

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79548**

This is to certify that: **THE TERTELING CO INC**
3858 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>
63-10533	WR/DECREED	9/9/1987	0.520 cfs	N/A	25.0	357.0	GROUND WATER
63-3603	WR/DECREED	4/26/1967	1.030 cfs	351.0 af	78.0	357.0	GROUND WATER
63-7595	WR/DECREED	3/7/1973	2.000 cfs	465.5 af	103.0	357.0	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>
63-10533	NO	NO	YES	NO	NO	NO
63-3603	NO	NO	YES	NO	NO	NO
63-7595	NO	NO	YES	NO	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>
63-10533	63-10533	0.520 cfs	N/A	25.0	451.0	N/A	N/A	N/A	N/A	N/A
63-3603	63-3603	1.030 cfs	351.0 af	78.0	451.0	N/A	N/A	N/A	N/A	N/A
63-7595	63-7595	2.000 cfs	465.5 af	103.0	451.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.550 cfs	N/A	N/A	451.0		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 18th day of November, 2014.


Interim Western Region Manager

SUPPORT DATA

IN FILE # 63-3603

Transfer No. 79548

SCANNED

DEC 23 2014

WATER RIGHT NO. 63-10533 **As Modified by Transfer No. 79548**

In accordance with the approval of Transfer No. 79548, Water Right No. 63-10533 is now described as follows:

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

Priority Date: 9/9/1987

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
 0.520 cfs
 0.520 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSE	Sec 22 Twp 04N Rge 02E	ADA County

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	14											25.0	5.0					30.0
04N	02E	15													3.0			38.0	41.0
04N	02E	21				2.0									27.0			1.0	30.0
04N	02E	22	29.0	36.0	21.0		40.0	18.0	38.0	40.0	35.0	40.0	13.0	18.0		22.0			350.0

Right Acre Limit: 25.0
 POU Total Acres: 451.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 79548

WATER RIGHT NO. 63-10533
As Modified by Transfer No. 79548

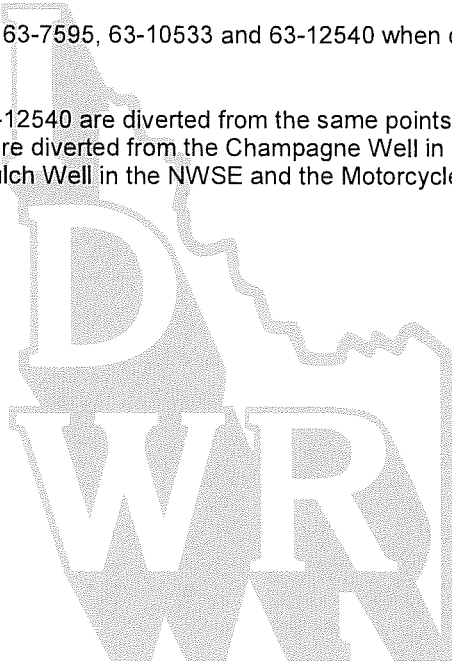
CONDITIONS OF APPROVAL

4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
9. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
10. Diversion and use of ground water shallower than 200 feet is not authorized under this right.
11. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
12. This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 451 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 451 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-10533
As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

14. This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
15. Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.
16. Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.
17. Rights 63-10533 and 63-12540 are diverted from the same points of diversion. Rights 63-3603, 63-7595 and 63-10533 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well (cold water only) in the NWNE, all in S22.



WATER RIGHT NO. 63-3603**As Modified by Transfer No. 79548**

In accordance with the approval of Transfer No. 79548, Water Right No. 63-3603 is now described as follows:

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

Priority Date: 4/26/1967

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.030 cfs

1.030 cfs

Diversion Volume

351.0 af

351.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County

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	14											25.0	5.0					30.0
04N	02E	15													3.0			38.0	41.0
04N	02E	21				2.0									27.0			1.0	30.0
04N	02E	22	29.0	36.0	21.0		40.0	18.0	38.0	40.0	35.0	40.0	13.0	18.0		22.0			350.0

Right Acre Limit: 78.0

POU Total Acres: 451.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 79548

WATER RIGHT NO. 63-3603

As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/10/2011.
5. Diversion and use of low temperature geothermal water under this right from the Pool and Windsock wells is subject to regulation by the watermaster of Water District 63S. Water District 63S 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.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
7. The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right except under the Pool Well in the SWNW and the Windsock Well in the NWSW, S22.
9. Diversion and use of ground water shallower than 200 feet is not authorized under this right except under the Pool Well in the SWNW, S22.
10. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 63-3603
As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
15. This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 451 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 451 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
16. This right is limited to the irrigation of 78 acres within the authorized place of use in a single irrigation season.
17. Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.
18. Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.
19. Rights 63-3603 and 63-7595 are diverted from the same points of diversion. Rights 63-3603, 63-10533 and 63-12540 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well (cold water only) in the NWNE, all in S22.
20. The Windsock Well in the NWSW, S22 diverts low temperature geothermal water.
21. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
22. The Pool Well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool Well
23. Water temperature in the Pool and Windsock Wells (geothermal aquifer) is measured at 120 degrees F.
24. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.
25. Rights 63-3603 and 63-7595 when combined shall not exceed a total diversion rate of 3.03 cfs, a total annual maximum diversion volume of 801 af at the field headgate, and the irrigation of 178 acres.

WATER RIGHT NO. 63-7595**As Modified by Transfer No. 79548**

In accordance with the approval of Transfer No. 79548, Water Right No. 63-7595 is now described as follows:

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

Priority Date: 3/7/1973

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to 11/15	2.000 cfs	463.5 af
STOCKWATER	01/01	to 12/31	0.050 cfs	2.0 af
			2.000 cfs	465.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSE	Sec 22 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 22 Twp 04N Rge 02E	ADA County

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	14											25.0	5.0					30.0
04N	02E	15													3.0			38.0	41.0
04N	02E	21				2.0									27.0			1.0	30.0
04N	02E	22	29.0	36.0	21.0		40.0	18.0	38.0	40.0	35.0	40.0	13.0	18.0		22.0			350.0

Right Acre Limit: 103.0

POU Total Acres: 451.0

PLACE OF USE: STOCKWATER

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										

CONDITIONS OF APPROVAL

- The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.

Transfer No. 79548

WATER RIGHT NO. 63-7595
As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/10/2011.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Diversion and use of low temperature geothermal water under this right from the Pool and Windsock wells is subject to regulation by the watermaster of Water District 63S. Water District 63S 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.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
8. The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
9. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right except under the Pool Well in the SWNW and the Windsock Well in the NWSW, S22.
10. Diversion and use of ground water shallower than 200 feet is not authorized under this right except under the Pool Well in the SWNW, S22.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 63-7595

As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

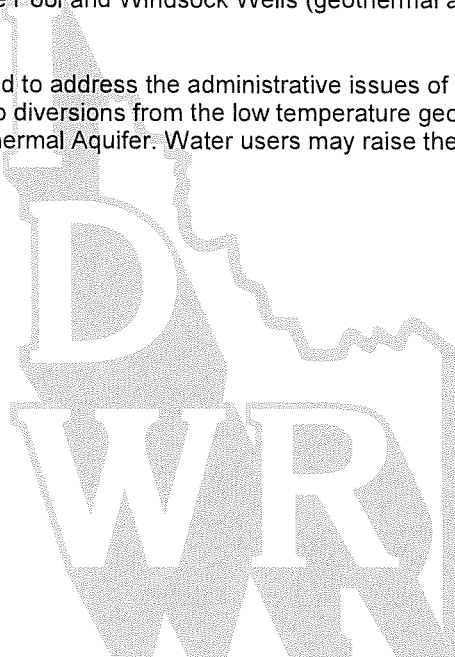
13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
15. This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 451 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 451 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
16. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
17. This right is limited to the irrigation of 103 acres within the authorized place of use in a single irrigation season.
18. Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.
19. Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.
20. Rights 63-3603 and 63-7595 when combined shall not exceed a total diversion rate of 3.03 cfs, a total annual maximum diversion volume of 801 af at the field headgate, and the irrigation of 178 acres.
21. Rights 63-3603 and 63-7595 are diverted from the same points of diversion. Rights 63-7595, 63-10533 and 63-12540 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well in the NWNE, all in S22.
22. The Windsock Well in the NWSW, S22 diverts low temperature geothermal water.
23. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.

WATER RIGHT NO. 63-7595

As Modified by Transfer No. 79548

CONDITIONS OF APPROVAL

24. The Pool Well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool Well
25. Water temperature in the Pool and Windsock Wells (geothermal aquifer) is measured at 120 degrees F.
26. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 20, 2014

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

Re: Transfer No. 79548
Water Right No's: 63-3603, 63-7595, 63-10533

Transfer Approval Notice

Dear Water Right Holders:

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.

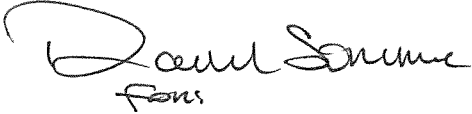
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" being more prominent than the last name "Lester".

Steve Lester

Interim Western Region Manager

Enclosures

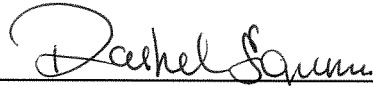
CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79548
Water Right No's: 63-3603, 63-7595, 63-10533**

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

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

A handwritten signature in cursive script, reading "Rachel Sommer", is positioned above a horizontal line.

**Rachel Sommer
Administrative Assistant**

Walker, Kay

From: Neely, Ken
Sent: Thursday, October 30, 2014 9:07 AM
To: Walker, Kay
Subject: RE: Terteling Company Application for Transfer

Kay,

There are 3 low temperature geothermal wells within the existing (and proposed expanded) PPU. However, none of these 3 wells are used for irrigation. Therefore, I don't have any concerns with the application to add acres to the PPU.

Ken

Kenneth W. Neely
Technical Hydrogeologist
Ground Water Quality and Quantity
Geothermal
208-287-4852
Ken.neely@idwr.idaho.gov
www.idwr.idaho.gov

From: Walker, Kay
Sent: Thursday, October 23, 2014 11:29 AM
To: Neely, Ken
Cc: Walker, Kay
Subject: Terteling Company Application for Transfer

Hi, Ken!

I am working on an application for transfer for The Terteling Company. They are planning to add land to the permissible place of use (ppu) that they have under water right Nos. 63-3603, 63-7595 and 63-10533. These rights include hot water wells that fall under your jurisdiction under Water District 63-S. I have scanned the transfer application for your information. I am in the process of preparing an approval for this application but need to find out if you (as the water master) have any concerns or comments in regard to this process. They are also planning to use the same permissible place of use for Permit 63-12540 which was issued for the same 357 acre place of use that falls under the decreed rights.

If you have any questions concerning this proposal, call me and we can discuss if you want. Please let me know within the next week if you have any concerns regarding this application. If I don't hear from you by the 30th, I will assume you don't have any concerns and an approval will be routed for final action on this and the permit amendment.

Thanks,
Kay Walker @ Western
334-2190

MEMORANDUM

TO: Transfer No. 79548
FROM: Kay Walker *Kay*
DATE: October 22, 2014
RE: Evaluation of Application

The transfer proposes to enlarge an existing permissible place of use (ppu). The water rights involved in the transfer have a 357 acre ppu and the applicant would like to increase that to a 451 acre ppu.

The site is located north of Quail Hollow Golf Course near Cartwright Road in Boise.

Contact person for the applicant is Charles L. Honsinger, Honsinger Law, PLLC, PO Box 517, Boise, ID, 83701, phone: 863-6106.

Summary of Information Submitted

Authority to File:

The applicant is the water right holder of record for all three water rights involved under this application.

Water Right Validity:

Right presumed to be valid because the partial decrees were issued within the past five year period, on February 2, 2010, and May 10, 2011.

Injury to Other Water Rights:

No injury should occur with this proposed change. The water rights involved are specific in the number of acres and amount of water to be used. As long as the parameters of each of the water rights are followed there should be no additional acres irrigated or more water pumped.

Enlargement of Use:

No enlargement should occur. The applicant also has a previously issued permit for the same place of use and some additional water being added to the system. There will be no enlargement of the decreed rights.

Local Public Interest:

It is within local public interest to allow water users to change their systems to provide irrigation water where it would cover more productive lands.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

The application form shows that there will be 465.5 acre feet of water transferred under Rt. 63-7595. However, 2.0 acre feet of this amount is designated for stockwater use and the stockwater use is not included in this transfer application. Therefore, we will assume that was a typo and will only use 463.5 acre feet of water for the irrigation use under Rt. 63-7595.

Watermaster comments will be solicited from Water District 63-S since this transfer involves some hot water wells.

Data entry affected the correct records which have been partially decreed and pulled into the water right data base.

Overlapping rights at existing &/or proposed POD &/or POU are the rights included in this transfer and Permit 63-12540. There are domestic and stockwater rights within the place of use but diverted from other wells. There are also some small rights from Stewart Gulch but if we use our standard limits of 0.02 cfs per acre and 4.5 afa per acre there should not be a problem.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

RECEIVED

AUG 29 2014

WATER RESOURCES
WESTERN REGION

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

August 29, 2014

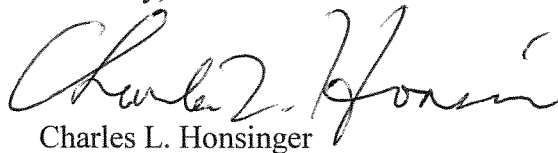
Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: The Terteling Company Inc.'s Application for Transfer of Water Right Nos. 63-3603, 7595, 10533; Application to Amend Permit No. 63-12540

Dear Steve:

I am enclosing with this correspondence the above referenced applications, together with appropriate attachments on behalf of my client, The Terteling Company, Inc. I am also enclosing a check payable to IDWR in the amount of \$840 to cover the \$100 fee required for the permit amendment application and the \$740 fee required for the transfer application. Please process the applications as soon as practicable, and contact me directly with any questions or concerns regarding the same.

Sincerely,



Charles L. Honsinger

enclosures

cc: Client
Ed Squires

ORIGINAL

RECEIVED

AUG 29 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) The Terteling Company, Inc. Phone 208-381-5205Mailing address 3858 Garden Center Way, Suite 300, Boise, ID 83703 Email jlt@tertco.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Charles L. Honsinger, Honsinger Law, PLLC Phone 208-863-6106Mailing address P.O. Box 517, Boise, ID 83701 Email honsingerlaw@gmail.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

J.L. Terteling, CEO
Print Name and Title if applicable

28 AUG 14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Through this application, The Terteling Company, Inc. will increase the permissible place of use for these water rights to include areas not currently irrigated. Diverted volume and total area irrigated within any given season will remain the same.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐					
☒ ☐	63-3603	1.03cfs/351af	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-7595	2.0cfs/465.5af	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-10533	0.52cfs	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.55 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.55 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	14											25	5					30
04N	02E	15													3			38	41
04N	02E	21				2									27			1	30
04N	02E	22	29	36	21		40	18	38	40	35	40	13	18		22			350
Total Acres (for irrigation use)																			451

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Existing wells are equipped with submersible pumping plants that discharge to 4-inch and 6-inch mainlines that distribute the water to a variety of pressurized sprinkler systems around the ranch property. Each well has electrical power panels and motor control panels that are equipped with lockable on/off switches.

- b. Who owns the property at the point(s) of diversion? The Terteling Company, Inc.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
298 acres within the proposed place of use will be irrigated within any given irrigation season. The entire place of use will continue to be able to be irrigated in any given season.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water right no. 63-308, a surface water right diverted from Stewart Creek, can be used for irrigation of acres in Section 22 SWNW and NWNW. Permit No. 63-12540 has the same POU and PODs as the water rights that are subject to this transfer application. An Application to Amend Permit No. 63-12540 is being submitted to make the same changes to that permit. Current combined use limitations for all water rights will remain in place.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 5 attachments.

Received by BB Date 8/29/14 Preliminary check by KW Date 10-27-14

Fee paid 740.00 Date 8/29/14 Received by RB Receipt # W04283

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-3603

Current Owner: THE TERTELING CO INC
Priority Date: 4/26/1967
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.03 CFS	351 AF
	<u>Total Diversion</u>	1.03 CFS	351 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T04N R02E S14	SWSW	25.00	T04N R02E S14	SESW	5.00
T04N R02E S15	NESE	3.00	T04N R02E S15	SESE	38.00
T04N R02E S21	SENE	2.00	T04N R02E S21	NESE	27.00
T04N R02E S21	SESE	1.00	T04N R02E S22	NENE	3.00
T04N R02E S22	NWNE	23.00	T04N R02E S22	NENW	38.00
T04N R02E S22	NWNW	18.00	T04N R02E S22	SWNW	38.00
T04N R02E S22	SENE	19.00	T04N R02E S22	NESW	25.00
T04N R02E S22	NWSW	40.00	T04N R02E S22	SWSW	13.00
T04N R02E S22	SESW	18.00	T04N R02E S22	NWSE	21.00

Total Acres: 357

Conditions of Approval:

1. 165 To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
2. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
3. Water temperature in the Pool and Windsock Wells (geothermal aquifer) is measured at 120 degrees F.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The Windsock Well in the NWSW, S22 diverts low temperature geothermal water.
6. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. Diversion and use of ground water shallower than 200 feet is not authorized under this right except under the Pool Well in the SWNW, S22.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/10/2011.
10. Rights 63-3603 and 63-7595 when combined shall not exceed a total diversion rate of 3.03 cfs, a total annual maximum diversion volume of 801 af at the field headgate, and the irrigation of 178 acres.
11. X35 Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.
12. 058 The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
13. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. X27 This right is limited to the irrigation of 78 acres within the authorized place of use in a single irrigation season.
15. 206 This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 357 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 357 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Page _____ of _____

16. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.
17. X35 Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.
18. F06 Rights 63-3603 and 63-7595 are diverted from the same points of diversion. Rights 63-3603, 63-10533 and 63-12540 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well (cold water only) in the NWNE, all in S22.
19. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
20. 073 Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right except under the Pool Well in the SWNW and the Windsock Well in the NWSW, S22.
21. R05 Diversion and use of low temperature geothermal water under this right from the Pool and Windsock wells is subject to regulation by the watermaster of Water District 63S. Water District 63S 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.
22. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
23. T07 The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
24. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
25. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
26. The Pool Well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool Well

Decreed Date: 5/10/2011

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7595

Current Owner: THE TERTELING CO INC
Priority Date: 3/7/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/15 to 11/15
STOCKWATER	01/01 to 12/31
	<u>Total Diversion</u>

Tributary

<u>Diversion Rate</u>	<u>Annual Volume</u>
2 CFS	463.5 AF
0.05 CFS	2 AF
2 CFS	465.5 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T04N R02E S14	SWSW	25.00	T04N R02E S14	SESW	5.00
T04N R02E S15	NESE	3.00	T04N R02E S15	SESE	38.00
T04N R02E S21	SENE	2.00	T04N R02E S21	NESE	27.00
T04N R02E S21	SESE	1.00	T04N R02E S22	NENE	3.00
T04N R02E S22	NWNE	23.00	T04N R02E S22	NENW	38.00
T04N R02E S22	NWNW	18.00	T04N R02E S22	SWNW	38.00
T04N R02E S22	SENE	19.00	T04N R02E S22	NESW	25.00
T04N R02E S22	NWSW	40.00	T04N R02E S22	SWSW	13.00
T04N R02E S22	SESW	18.00	T04N R02E S22	NWSE	21.00

Total Acres: 357

STOCKWATER Within ADA County

T04N R02E S22 SWNW

Conditions of Approval:

1. 165 To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
2. The Windsock Well in the NWSW, S22 diverts low temperature geothermal water.
3. Diversion and use of ground water shallower than 200 feet is not authorized under this right except under the Pool Well in the SWNW, S22.
4. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. T07 The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
6. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. F06 Rights 63-3603 and 63-7595 are diverted from the same points of diversion. Rights 63-7595, 63-10533 and 63-12540 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well in the NWNE, all in S22.
8. The Pool Well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool Well
9. X27 This right is limited to the irrigation of 103 acres within the authorized place of use in a single irrigation season.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Page _____ of _____

11. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
12. R05 Diversion and use of low temperature geothermal water under this right from the Pool and Windsock wells is subject to regulation by the watermaster of Water District 63S. Water District 63S 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.
13. 206 This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 357 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 357 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
14. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
15. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.
16. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 af per acre at the field headgate for irrigation of the place of use.
17. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
18. 073 Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right except under the Pool Well in the SWNW and the Windsock Well in the NWSW, S22.
19. 058 The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
20. Water temperature in the Pool and Windsock Wells (geothermal aquifer) is measured at 120 degrees F.
21. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
22. X35 Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.
23. Rights 63-3603 and 63-7595 when combined shall not exceed a total diversion rate of 3.03 cfs, a total annual maximum diversion volume of 801 af at the field headgate, and the irrigation of 178 acres.
24. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
25. X35 Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.

Page _____ of _____

26. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/10/2011.

Decreed Date: 5/10/2011

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-10533

Current Owner: THE TERTELING CO INC

Priority Date: 9/9/1987

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3 /15 to 11/15	0.52 CFS	
	<u>Total Diversion</u>	0.52 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 22,	Twp 04N,	Rge 02E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T04N R02E S14	SWSW	25.00	T04N R02E S14	SESW	5.00
T04N R02E S15	NESE	3.00	T04N R02E S15	SESE	38.00
T04N R02E S21	SENE	2.00	T04N R02E S21	NESE	27.00
T04N R02E S21	SESE	1.00	T04N R02E S22	NENE	3.00
T04N R02E S22	NWNE	23.00	T04N R02E S22	NENW	38.00
T04N R02E S22	NWNW	18.00	T04N R02E S22	SWNW	38.00
T04N R02E S22	SENE	19.00	T04N R02E S22	NESW	25.00
T04N R02E S22	NWSW	40.00	T04N R02E S22	SWSW	13.00
T04N R02E S22	SESW	18.00	T04N R02E S22	NWSE	21.00

Total Acres: 357

Conditions of Approval:

1. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

2. 206 This right when combined with all other rights for the same land is limited to the irrigation of a specific 298 acres within the 357 acre place of use authorized by this right in a single irrigation season. The specific 298 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 298 acres to be irrigated within the 357 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 058 The point of diversion identified in this right as the proposed Miller Gulch Well in the NWSE, S22 is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
4. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1341.0 af at the field headgate for the place of use.
5. 165 To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new Miller Gulch well in the NWSE, S22 used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
6. F06 Rights 63-10533 and 63-12540 are diverted from the same points of diversion. Rights 63-3603, 63-7595 and 63-10533 are diverted from the Champagne Well in the NWNE, the Creekside Well in the NWNE, the Miller Gulch Well in the NWSE and the Motorcycle Well (cold water only) in the NWNE, all in S22.
7. X35 Rights 63-308, 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed the irrigation of 298 acres.
8. 073 Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. T07 The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. X27 This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
14. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works from each point of diversion used under this right.
15. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
16. Diversion and use of ground water shallower than 200 feet is not authorized under this right.
17. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Page _____ of _____

18. X35 Rights 63-3603, 63-7595, 63-10533 and 63-12540 when combined shall not exceed a total diversion rate of 4.63 cfs, a total annual maximum diversion volume of 1341 af at the field headgate, and the irrigation of 298 acres.

Decreed Date: 2/2/2010

**Proposed Terteling Ranch
Additional Permissible
Places of Use Acreage**
August 22, 2014

- KEY**
-  Water Supply Wells (POD's)
 -  Proposed Additional Permissible Place of Use Boundary
 -  Existing Permissible Place of Use Boundary
 -  Total New PPU Acreage in 1/4-1/4
 -  Actual Size of 5-Acres

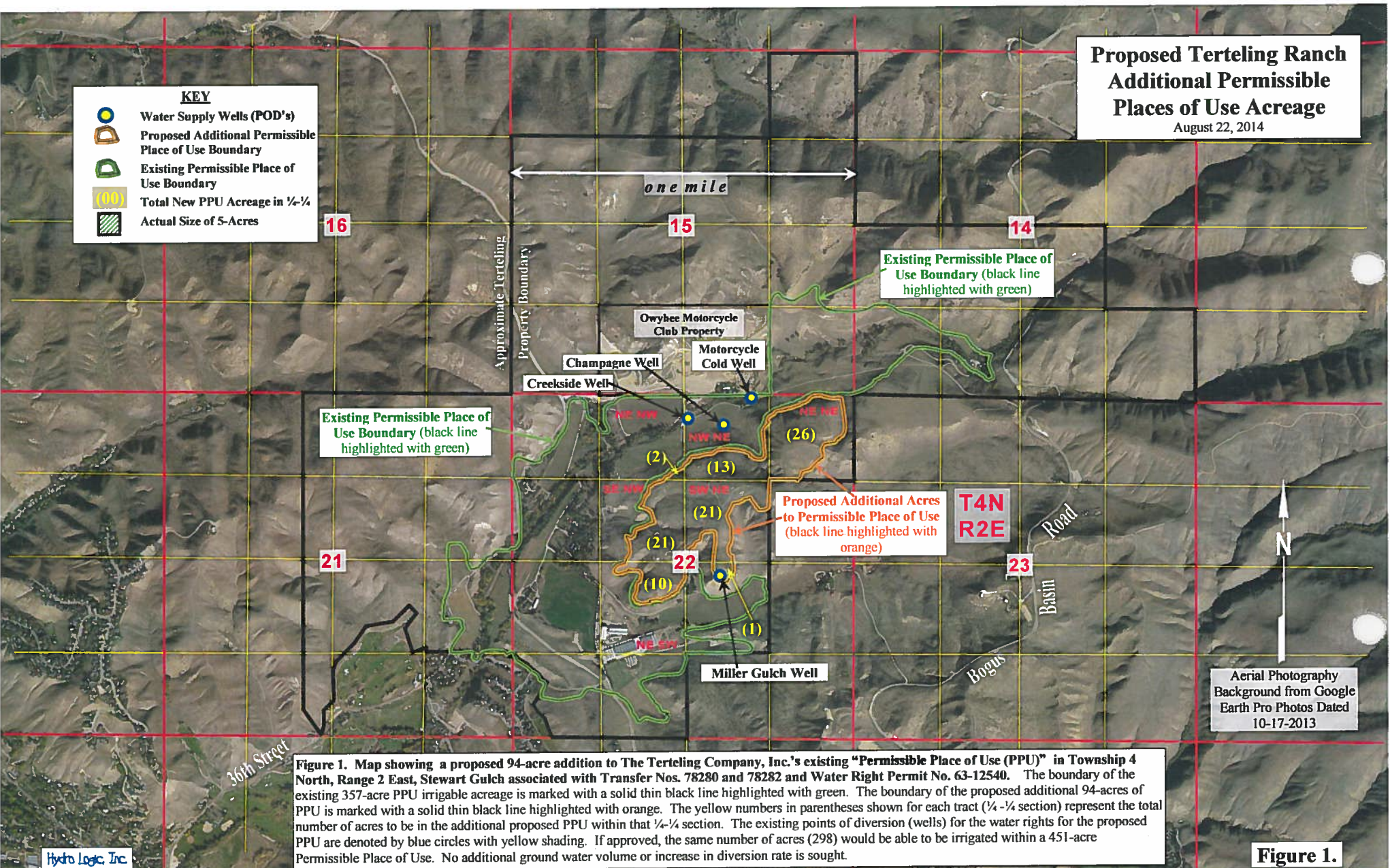
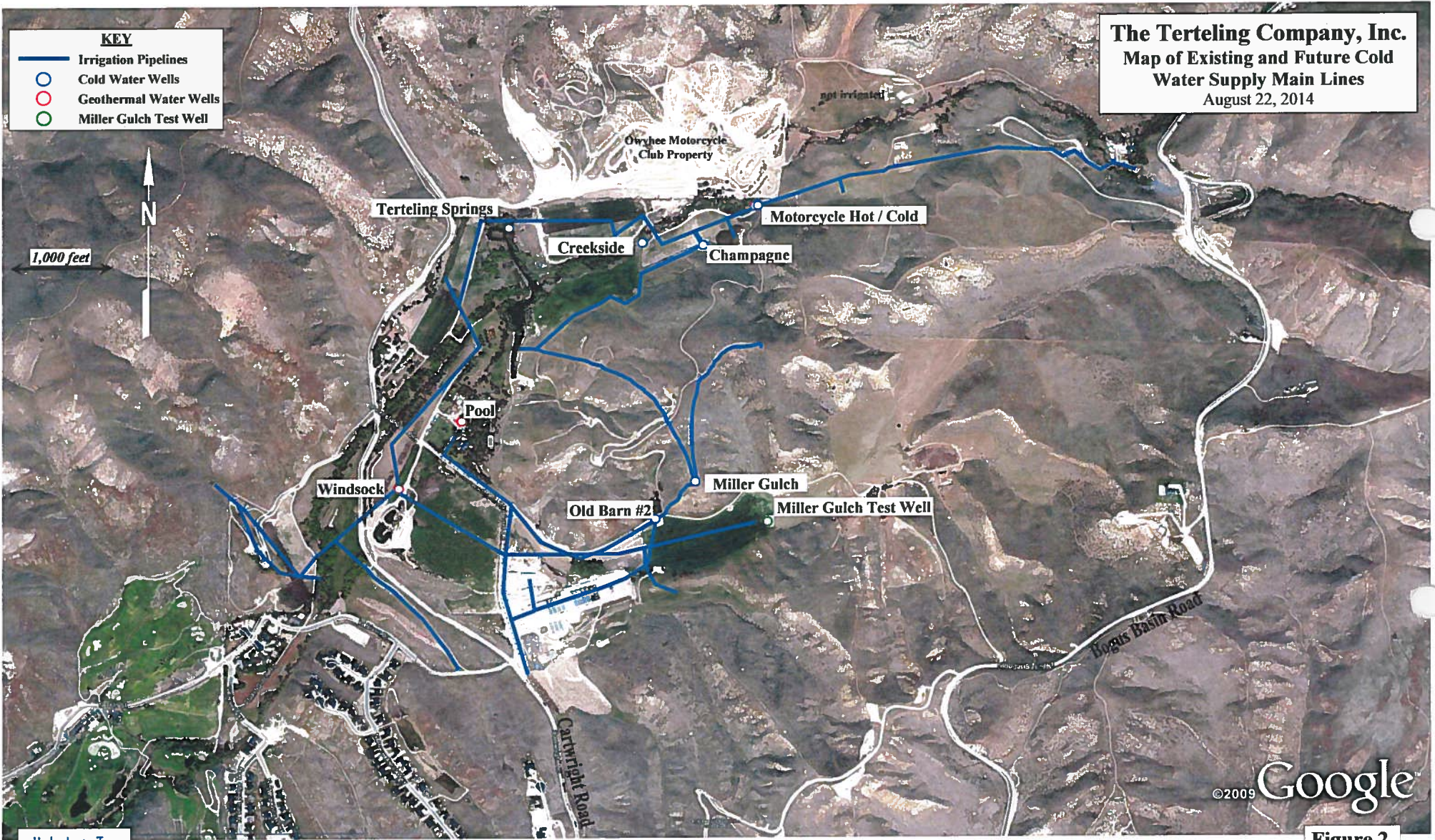


Figure 1.



The Terteling Company, Inc.
Map of Existing and Future Cold
Water Supply Main Lines
August 22, 2014

- KEY**
- Irrigation Pipelines
 - Cold Water Wells
 - Geothermal Water Wells
 - Miller Gulch Test Well

1,000 feet

N

Windsock

Pool

Old Barn #2

Miller Gulch

Miller Gulch Test Well

Creekside

Champagne

Motorcycle Hot / Cold

Terteling Springs

Owhee Motorcycle Club Property

Bogus Basin Road

Cartwright Road

©2009 Google

Hydro Logic Inc.
Boise, Idaho

SCANNED
DEC 23 2014

Figure 2.