

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78282

This is to certify that: T7 LLC
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>
63-3603	WR/DECREED	4/26/1967	1.030 cfs	351.0 af	N/A	78.0	GROUND WATER
63-7595	WR/DECREED	3/7/1973	2.000 cfs	465.5 af	N/A	103.0	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>
63-3603	NO	YES	YES	YES	NO	NO
63-7595	NO	YES	YES	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>
63-3603	63-3603	1.030 cfs	351.0 af	78.0	357.0	N/A	N/A	N/A	N/A	N/A
63-7595	63-7595	2.000 cfs	465.5 af	103.0	357.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.030 cfs	803.0 af	178.0	357.0		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 23rd day of December, 2013.


Western Regional Manager

SUPPORT DATA

IN FILE # 63-3603

Transfer No. 78282

WATER RIGHT NO. 63-3603
As Modified by Transfer No. 78282

In accordance with the approval of Transfer No. 78282, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.030 cfs	351.0 af
			1.030 cfs	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	5					30
04N	02E	15													3			38	41
04N	02E	21				2.0									27.0			1.0	30.0
04N	02E	22	3.0	23.0			38.0	18.0	38.0	19.0	25.0	40.0	13.0	18.0		21.0			256.0

Right Acre Limit: 78.0
 POU Total Acres: 357.0

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. 78282

WATER RIGHT NO. 63-3603

As Modified by Transfer No. 78282

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. 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. 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.
12. 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.
13. 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.

WATER RIGHT NO. 63-3603
As Modified by Transfer No. 78282

CONDITIONS OF APPROVAL

14. 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.
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 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.
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 78 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 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.
21. The Windsock Well in the NWSW, S22 diverts low temperature geothermal water.
22. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
23. 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
24. Water temperature in the Pool and Windsock Wells (geothermal aquifer) is measured at 120 degrees F.
25. 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.

WATER RIGHT NO. 63-3603
As Modified by Transfer No. 78282

CONDITIONS OF APPROVAL

26. 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. 78282

In accordance with the approval of Transfer No. 78282, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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	5					30
04N	02E	15													3			38	41
04N	02E	21				2.0									27.0			1.0	30.0
04N	02E	22	3.0	23.0			38.0	18.0	38.0	19.0	25.0	40.0	13.0	18.0		21.0			256.0

Right Acre Limit: 103.0

POU Total Acres: 357.0

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. 78282

WATER RIGHT NO. 63-7595

As Modified by Transfer No. 78282

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. 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.

WATER RIGHT NO. 63-7595
As Modified by Transfer No. 78282

CONDITIONS OF APPROVAL

12. 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.
13. 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.
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 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.
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. 78282

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.