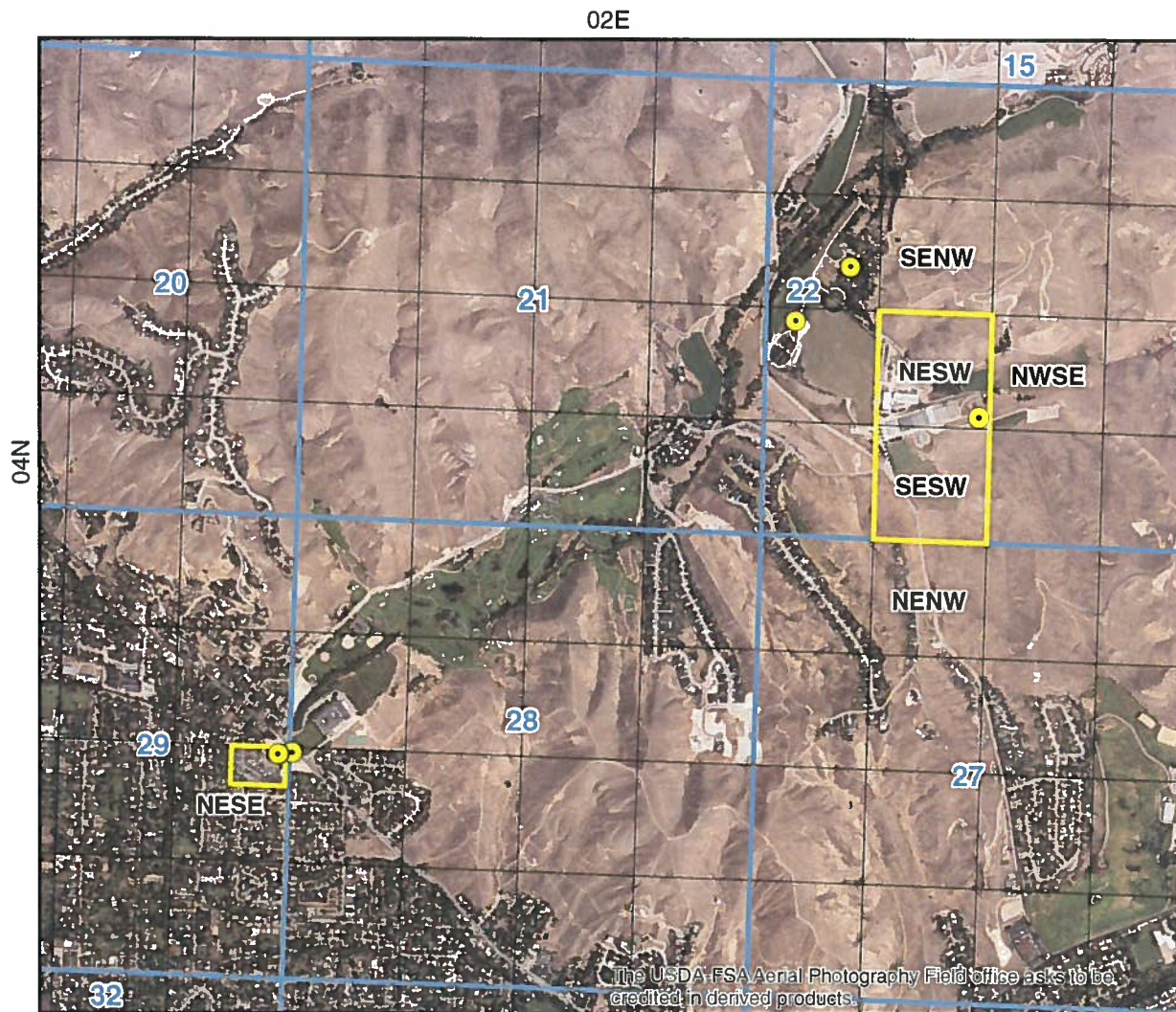
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.25 0.5 1 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 78371
63-12, 63-13, and 63-15

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



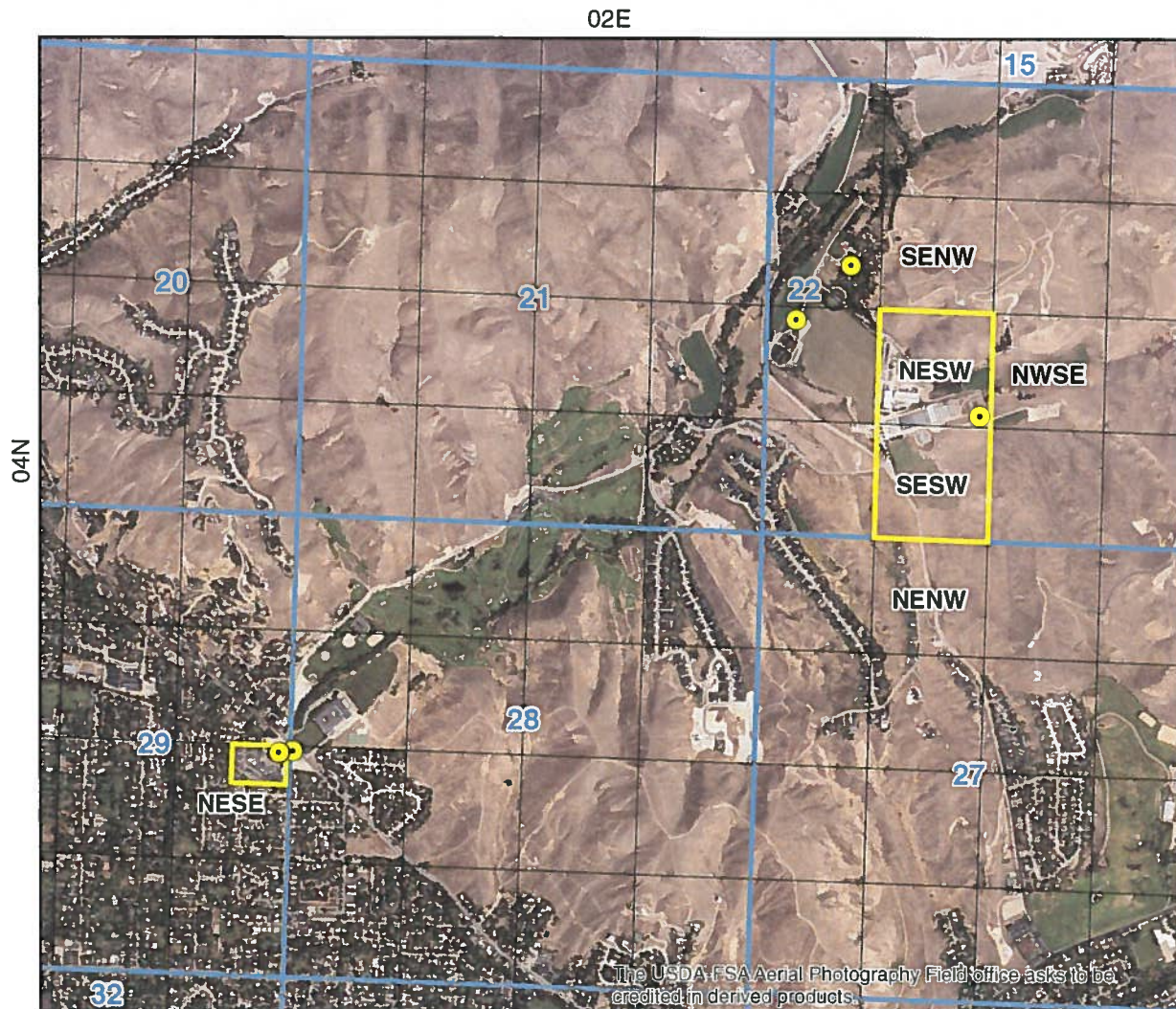
0 0.25 0.5 1 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Attachment to Transfer 78371
63-12, 63-13, and 63-15

This map depicts the DOMESTIC place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.25 0.5 1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 4, 2016

THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE ID 83703

Re: Transfer No: 78371
Water Right No(s): 63-12, 63-13, 63-15

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)287-4800.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Enclosure

c:

HONSINGER LAW PLLC

WATER DISTRICT #63S

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 78371
Water Right No(s): 63-12, 63-13, 63-15**

**THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE ID 83703**

**CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701**

**WATER DISTRICT #63S
KEN NEELY (Hand Delivered)
322 E FRONT ST
BOISE ID 83720-0098**



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: September 30, 2016
To: Water Right File 63-12, 63-13, and 63-15
From: Michele Edl
Re: Transfer 78371 conditions

On August 31, 2016, I sent a draft approval of Transfer 78371 to the representatives for The Terteling Co Inc, the owners of the three rights listed above.

Mr. Honsinger reviewed the draft and replied with comments in the form of a Petition for Reconsideration which was received on September 22, 2016. Within the comments were requests to amend the transfer approval by changing three conditions: 8, 9, and 19 (as they are numbered on the draft approval.)

My supervisor and I met with the WD 63-S Watermaster on September 26, 2016 so that he would be aware of these and other conditions on the transfer approval and could therefore be prepared to enforce them. At that meeting we discussed the three conditions in question, and our understanding of their place in the SRBA proceedings. Condition 19 was changed to allow more time for the applicant to develop the new geothermal well. However, the other two conditions, 8 and 9 were not changed because they appeared to be closely tied to the settlement of the claims 63-12, 63-13 and 63-15 in the SRBA court.

On September 27, 2016, I emailed Mr. Honsinger a brief summary of our meeting and our decisions related to the three conditions.

Mr. Honsinger phoned both the watermaster and I separately, on the afternoon of September 28. He agreed in part and disagreed in part with our decisions. He agreed that condition 9 was on the partial decrees for the rights and accepted that it would be carried forward through the transfer approval. However, he disagreed with keeping condition 8 on the transfer approval. He pointed out that condition 8 did not appear on the face of the partial decree, but was instead explanatory material. And further that it would be a burden for the watermaster to implement when a successful but less rigorous measuring, recording and reporting plan was already in place.

To confirm that placement of the two conditions on SRBA documents meant different consequences to the water rights, I consulted a member of IDWR's legal staff. (See my email to Mr. Garrick Baxter) Mr. Baxter explained that condition 9, by its placement on the face of the SRBA decree was important for definition of the elements of the right. And because of that, condition 9 should remain on the water rights. In contrast, condition 8 by its placement under the 'explanatory material' heading was considered additional information related to the right but not binding and could be dropped from the water rights through the transfer approval.

As a consequence, the following condition is retained on the final approval of Transfer 78371.

Diversion from the Windsock well (NWNWSW S22 T4N R2E) shall not significantly reduce artesian pressure for water rights within the under the authority of Water District 63-S boundary with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint of significant reduction from the holder of such a water right as described herein, to the Watermaster or upon IDWRs own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock well is causing the

significant reduction in pressure; (b) curtail diversion of water from the Windsock well; or (c) require mitigation for diversion of water from the Windsock well.

While condition 8 on the draft approval which reads:

Diversion from points of diversion authorized by this water right and other measurements described below shall be measured and recorded at least weekly. The measurements shall include aquifer shut in pressure, well-head pressure under pumping conditions, artesian flow or pumping discharge rate, totalized production volume for the period between readings, and water temperature. If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.

has been removed from the final approval of Transfer 78371.

The watermaster wanted the applicant to be held to a monitoring plan so in place of condition 8 and with the watermaster's ok, I have substituted the following condition:

The right holder shall comply with the measuring and reporting requirements of the Boise Front Geothermal Monitoring and Reporting Plan.

Edl, Michele

From: Neely, Ken
Sent: Friday, September 30, 2016 8:27 AM
To: Edl, Michele
Cc: Keen, Shelley; Skaggs, Pam
Subject: RE: monitoring plan condition for Transfer 78371

That sounds good, Michele.

Ken

Kenneth W. Neely
Hydrology Section Supervisor
208-287-4852
Ken.neely@idwr.idaho.gov
www.idwr.idaho.gov

From: Edl, Michele
Sent: Thursday, September 29, 2016 5:11 PM
To: Neely, Ken
Cc: Keen, Shelley; Skaggs, Pam
Subject: monitoring plan condition for Transfer 78371

Ken,
I skimmed through the copy of the monitoring plan that you shared with me and I think we can make it work for us in this transfer. From where I sit, the plan has a history and has a mechanism to allow changes, so a concise reference to it may be the best solution. I am recommending that we replace the blacklisted condition 8 with one modeled off of a right within the SE GW Monitoring Area.

I am proposing the following

"The right holder must comply with the measuring and reporting requirements of the Boise Front Geothermal Monitoring and Reporting Plan."

Please let me or Pam know your thoughts on this condition.
Michele

Edl, Michele

To: Edl, Michele
Subject: FW: 63-12, 63-13, 63-15 conditions SF5 vs decree

Garrick Baxter phoned me shortly after I sent this email. He was familiar with the SRBA proceedings for these water rights. We had a brief discussion about the consequences to the placement of these two conditions in the SF5. In short, the first condition should stay on the transfer approval and on the rights going forward but the second is not binding and can be removed from the transfer approval.

From: Edl, Michele
Sent: Wednesday, September 28, 2016 5:28 PM
To: Baxter, Garrick
Subject: 63-12, 63-13, 63-15 conditions SF5 vs decree

Garrick,

I am very close to completing the processing of a ten-year-old transfer which acts on the three SRBA decreed water rights above. The rights are for low-temperature geothermal water uses and are acted on by transfer 78371. The claims were contested in the SRBA but were finally decreed in 2011. Charlie Honsinger was and is the attorney for the rights holder and he called me and Ken Neeley, the watermaster, with a concern this afternoon.

The point of this email is to ask you a question about the different status of two non-standard conditions.
Both conditions appear on the SF5's for the rights and were agreed to by all parties in 2010.

The first condition appears under the SF5 heading **OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT** and on the partial decree and is:

Diversion from the Windsock well (NWNWSW S22 T4N R2E) shall not significantly reduce artesian pressure for water rights within the under the authority of Water District 63-S boundary with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint of significant reduction from the holder of such a water right as described herein, to the Watermaster or upon IDWRs own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock well; or (c) require mitigation for diversion of water from the Windsock well.

The second appears under the SF5 heading **EXPLANATORY MATERIAL: BASIS OF CLAIM – Decreed**, on a proof report for the right but not on the partial decree and is:

Diversion from points of diversion authorized by this water right and other measurements described below shall be measured and recorded at least weekly. The measurements shall include aquifer shut in pressure, well-head pressure under pumping conditions, artesian flow or pumping discharge rate, totalized production volume for the period between readings, and water temperature. If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.

I have included both conditions in the transfer approval. Mr. Honsinger believes that the second condition,(the measurement condition) should not be carried forward. He has spoken with the watermaster and I understand that the watermaster is willing to waive the condition at least in part because there is an existing but less frequent measuring, recording, reporting process already in place.

So, is the second condition one that can be waived by the watermaster?
Or does it need to remain in the conditions of approval for this transfer and therefore a condition that the watermaster will be required to enforce?

Thank you for your time.
Michele

Edl, Michele

From: Edl, Michele
Sent: Tuesday, September 27, 2016 11:51 AM
To: 'Charles Honsinger'
Cc: Skaggs, Pam
Subject: approval of Transfer 78371

Mr. Honsinger,

The Department of Water Resources has received and reviewed your comments on behalf of The Terteling Co Inc, to the draft approval for Transfer 78371. In particular, you asked that the department reexamine Conditions 8, 9, and 19 on the draft approval.

Pam Skaggs and I met with the WD 63-S watermaster briefly yesterday afternoon and discussed these three conditions with him. As a result, Condition 19 has been modified to allow three years for your clients to drill and develop a new geothermal well. But Conditions 8 and 9 remain substantially the same as they appear on draft approval.

Conditions 8 and 9 of the Transfer 78371 approval are deliberately worded to mimic conditions that appear in SRBA documents for the contested matter involving the three transferred rights. The conditions are either explanatory material or a provision necessary for the definition or administration of each of the three water rights. And so the Department is not inclined to remove either Condition 8 or Condition 9 from the Transfer 78371 approval at this time.

The watermaster is now aware of these special conditions and knows that they mean a change in the monitoring and measuring of the Terteling Co Inc wells.

The approval document for Transfer 78371 has been forwarded for signature and the related processing steps.

Regards,
Michele Edl

DEPARTMENT OF
WATER RESOURCES

complete the changes authorized by the transfer within one year, when three years is likely to be necessary to accomplish the determination of a location and drilling of a new well. The specific relief sought by petitioner is the removal of conditions no. 8 and 9 from all three water rights subject to Transfer Application No. 78371, and the extension of the time within which the changes proposed by this application must be accomplished to three years in Condition no. 19.

DISCUSSION

Condition No. 8

IDWR approved Transfer Application No. 78371 with condition no. 8 in each of the water rights subject to the application. Condition No. 8 is inapplicable in that the watermaster has approved a monitoring plan provides for monitoring of water rights and wells within Water District 63-S that differs significantly from that provided in the condition. Condition No. 8 should be either removed or should alternatively be replaced with a condition stating that monitoring of the water rights is subject to the plan approved by the watermaster of Water District 63-S.

Condition No. 9

Transfer Application no. 78371 was approved with the language constituting Condition No. 9 that provides as follows:

Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require

mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.

Similar language was originally added to the three water rights (63-12, 63-13, 63-15) as a condition upon approval of Transfer No. 68558 issued on October 9, 2002. The date in the condition (December 20, 2000) that serves as the cutoff date for water rights with that priority or earlier that might be impacted by water right nos. 63-12, 63-13 and 63-15 is the date on which Transfer application no. 68558 was filed. This condition was originally added to ensure that the points of diversion added to the water rights (which were in a significantly different location than the original points of diversion) did not impact the flow of water to other wells in Water District 63-S. No such impacts have ever been observed, and because of the efforts of TTCI and the Water District, water levels have in fact improved with the new points of diversion approved back in 2002 pursuant to Transfer No. 68558. Accordingly, because the impacts with which the original condition language was concerned have never occurred, and because the condition itself is so onerous as to prevent TTCI from asserting its priority at long-established points of diversion, such condition should be entirely removed from these three water rights. Alternatively, TTCI would welcome the opportunity to discuss the condition with IDWR and the watermaster, and come up with language that might more appropriately reflect current realities and conditions.

Condition No. 19

Location and drilling of a geothermal well is a complex and expensive procedure involving much data gathering and analysis. The precise location, depth and drilling methodology for the proposed Greenhouse well will take much time to determine and then more time to construct. TTCI is aware that IDWR has previously provided transfer applicants with a three year period within which to accomplish the addition of a new point of diversion to a ground water right. Due to the

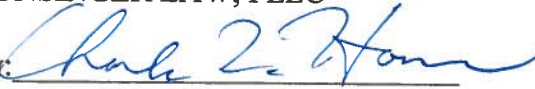
complexities of determining the exact parameters of the Greenhouse Well, along with a sufficient construction period, TTCI is requesting a three year period within which to accomplish the addition of the new point of diversion rather than a one year period.

SUMMARY

TTCI requests that Conditions No. 8 and 9 be removed or appropriately amended as discussed hereinabove, and that Condition No. 19 be amended to provide for a three year period within which to accomplish the addition of a new point of diversion.

Respectfully submitted this 22nd day of September, 2016.

HONSINGER LAW, PLLC

By: 

Charles L. Honsinger

Attorney for Petitioner/Applicant TTCI

Edl, Michele

From: Edl, Michele
Sent: Wednesday, August 31, 2016 4:15 PM
To: 'Charles Honsinger'; Ed Squires
Subject: extension of time to review draft approval Transfer 78371

Gentlemen,

This email is to confirm that IDWR agrees to an extension of time for you to review the draft approval of Transfer 78371 (The Terteling Co Inc).

IDWR will now expect to receive your comments on or before September 22, 2016.

Regards,
Michele Edl

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78371**

This is to certify that: **THE TERTELING CO INC**
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-12	WR/DECREED	7/1/1921	0.140 cfs	101.4 af	6.0	15.0	GROUND WATER
63-13	WR/DECREED	7/1/1922	0.660 cfs	400.0 af	6.0	15.0	GROUND WATER
63-15	WR/DECREED	3/23/1927	0.800 cfs	400.0 af	6.0	15.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-12	NO	NO	NO	YES	NO	NO
63-13	NO	NO	NO	YES	NO	NO
63-15	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-12	63-12	0.140 cfs	101.4 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
63-13	63-13	0.660 cfs	400.0 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
63-15	63-15	0.800 cfs	400.0 af	6.0	15.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.860 cfs	400.0 af	6.0	15.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this _____ day of _____.

Chief, Water Allocation Bureau

Transfer No. 78371

WATER RIGHT NO. 63-12**As Modified by Transfer No. 78371**

In accordance with the approval of Transfer No. 78371, Water Right No. 63-12 is now described as follows:

Right Holder: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

Priority Date: 7/2/1921

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.140 cfs	101.4 af
IRRIGATION	01/01	to 12/31	0.140 cfs	38.0 af
			0.140 cfs	101.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									x			x					
04N	02E	29													x				

PLACE OF USE: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									x			x					
04N	02E	29													x				

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0

POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-12

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The points of diversion are also known as the Greenhouse well (NESW S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tiegs well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
5. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
6. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
7. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
8. The measurements described below shall be taken for all the points of diversion and recorded at least weekly. The measurements shall include
 - diversion rate,
 - diversion volume,
 - aquifer shut in pressure,
 - well-head pressure under pumping conditions,
 - artesian flow or pumping discharge rate,
 - totalized production volume for the period between readings,
 - and water temperature.

If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.

WATER RIGHT NO. 63-12

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.
10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-12 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-12

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Draft

WATER RIGHT NO. 63-13**As Modified by Transfer No. 78371**

In accordance with the approval of Transfer No. 78371, Water Right No. 63-13 is now described as follows:

Right Holder: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

Priority Date: 7/1/1922

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.660 cfs	400.0 af
IRRIGATION	01/01	to 12/31	0.660 cfs	38.0 af
			0.660 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									X			X					
04N	02E	29													X				

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0
POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-13

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The points of diversion are also known as the Greenhouse well (NESW S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tieg's well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
5. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
6. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
7. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
8. The measurements described below shall be taken for all the points of diversion and recorded at least weekly. The measurements shall include
 - diversion rate,
 - diversion volume,
 - aquifer shut in pressure,
 - well-head pressure under pumping conditions,
 - artesian flow or pumping discharge rate,
 - totalized production volume for the period between readings,
 - and water temperature.

If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.

WATER RIGHT NO. 63-13

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.
10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-13

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Draft

WATER RIGHT NO. 63-15**As Modified by Transfer No. 78371**

In accordance with the approval of Transfer No. 78371, Water Right No. 63-15 is now described as follows:

Right Holder: THE TERTELING CO INC
3858 N GARDEN CENTER WAY STE 300
BOISE, ID 83703

Priority Date: 3/23/1927

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	0.6 af
HEATING	01/01	to 12/31	0.800 cfs	400.0 af
IRRIGATION	01/01	to 12/31	0.800 cfs	38.0 af
			0.800 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NESW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 28 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County
GROUND WATER	NESE	Sec 29 Twp 04N Rge 02E	ADA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									x				x				
04N	02E	29													x				

PLACE OF USE: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									x				x				
04N	02E	29													x				

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22									7.0			0.5					7.5
04N	02E	29													7.5				7.5

Right Acre Limit: 6.0

POU Total Acres: 15.0

Transfer No. 78371

WATER RIGHT NO. 63-15

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

1. This right authorizes diversion and use of low temperature geothermal water from from the Stewart Gulch Geothermal Aquifer.
2. 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.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The points of diversion are also known as the Greenhouse well (NESE S22 T4N R2E), the Pool well (SWNW S22 T4N R2E), the Windsock well (NWSW S22 T4N R2E), the Tiegs well (NWSW S28 T4N R2E), and the Silkey House and Shed wells (T4N R2E S29 NENESE).
5. The right holder must have the measuring devices for all the points of diversion calibrated by an independent method of measurement at least once a year. Notification of these calibrations shall be included in the watermaster's annual report to the Department.
6. Prior to diversion from the new points of diversion authorized by Transfer 78371 (Pool well and proposed Greenhouse well), the right holder shall conduct a pump test sufficient to confirm through pressure changes in the Windsock well that the new points of diversion have a direct and immediate hydraulic connection to the Stewart Gulch Geothermal Aquifer. The pump test must also include water temperature measurements. The right holder shall report the results of the pump test to the Department. The watermaster of Water District 63-S will authorize diversion of water from the new points of diversion when the Department is satisfied they are drawing low temperature geothermal water from the Stewart Gulch Geothermal Aquifer.
7. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. The drilling permit(s) will be conditioned to target low temperature geothermal water in the Stewart Gulch Geothermal Aquifer.
8. The measurements described below shall be taken for all the points of diversion and recorded at least weekly. The measurements shall include
 - diversion rate,
 - diversion volume,
 - aquifer shut in pressure,
 - well-head pressure under pumping conditions,
 - artesian flow or pumping discharge rate,
 - totalized production volume for the period between readings,
 - and water temperature.

If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.

WATER RIGHT NO. 63-15

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

9. Diversion from the Windsock well (NWNWSW S22 T4N R2E), the Pool well (SESWNW S22 T4N R2E) and the new Greenhouse well (NESW S22 T4N R2) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000, that divert water from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. Upon written complaint to the watermaster of significant reduction from the holder of such a water right as described herein or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the Director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock, Pool, and Greenhouse wells is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock, Pool, and Greenhouse wells; or (c) require mitigation for diversion of water from the Windsock, Pool, and Greenhouse wells.
10. Diversion and use of water from the Windsock, Pool, and Greenhouse wells is contingent upon continued administration by Water District 63-S.
11. Right 63-15 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
13. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
14. The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056. Right Nos. 63-12, 63-13 and 63-15 are not subject to this combined place of use limitation when used in S29.
15. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
16. Irrigation use is for inside commercial greenhouses and outside irrigation.
17. Domestic use is for business offices.
18. This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.
19. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
20. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-15

As Modified by Transfer No. 78371

CONDITIONS OF APPROVAL

21. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Draft

Edl, Michele

From: Edl, Michele
Sent: Tuesday, August 30, 2016 10:21 AM
To: 'Charles Honsinger'; Tom Terteling
Cc: Ed Squires; Skaggs, Pam
Subject: Transfer 78371
Attachments: DOC006.pdf

Mr. Honsinger, Mr. Terteling,

I have attached an early-bird copy of the draft approval of Transfer 78371 for the Terteling Co Inc. The hard copy will be mailed from the state office either later today or early tomorrow. Although this application has been with IDWR for number of years, we are hoping that the last step; the approval step, will happen within a much shorter time-frame.

Please review the attached document and provide comments within the next 14 days. If IDWR doesn't hear from you on or before September 15, 2016, we will issue the transfer approval as it appears in the attached draft.

Sincerely,
Michele Edl



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 31, 2016

THE TERTELING CO INC
3823 N GARDEN CENTER WY STE 300
BOISE ID 83703

RE: Transfer 78371 (renumbered from 71690)

Dear Applicant:

I have completed my review of Application for Transfer 78371 and have drafted the approval document. A copy of the draft approval is enclosed with this letter.

Approval is the final process step and I hope that it can be accomplished within a short time-frame. At your earliest convenience, please review the draft approval and respond with your comments within 14 days. If IDWR doesn't hear back from you on or before September 15, 2016, we will issue the approval as it appears in the draft.

If you have additional questions call me at 208-287-4946.

Sincerely,

Michele D. Edl
Sr Water Resources Agent

Enclosure(s)

MEMORANDUM

Date: August 10, 2016

To: Transfer 78371

From: Michele Edl

Re: Overlap Review

The SRBA court decreed water rights 63-12, 63-13, and 63-15 with the same four PODs. The decreed POD shapes were depicted in the current mapping software as nominal or centroid shapes or worse with no shapes linked to the decrees. I requested confirmation of their true locations from Mr. Charles Honsinger. On August 9, 2016, Pam Skaggs and I met with Mr. Ed Squires and Mr. Charlie Honsinger to review and clarify the PODs and other issues related to this transfer.

Until the database records for these rights and the other rights held by The Terteling Company Inc and T-7, LLC are fully populated, the overlap comparison tools give misleading results

PODs

Proposed PODs - existing wells

The second amended transfer application requests four more PODs than were authorized by the SRBA decrees. Two of those four, the Motorcycle Club well and the Terteling Springs well, have been removed from consideration as a POD by consent of the applicant. See the August 10, 2016 email from Charles Honsinger to Michele Edl. Those two wells are located outside of the 1995 boundary for WD #63-S and not likely drawing from the same aquifer.

The third existing well and proposed POD is the Pool well. The pool well is a dual-source well. It accesses both cold and hot water aquifers. It is the authorized POD for 63-31052, 63-3603, 63-7595 (hot water) and 63-31050 (cool water). Correlation of the SRBA decreed PODs and the Water Right PODs to this single well is needed. See the attached POD overlap analysis spreadsheet.

Of the two decreed PODs in section 29, one well is also the POD for WR 63-31051. That right is for commercial use and is held by The Terteling Company, Inc. It has the same priority date as the Silkey-Tiegs WR's but it was not named in the 2002 settlement agreement. It's not clear why this right was not included in the transfer application.

Existing PODs - existing wells

The PODs which were decreed through the SRBA are:

the Wind Sock well in section 22, (only well currently authorized in the up-gradient withdrawal center) and the Silkey (Shed) and Office wells in section 29 and the Tiegs well in section 28 (the 3 wells currently authorized in the down-gradient withdrawal center.)

POUs

The SRBA court decreed water rights 63-12, 63-13, and 63-15 with POUs in sections 22 and 29. Some of the POU shapes in both sections were depicted nominal shapes, covering whole QQs and lands held by other parties. Although this transfer is targeted at PODs, changes could be made to clarify the POUs and still be consistent with the August 2005 legal notices of this transfer.

Only other WRs held by either T-7 LLC or the Terteling Company Inc are authorized to divert from these wells.

Overlap Analysis for Transfer Review 78371 (Terteling)									
TIS	Process	Basin/Sequ Draft	Owner	Source	POD/POU	Use	SWNW	NESW	NWSW
04N02E22	Adjudication Re 63-31052		HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-12	N HONSINGER, CHARLES L; MILSTEAD, O L; THE TERTELING CO INC	GROUND WATER	POD		X		X
04N02E22	Water Right	63-13	N HONSINGER, CHARLES L; MILSTEAD, O L; SILKEY, FRANCIS; THE TERTELING CO INC	GROUND WATER	POD		X		X
04N02E22	Water Right	63-15	N HONSINGER, CHARLES L; THE TERTELING CO INC, TIEGS, H W	GROUND WATER	POD		X		X
04N02E22	Water Right	63-3006	N HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-31050	N HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-31053	N HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-31056	N HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-31057	N HONSINGER, CHARLES L; T7 LLC; TERTELING TRUST NO 7	GROUND WATER	POD		X		
04N02E22	Water Right	63-3603	N HONSINGER, CHARLES L; TERTELING TRUST NO 7; TERTELING, J L; THE TERTELING CO INC	GROUND WATER	POD		X		X
04N02E22	Water Right	63-7595	N HONSINGER, CHARLES L; TERTELING TRUST NO 7; TERTELING, J L; THE TERTELING CO INC	GROUND WATER	POD		X		X
							Pool well	new well	Wind sock well
							several true overlaps		
35	Process	Basin/Sequ Draft	Owner	Source	POD	Use	NESE	comment	
04N02E29	Water Right	63-12	N HONSINGER, CHARLES L; MILSTEAD, O L; THE TERTELING CO INC	GROUND WATER	POD		X		
04N02E29	Water Right	63-13	N HONSINGER, CHARLES L; MILSTEAD, O L; SILKEY, FRANCIS; THE TERTELING CO INC	GROUND WATER	POD		X		
04N02E29	Water Right	63-15	N HONSINGER, CHARLES L; THE TERTELING CO INC, TIEGS, H W	GROUND WATER	POD		X		
04N02E29	Water Right	63-15525	N MILLER, BARBARA L	GROUND WATER	POD		X		
04N02E29	Water Right	63-15952	N GERARD, KEITH; GERARD, THERESE	GROUND WATER	POD		X		shallow wells; not likely geothermal
04N02E29	Water Right	63-17236	N SMITH, CONSUELO; SMITH, DANNY E	GROUND WATER	POD		X		in NWNESE
04N02E29	Water Right	63-17621	N WERSCH, GLEN	GROUND WATER	POD		X		in NWNESE
04N02E29	Water Right	63-21790	N DURTSCH, J RAY; DURTSCH, JOSEPHINE	GROUND WATER	POD		X		in NWNESE
04N02E29	Water Right	63-22069	N VAN LEUVEN, MARLENE	GROUND WATER	POD		X		in SENESE
04N02E29	Water Right	63-22593	N KIEFER, RUSSELL; KIEFER, SHARON	GROUND WATER	POD		X		in SENESE
04N02E29	Water Right	63-22639	N LARSON, JUDITH A; LARSON, LAWRENCE K	GROUND WATER	POD		X		in NWNESE
04N02E29	Water Right	63-31051	N HONSINGER, CHARLES L; THE TERTELING CO INC	GROUND WATER	POD		X		commercial
04N02E29	Water Right	63-31999	N TERTELING, FLINDA F	WASTE WATER	POD		X		
Information derived from the SRBA decrees rather than the POD comparison tool									
created by Michele Edl on 8/10/2016									

comment
hot water uses
rt moved to WR side 8/10/

comment
storage
aesthetic, wildlife, stock & irr
2 different homes domestic & irr
different home, domestic, irr & stock
different home
xfer in 2014 authorized other cold POD
xfer in 2014 authorized other cold POD

MEMORANDUM

Date: August 10, 2016
To: Transfer 78371
From: Michele Edl
Re: Department Staff or Watermaster Comments

Rights 63-12, 63-13, and 63-15 will be subject to control by the watermaster of Water District 63-S. The watermaster has been kept informed throughout the renewed effort to process this transfer and he provided a copy of his Watermaster's Report Ground Water District 63-S (Stewart Gulch) March 2015-March 2016.

According to that 2016 report nine wells are monitored by the watermaster of WD# 63-S. Those wells include the Pool and Windsock wells in the up-gradient withdrawal center and the Tiegs, Silkey, and House wells in the down-gradient withdrawal center. The watermaster already monitors all but the one proposed new well which will be approved by this transfer. Comment about well construction conditions appropriate for a low temperature geothermal well will be solicited from the Groundwater Protection section's personnel.

The Water District 63-S boundary is not accurately represented in current IDWR maps. A hydrological barrier which changed the NE corner boundary was recognized by order of Karl J. Dreher, on December 8, 1995. Steps have been taken to make necessary corrections and the watermaster is aware of the problem.

Watermaster's Report

Ground Water District 63-S (Stewart Gulch)

March 1, 2015 to March 1, 2016

Withdrawals

The total withdrawal of low temperature geothermal water in GWD63-S in Water Year 2015 (WY15) was 190.3 mgal (Figure 1). This amount is 23.4 mgal more than the withdrawal in Water Year 2014 (WY14), which is a 14% increase (Table 1). This increase is mainly attributable to the Terteling Ranch Windsock well in WY15.

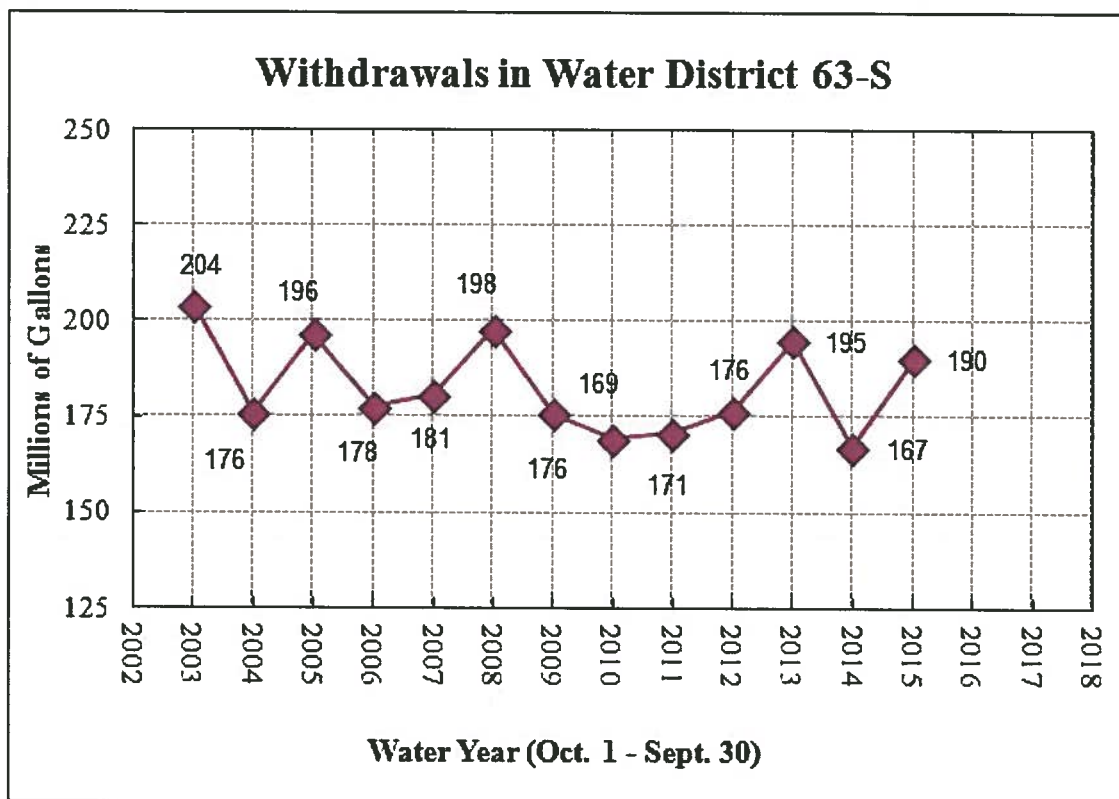


Figure 1. Geothermal withdrawals in Stewart Gulch Water District 63-S for Water Years 2003-2015.

Table 1. Withdrawals¹ from Stewart Gulch Ground Water District 63-S geothermal wells for Water Year 2015 (October 1, 2014 through September 30, 2015).

Well	Withdrawals in WY15 (millions of gallons)	Change from WY14 (millions of gallons)	Percent Change from WY14
TTCI Tiegs (Triangle)	0	0	0
TTCI Silkey (Shed)	19.4	-0.4	-2%
TTCI House (Office)	3.1	-0.3	-10%
Edwards Greenhouse	48.7	+0.4	+1%
Terteling Ranch Windsock	90.4	+24.9	+38%
Terteling Ranch Pool	18.0	-3.0	-14%
Quail Hollow (Tee Ltd) Upper	<0.1	-1.2	NC ²
Quail Hollow (Nibbler) Lower	4.6	+2.7	+146%
Niznik (Whitehead)	6.1	+0.3	+5%
Total	190.3	+23.4	+14.0%

¹These numbers contain some degree of uncertainty which is typically associated with measurement equipment and methods. Therefore, the amounts are being reported in millions with one decimal place.

²NC = Not Calculated because the number would be so large that it would not be of value to report.

The ownerships and locations of the wells allow them to be grouped into withdrawal centers, which is a useful approach for summarizing the withdrawals in these localized areas within the District. Table 2 shows the three centers and the changes in withdrawals.

Table 2. Three withdrawal centers in GWD63-S and changes from WY14 to WY15.

Withdrawal Center	Number of Wells	Numerical change from WY14 to WY15	Percentage change from WY14 to WY15
Edwards Greenhouse, Terteling Garden Center, Niznik	5 (4 in use; 1 unused)	0 mgal	0%
Quail Hollow	2	+1.5 mgal	+50%
Terteling Ranch	2	+21.9 mgal	+25%

Water Levels

Four wells are currently monitored for water levels by their owners: Tiegs, Edwards, Quail Hollow Lower, and Quail Hollow Upper. Overall, ground water levels in GWD63-S wells showed a slight decreasing trend in WY15. Both the Edwards well and the TTCI Tiegs well had maximum water levels that were about two feet lower in WY15 than in WY 14 (Figures 2 and 3). The minimum water levels in the Tiegs and Edwards wells were 1.0 feet and 2.3 feet higher in WY15, respectively. The Quail Hollow Upper well had a decrease of about four feet in the maximum water level (Figure 4). The Quail Hollow Lower well did not have a change in the maximum water level (Figure 5). The minimum level in the Quail Hollow Upper well was 2.8 feet higher, while the minimum level in the Quail Hollow Lower well was essentially unchanged.

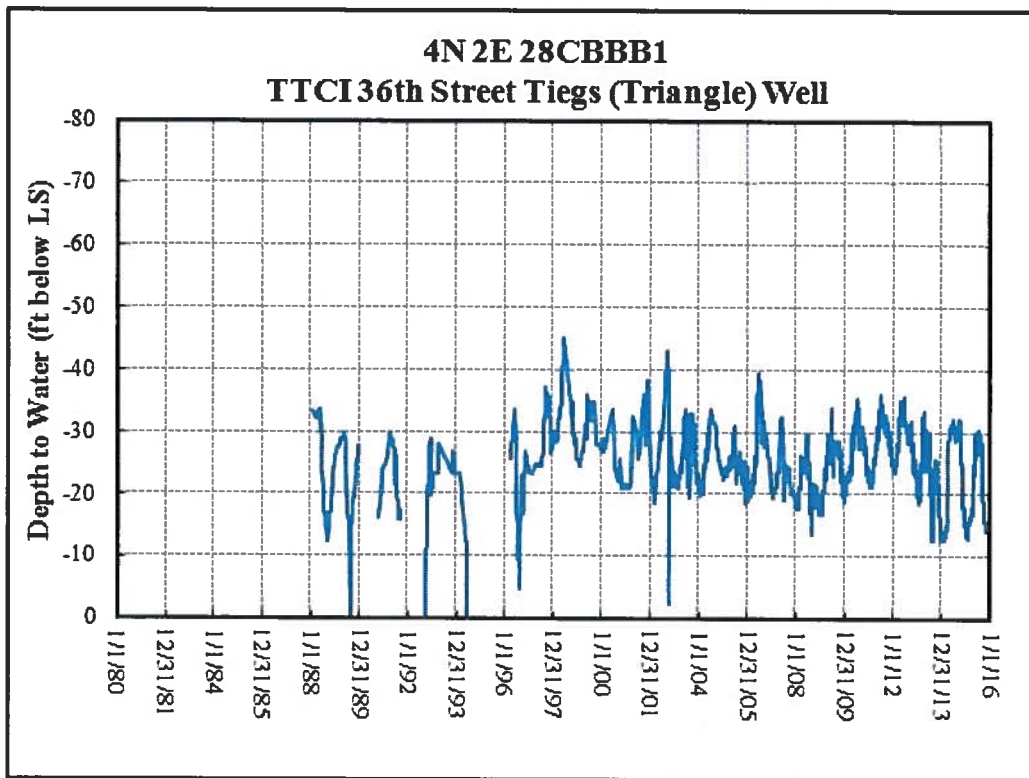


Figure 2. Water level hydrograph for the TTCI 36th Street Tiegs (Triangle) well.

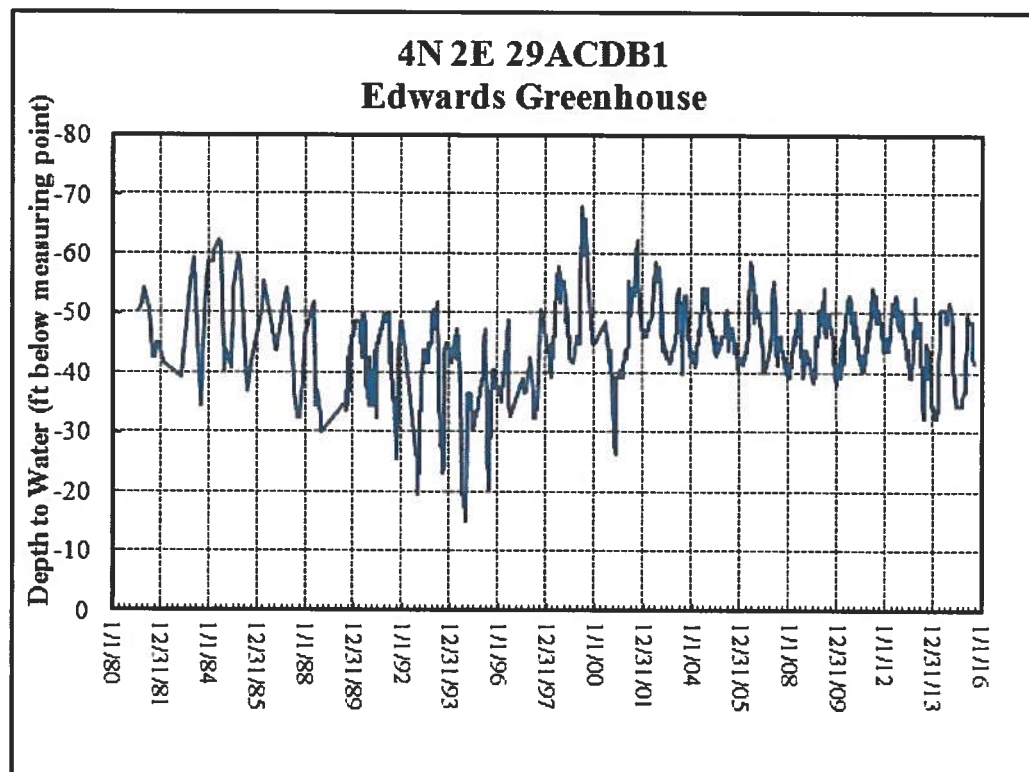


Figure 3. Water level hydrograph for the Edwards Greenhouses well.

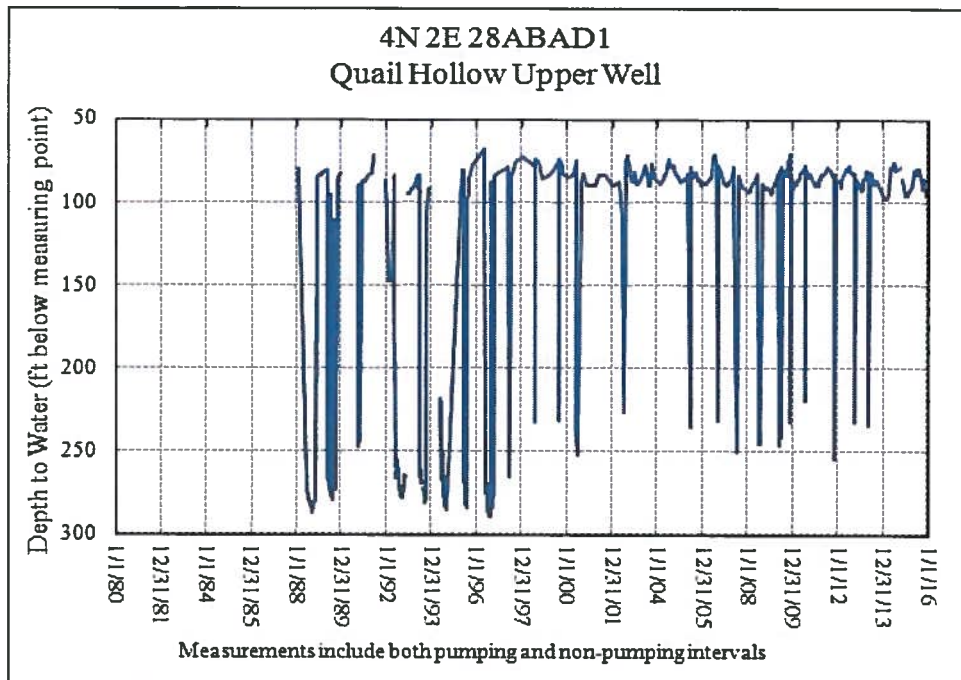


Figure 4. Water level hydrograph for the Quail Hollow Upper well.

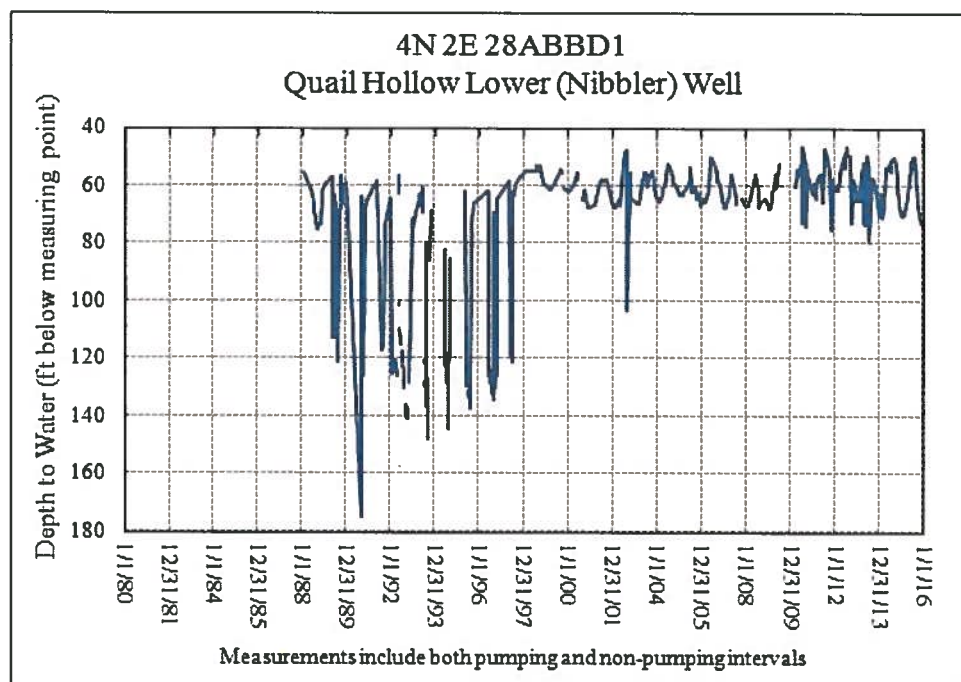


Figure 5. Water level hydrograph for the Quail Hollow Lower well.

Respectfully submitted,

Kenneth Neely

Kenneth Neely, Watermaster for Ground Water District 63-S

Edl, Michele

From: Charles Honsinger [honsingerlaw@gmail.com]
Sent: Wednesday, August 10, 2016 9:44 AM
To: Edl, Michele
Cc: Ed Squires; Tom Terteling
Subject: TTCl Transfer no. 78371

Michele:

Thank you for speaking with Ed Squires and myself yesterday about the above-referenced transfer application. I believe we made substantial progress towards clearing up a few issues and a (hopefully) quick approval of the transfer.

This message will acknowledge the discussion we had yesterday about IDWR's intended approval of the transfer application without the Motorcycle Hot Well and Terteling Springs Well as points of diversion. As we discussed, The Terteling Company Inc. believes it is appropriate to remove those two wells as points of diversion due to the fact that they are outside Water District 63-S.

Please contact me with any further concerns or questions. I look forward to receiving a draft transfer approval soon.

Thank you again.

Charlie Honsinger.

Charles L. Honsinger
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P.O. Box 517
Boise, ID 83701
Phone: (208)863-6106
Fax: (208)908-6085
honsingerlaw@gmail.com

MEMORANDUM

Date: August 9, 2016
To: Transfer 78371
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

Purpose/Narrative

The application for transfer proposes:

- 1) To add one new well as a POD for the three rights and
- 2) To make other existing low temperature geothermal wells which are owned by both The Terteling Company, Inc and T-7, LLC, the authorized POD's for low temperature geothermal water rights 63-12, 63-13, and 63-15.

The diversion system is described in the application for transfer as " Deep wells pumping from low-temperature geothermal aquifer into an existing interconnected distribution system originally used for irrigation purposes in Section 22. A similar but separate interconnected system exists in Section 29."

Authority to File:

According to available Ada County taxlot information, the proposed new well (the Greenhouse well) will be within land owned by The Terteling Co, Inc. The other proposed POD is for an existing well known as the Pool well which is also within land owned by The Terteling Co, Inc.

ISOS lists The Terteling Company Inc. as #C21391. J. L. Terteling signed the application for transfer in 2005. Although he is not listed as an officer of The Terteling Company Inc. at this time, he had the necessary authority at the time that the transfer was first filed. An updated signature is not needed in order to complete the processing of this transfer. The Terteling Company Inc's attorney has confirmed his client's continued interest in completing the transfer.

Water Right Validity:

WRs 63-12, 63-13, and 63-15 were decreed in the SRBA to The Terteling Co., Inc on May 10, 2011. Forfeiture is not an issue at this time.

Injury to Other Water Rights: No injury is anticipated.

The two systems described in the application (the watermaster refers to the two systems as withdrawal centers) are not physically connected above ground. However, they have been shown to be hydraulically connected below ground.

A previous transfer (68558) shifted the diversion and water use from a single withdrawal center to two withdrawal centers. And a WSB lease-rental approved in 2004, shifted the diversion from one well to another within the up-gradient withdrawal center. No complaints were recorded in either of the above cases and based on the most recent watermaster report, the general overall condition of the aquifer hasn't been negatively impacted.

Enlargement of Use: No enlargement is anticipated.

The SRBA decrees of WRs 63-12, 63-13, and 63-15 define the AF, CFS and acreage limits to be consistent with a 2002 agreement. In a brief discussion on 7/25/2016 with the WD#63-S watermaster, I confirmed that the parties to the agreement are operating in compliance with it. As a result of this transfer, the three rights will be subject to watermaster control.

The transfer requested the addition of two well-POD's which did not appear to be located within WD #63-S. Those wells are the Motorcycle Club hot well and the Terteling Springs well. Because they are diverting from a different source, those wells are excluded from the transfer.

The transfer approval will be conditioned to assure that the proposed new well, the Greenhouse well, is drilled within the boundaries of WD #63-S and diverts from the Stewart Gulch Geothermal Aquifer.

Local Public interest:

This application for transfer was protested in September 2005. The protests were withdrawn in April 2006 but the rights entered the SRBA shortly thereafter as contested claims. The SRBA court issued decrees for the rights which settled any remaining local public interest issues.

Beneficial Use/Conservation of Water Resources: The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No negative effect is anticipated.

Effect on Agricultural Base of the Local Area: No negative effect is anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 20, 2016

THE TERTELING CO INC
3823 N GARDEN CENTER WY STE 300
BOISE ID 83703

RE: Transfer 78371 (renumbered from 71690)

Dear Applicant:

I have been assigned to review Application for Transfer 78371 and if possible to complete the processing of the transfer which proposed changes to Water Rights 63-12, 63-13, and 63-15. (This transfer was originally numbered 71690 but was renumbered to accommodate a software update.)

Processing of this transfer was delayed until the Snake River Basin Adjudication (SRBA) court reached a decision on the contested cases for water rights 63-12, 63-13, and 63-15. All three rights were decreed in the SRBA on May 10, 2011. Continued interest in the transfer was confirmed in 2013 by IDWR state office personnel.

The first step to re-energizing this transfer was to draft a Final Order Dismissing Contested Case. A final order was necessary to conclude the proceedings on a protest to this transfer. That order was signed by Director Spackman on June 22, 2016 and was sent to you and to the representing counsels for you and for the protestant. The required period of time for intervention with regards to that order, has passed without response.

The current transfer application document is the second amended application for transfer and it was received at IDWR's Western Region office on April 21, 2005. I have compared the SRBA decrees for rights 63-12, 63-13, and 63-15 with the second amended transfer application and found that the SRBA decrees do not dispose of all the changes proposed by the transfer.

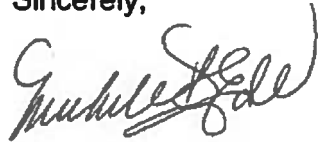
There is value in continuing to process this transfer. However, in my review of the SRBA decrees, I found that the Point-of-Diversion (POD) and the Place-of-Use (POU) shapes which were intended to represent those elements of the decrees were nominal or centroid shapes. Because transfer 78371 does not request any changes to the POUs, I am not concerned with inaccuracies in the POUs. But the POD elements were so broadly described, that I needed to take a step back, confirm the true locations, eliminate phantom overlaps and update the data entry for the PODs.

To that end, I have attached two images to this letter. Each image depicts one of the two 'withdrawal centers' (as the watermaster terms them) for decree rights 63-12, 63-13, and 63-15. The images show the recommendations to the SRBA for PODs and POUs for each of the three rights as they are projected against 2015 aerial photography.

GPS coordinates were available for the wells, so I believe that I have correctly located the decreed PODs. But I may not have given them the correct aliases. At your earliest convenience, please review these images and help me to make any necessary corrections. Because I would like to maintain momentum in the renewed effort to process this transfer, it would be great if you could respond within 7 days. If I don't hear back from you before Wednesday, July 27, 2016 I will assume that the POD shapes that I have selected are correct.

If you have additional questions call me at 208-287-4946.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele D. Edl", written in a cursive style.

Michele D. Edl
Sr Water Resources Agent

Enclosure(s)

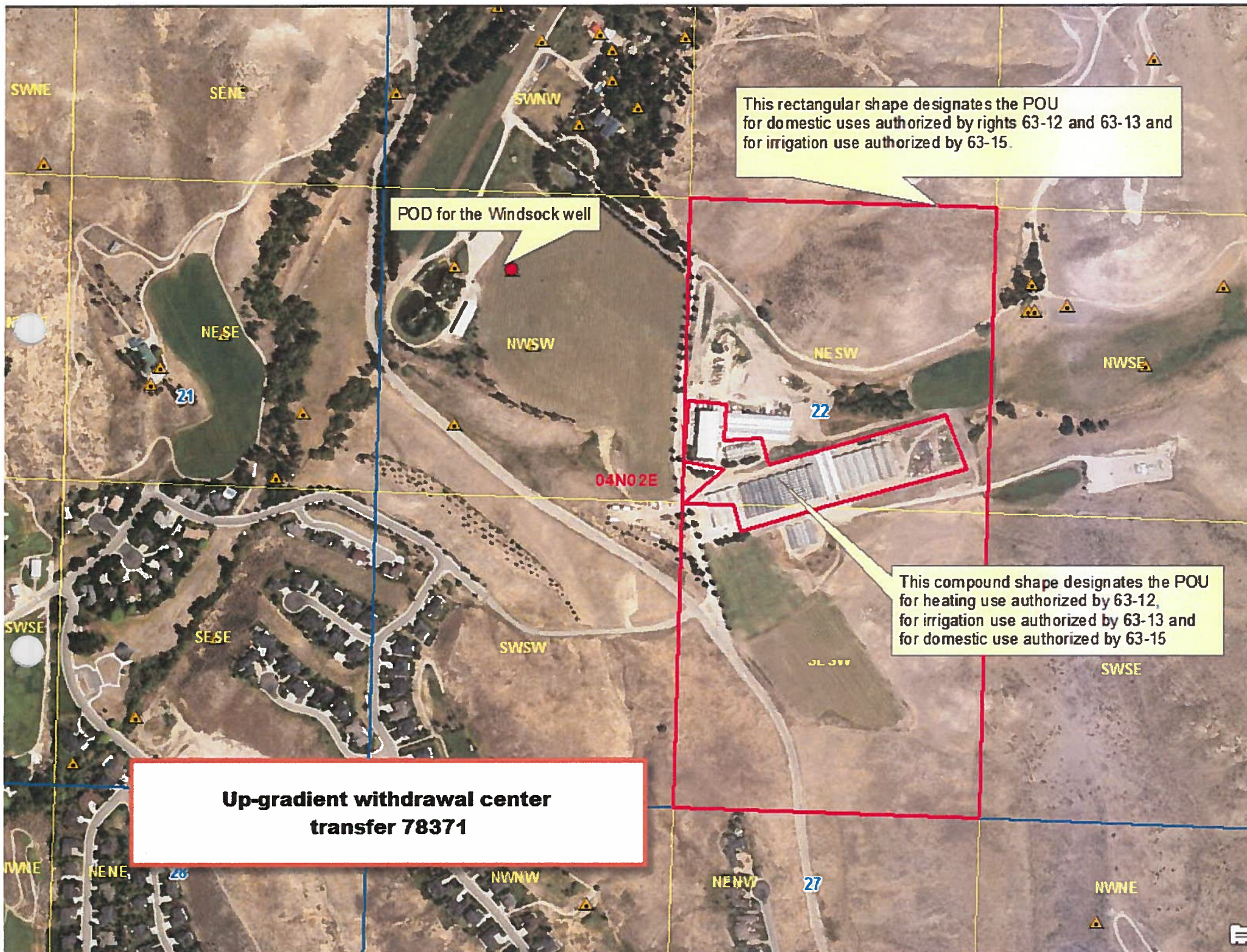
cc: Charles L Honsinger
Honsinger Law



These 3 PODs represent 3 wells.
From left to right, they are the Silkey (shed) well, the house well
and the Tiegs well.

This quarter-quarter shape designates the POU
for domestic use authorized by 63-12, 63-13 and 63-15.

**Down-gradient withdrawal center
transfer 78371**



This rectangular shape designates the POU for domestic uses authorized by rights 63-12 and 63-13 and for irrigation use authorized by 63-15.

POD for the Windsock well

This compound shape designates the POU for heating use authorized by 63-12, for irrigation use authorized by 63-13 and for domestic use authorized by 63-15

Up-gradient withdrawal center transfer 78371