



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

January 7, 2014

DANA HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 W FRANKLIN ST
BOISE ID 83702

Re: Terteling Application for Permit No. 63-12540 & Applications for Transfers Nos. 78280 & 78282

Dear Dana:

Your September 10, 2013, letter of concern on behalf of Edwards Family LLC to the Idaho Department of Water Resources (IDWR) Director Gary Spackman summarized several issues regarding the above referenced applications. The applications proposed ground water from numerous wells for an irrigation permissible place of use ("PPU").

I am taking the liberty of replying to you without explicitly speaking for the director. However, my response does reflect IDWR processing, review and approval of the applications.

The proposals included several existing cold water wells and two existing low temperature geothermal wells ("hot wells") in addition to one proposed cold water well to be drilled. Some but not all the wells are within Stewart Gulch Water District No. 63S. All the wells are or will be in the Boise Front Ground Water Management Area. A small portion of the proposed PPU includes senior surface water rights.

Your letter focused on injury to other water rights, enlargement of use, surface water/ground water uses and increased use of hot wells. Your points mirrored some IDWR concerns in reviewing the unprotested applications. IDWR approved the applications subject to conditions of approval addressing these significant issues. The approvals do not authorize additional drilling of hot water wells or increased use of existing hot water wells, enlargement of use, adverse impacts to the Boise Front water resources or more use of shallow ground water. Surface water use must continue within the PPU to the extent that water is available. All wells approved in these applications are required to have measuring devices acceptable to IDWR. Watermaster

Terteling Applications
January 7, 2014
Page 2

control of appropriate wells remains in force. Please note IDWR would have included those conditions of approval even without your letter.

Thank you for your comments. The approved applications and supporting documents are available on the IDWR website at www.idwr.idaho.gov. Please let me know if you need more information in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized flourish at the end.

Steve Lester
Water Rights Supervisor

Cc: Terteling C/O Charles Honsinger
IDWR Director Gary Spackman



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C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

January 6, 2013

TERTELING CO INC
3858 GARDEN CENTER WY
BOISE ID 83703

Re: Conditions of Approval, Water Right Nos. 63-3603, 63-7595, 63-10533 and Water Permit No. 63-12540

Dear Mr. Terteling:

This letter clarifies the intent and meaning for two conditions of approval regarding the above referenced rights and permit recently approved by the Idaho Department of Water Resources (IDWR). The first condition only applies to 63-12540 as follows:

Upon a determination by the department that diversion and use of ground water deeper than 300 feet adversely impacts the low temperature geothermal resource of the Boise Front Ground Water Management Area, the right holder shall (a) cease diverting water under this right, (b) limit diversion of water under this right to 205 to 300 feet deep, or (c) provide a mitigation plan under this right addressing the adverse impacts. The mitigation plan must be approved by the department prior to any mitigation activity.

This condition only applies to a potential impact due to diverting water under this permit from its authorized points of diversion. It does not apply to other rights sharing the same authorized points of diversion.

The second condition applies to all the above referenced rights and permit as follows:

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.

This condition means ground water under the recent approvals cannot be used on the acres associated with an appurtenant surface water right(s) if the surface water is abandoned, forfeited, sold, transferred, leased or used on any other place of use unless an IDWR approval of some type authorizes that action. Ceasing to use surface water absent that additional approval would require (a) ground water under the above referenced rights/permit not be used on those "surface water acres", and (b) an equal acre reduction of ground water use in the remaining portion of the ground water place of use. Those two steps would prevent an enlargement of use. Use of the balance of the ground water rights/permit could continue within the authorized place of use under those circumstances.

I hope this letter will clarify any confusion or misinterpretation of these conditions of approval that might occur in the future.

Sincerely,

Steve Lester
Water Rights Supervisor

cc: Charles Honsinger, Attorney for Applicant