

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78670

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b 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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b 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.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: This transfer is required under terms of attached Offer of Judgment agreement.

RECEIVED

JUN 18 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78670APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Veterans Administration Medical Center Phone _____Mailing address 500 W. Fort St., Boise, ID 83702-4598 Email _____

- ☐ 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 David W. Gehlert Phone 303-844-1386Mailing address 999 18th St., South Terrace -- Suite 370, Denver, CO 80202 Email David.Gehlert@usdoj.gov

- ☐ 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

David W. Gehlert/Attorney for US DOJ
Print Name and Title if applicable6/17/13
Date_____
Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable_____
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- 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. Change purpose to geothermal heating to use as part of existing system.**

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 ☒ ☐	63-29710	0.13 cfs/67 af	Heating	01/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.13 cfs and/or 67.0 ac-ft

2. Total amount of water proposed to be transferred or changed 0.13 cubic feet per second and/or 67.0 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 #
Yes			SE	SW	02	03N	02E	Ada	VA geothermal well	

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	
03N	02E	02										G	G	G					

Total Acres (for irrigation use) _____

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: _____
Water to be used in existing system described in decreed water right 63-09890. All water to be reinjected into geothermal aquifer from which it was diverted.

- b. Who owns the property at the point(s) of diversion? United States
 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: _____

- 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 to be used in conjunction with decreed water right 63-09890 (Partial Decree for Water Right No. 63-09890 attached.)

- 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 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

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)

- 2** 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.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by JA Date 6/18/2013 Prelim. Check by NVD Date 11/21/13

Fee Paid \$450.00 Date 6/18/2013 Received by JA Receipt # W041249

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-09890

RECEIVED

OCT 19 2012

DOJ/BOISE

NAME AND ADDRESS: UNITED STATES OF AMERICA
DEPARTMENT OF VETERANS AFFAIRS
MEDICAL CENTER
550 W FORT ST
BOISE, ID 83702-4598

SOURCE: GROUND WATER

QUANTITY: 1.43 CFS
628.60 AFY

PRIORITY DATE: 04/19/1982

POINT OF DIVERSION: T03N R02E S02 SESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Heating		01-01 TO 12-31	1.43 CFS 628.60 AFY

Heating use is for the space heating of buildings.

PLACE OF USE:	Heating		Within Ada County
	T03N R02E S02	NNSW SESW	SWSW

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

All water diverted pursuant to this water right is to be
reinjecting into the geothermal aquifer from which it is
diverted.

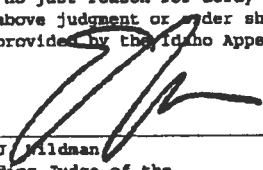
Upon specific notification by the Department, the right holder
shall (a) install and maintain acceptable measuring device(s),
including data logger(s), temperature gauge(s), and totalizing
fluid meter(s), at the authorized point(s) of diversion and
re injection in accordance with Department specifications; (b)
report measuring information to the Department upon its request;
and (c) contribute a reasonable pro-rata share of costs for
periodic updating of the Idaho Water Resources Research
Institute, University of Idaho, Boise Front Low Temperature
Geothermal Resource Management Area aquifer computer model or
its successor. This condition will not be construed to obligate
the expenditure of funds by any public agency beyond the amounts
available to the agency for such purposes through lawful
authorization and appropriation.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

Current Water Right No.: 63-29710

Current Owner: VETERANS ADMINISTRATION MEDICAL CENTER
UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 11/26/1910

Origin: Adjudication Recommendation

Status: Active

Basis: Beneficial Use

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.13 CFS	67 AF
STOCKWATER	01/01 to 12/31	0.09 CFS	4.4 AF
	<u>Total Diversion</u>	0.13 CFS	67 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4

Sec. 1, Twp 03N, Rge 02E B.M.

ADA County

Place of Use

DOMESTIC Within ADA County

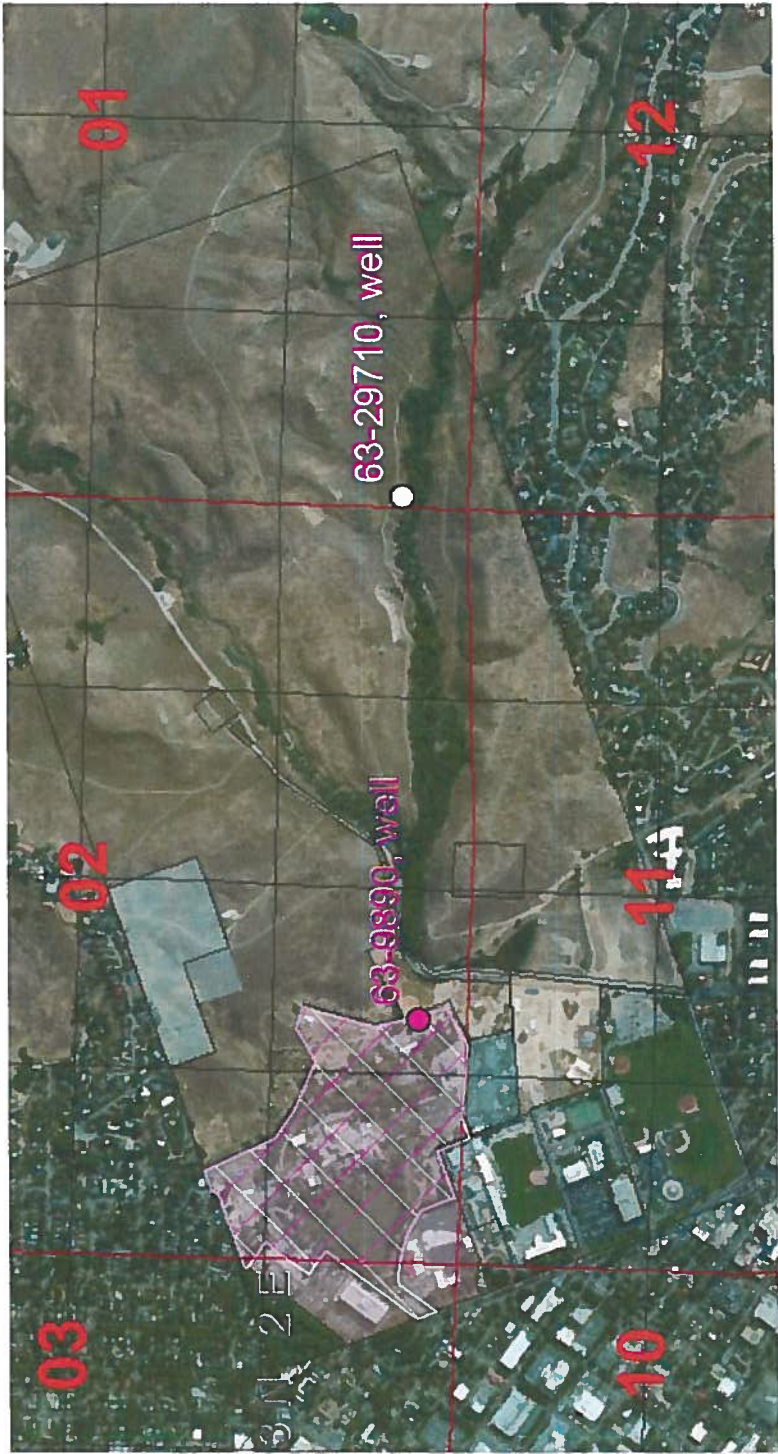
T03N R02E S2	NWSW	T03N R02E S2	SWSW
T03N R02E S2	SESW	T03N R02E S3	SESE
T03N R02E S11	NENW	T03N R02E S11	NWNW

Place of Use: STOCKWATER same as DOMESTIC

Conditions of Approval:

1. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.
2. This water is for use only on the rectangular parcel known as the Fort Boise Reservation: "Beginning at a point 2145 feet, N. 68 degrees 34 feet from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at the top of each face marked U.S.; thence running S. 20 degrees E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35 degrees E.; thence running N. 70 degrees E. 117.50 chains to stake 4 inches square, 2 1/2 feet high; thence running N. 20 degrees W. 54.32 chains to pile of stones; thence running S. 70 degrees W. 117.75 chains to the point of beginning and containing 638 acres, mor or less."
3. Domestic and stockwater uses are limited to a total combined diversion rate of 0.13 cfs and a total combined diversion volume of 67.00 af.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. Stockwater 324 head mixed stock
6. This water is from a low temperature geothermal resource.

Transfer of Water Right No. 63-29710



Legend

Existing right in white

Transferred right in pink

Attachment #8a

This application is being made as one of the conditions of the **Offer of Judgment Subject to I.R.C.P. 68 and I.R.E. 408 Federal Reserved Water Right Claims Nos. 63-29710, 63-29713, 63-29715, and 63-29716 (Geothermal Heating Claims)** dated September 23, 2008 by the Attorney General of the State of Idaho and agreed to by the United States and the various opposing parties to the federal claims. (See attached Offer of Judgment at page 4.)

This application conforms to the entries in the Application for Transfer of Water Right (Form 222 6/08) prepared by David Stanish of the Attorney General's Office and attached to the Offer of Judgment as Exhibit C in all respects except that the Place of Use has been altered to correct a clerical error in the original. (See Exhibit C to attached Offer of Judgment.) The original Application for Transfer listed the POU as Twp 02N, Rge 03E; however, that is clearly incorrect. Because this water right will be used in conjunction with water right 63-09890, both in terms of POD and POU, the Place of Use for water right 63-09890 was consulted and inserted into the POU for this Application for Transfer. (See attached Partial Decree for Water Right No. 63-09890.)

The terms of the settlement of this and the other related water rights at the Fort Boise Reservation specifically designated the steps to be taken by the United States with regards to these water rights. Those terms specifically required this transfer and defined the elements of the water right as transferred as indicated above.

The Order of Partial Decree, dated April 30, 2013, and the Partial Decree for Water Right 63-29710, issued April 30, 2013, are attached.

Any additional information regarding the transfer of this water right in relation to the settlement of these claims can be obtained from IDWR Attorney Nicholas Spencer or DOJ Attorney David Gehlert.



**STATE OF IDAHO, OFFICE OF THE ATTORNEY GENERAL
700 W. Jefferson Street, Rm. 210
P.O. Box 83720
Boise, Idaho 83720-0010**

September 23, 2008

VIA U.S. MAIL and E-MAIL

David Gehlert
Natural Resources Section
U.S. Department of Justice
Denver Field Office
1961 Stout Street, 8th Floor
Denver, CO 80294
David.Gehlert@usdoj.gov

David Negri
c/o US Attorney's Office, District of Idaho
Washington Group Plaza IV
800 Park Blvd., Suite 600
Boise, ID 83724
David.Negri@usdoj.gov

Jim DuBois
Natural Resources Section
U.S. Department of Justice
Denver Field Office
1961 Stout Street, 8th Floor
Denver, CO 80294
James.Dubois@usdoj.gov

Re: Offer of Judgment Subject to I.R.C.P. 68 and I.R.E. 408
Federal Reserved Water Right Claim Nos. 63-29710, 63-29713, 63-29715, and 63-29716
(Geothermal Heating Claims)
Department of Veterans Affairs, USGS, GSA, and Department of Defense

Dear Counsel:

The undersigned objectors and/or respondents hereby make the following offer of judgment in full satisfaction of the United States' federal reserved water right claim nos. 63-29710, 63-29713, 63-29715, and 63-29716. This offer of judgment is inadmissible in any legal proceeding other than for the purposes authorized by I.R.C.P. 68 and I.R.E. 408.

GEOTHERMAL WATER RIGHT CLAIM NOS. 63-29710, 63-29713, 63-29715, AND 63-29716

I. THE PARTIES AGREE TO THE FOLLOWING WATER RIGHTS:

Water Right No.	Owner	Basis	Purpose of Use	Priority Date	Flow Rate (cfs)	Volume (afa)
63-09890	Veterans Affairs	State Permit	Heating	April 19, 1962	1.43	628.6
63-29710	Veterans Affairs	State Beneficial Use	Domestic/Stockwater	November 26, 1910	0.13	67.0
					1.56	695.6
63-29716	USGS	Federal Reserved WR	Heating	October 21, 1980	0.12	1.5

A. Water right permit no. 63-09890

Water right permit no. 63-09890 has not yet been licensed. The Parties agree that each and every element and condition of approval set forth in Stipulation Exhibit D shall be included in any license, notice of claim, director's report, special master's recommendation, and/or decree to be entered for water right permit no. 63-09890.

B. Water right no. 63-29710

i. Domestic and Stockwater Right

The Parties agree that each and every element and condition of approval set forth in Stipulation Exhibit B shall be included in any SF-5, special master's recommendation, and/or decree to be entered for water right no. 63-29710.

Stipulation Exhibit B represents an unclaimed state law beneficial use right based on historical documentation of the United States' use of artesian hot water at the Fort. Please note that although the purpose of use is for domestic and stockwater use, this water right expressly acknowledges that the water thereunder is low temperature geothermal water.

ii. Transfer of Use to Space-Heating Purposes

The United States shall file an application to transfer water right no. 63-29710 so that it can be used in connection with the Veterans Affairs' geothermal space-heating system. The Parties agree that each and every element and condition of approval set forth in Stipulation Exhibit C shall be included in any application to transfer, transfer decision, water right, director's report, special master's recommendation, and/or decree involving such a transfer, including but not limited to:

1. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research

Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.

2. This water is for use only on the rectangular parcel known as the Fort Boise Reservation: "Beginning at a point 2145 feet, N. 68° 34' W. from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at top of each face marked 'U.S.'; thence running S. 20° E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35° E.; thence running N. 70° E. 117.50 chains to stake 4 inches square, 2½ feet high; thence running N. 20° W. 54.32 chains to pile of stones; thence running S. 70° W. 117.75 chains to the point of beginning and containing 638 acres, more or less."

3. This water is from a low temperature geothermal resource.

4. All water diverted pursuant to this water right is to be reinjected into the geothermal aquifer from which it is diverted.

The Parties agree that any application to transfer, transfer decision, water right, director's report, special master's recommendation, and/or decree resulting from such a transfer will not result in a total diversion rate and/or total diversion volume under this water right exceeding 0.13 cfs and/or 67.0 afa.

C. Water right no. 63-29716

The Parties agree that each and every element and condition of approval set forth in Stipulation Exhibit E shall be included in any SF-5, special master's recommendation, and/or decree to be entered for water right no. 63-29716.

Upon approval of the application for transfer of water right no. 63-29710 consistent with that set forth in Stipulation Exhibit C and upon entry of a partial decree for late claim no. 63-09890 consistent with that set forth in Stipulation Exhibit D, the Parties agree to enter an SF-5 for water right no. 63-29716 consistent with that set forth in Stipulation Exhibit E.

II. SEQUENCE OF PROCEEDINGS:

A. Entry of Stipulation in SRBA Subcase Nos. 63-29710, 63-29713, 63-29715, and 63-29716

Within 60 days of acceptance of this offer of judgment, the Parties shall enter the attached Stipulation in subcase nos. 63-29710, 63-29713, 63-29715, and 63-29716.

B. Stay of Proceedings in SRBA Subcase Nos. 63-29713, 63-29715, and 63-29716

Within 60 days of acceptance of this offer of judgment, the Parties shall jointly move the

SRBA District Court for an order staying the proceedings in subcase nos. 63-29173, 63-29715, and 63-29716, pending approval of the application for transfer of water right no. 63-29710 consistent with that set forth in Stipulation Exhibit C and entry of a partial decree for late claim no. 63-09890 consistent with that set forth in Stipulation Exhibit D. See Stipulation Exhibit A.

C. Filing of SF-5 in SRBA Subcase No. 63-29710

Within 60 days of acceptance of this offer of judgment, the Parties shall file an SF-5 in subcase no. 63-29710 consistent with that set forth in Stipulation Exhibit B.

In the event that there is a special master's recommendation or decree entered in subcase no. 63-29710 that is inconsistent with that set forth in Stipulation Exhibit B, the Parties agree that this agreement shall be voidable upon the discretion of any party. The exercise of such discretion would allow the parties to proceed as if this agreement had never been executed, but must be served upon the other parties in writing within 60 days of the issuance of such offending decision.

D. Filing for Transfer of Water Right No. 63-29710

Within 60 days of the SRBA District Court's issuance of a partial decree in subcase no. 63-29710, the United States shall file an Application for Transfer of Water Right with the Idaho Department of Water Resources (IDWR) consistent with that set forth in Stipulation Exhibit C.

In the event that the United States fails to file its Application for Transfer of Water Right within 60 days of the SRBA District Court's issuance of a partial decree in subcase no. 63-29710, the Parties agree that this agreement shall remain in full force and effect and that the Parties shall proceed in good faith under Parts II.E through H of this agreement.

The undersigned objectors/respondents agree not to object in any administrative and/or judicial proceeding concerning the United States' transfer of use of water right no. 63-29710 that is consistent with that set forth in Stipulation Exhibit C. In the event: (a) the United States files an Application for Transfer of Water Right that is inconsistent with that set forth in Stipulation Exhibit C; (b) IDWR issues a decision on such application that is inconsistent with that set forth in Stipulation Exhibit C; or (c) a reviewing court issues a decision on such application that is inconsistent with that set forth in Stipulation Exhibit C, the Parties agree that this agreement shall be voidable upon the discretion of any party. The exercise of such discretion would allow the parties to proceed as if this agreement had never been executed, but must be served upon the other parties in writing within 60 days of the issuance of such offending action or decision.

E. Filing of Late Notice of Claim for Water Right Permit No. 63-09890

Within 60 days of the United States' acceptance of this offer, the United States shall request IDWR to license water right permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D. Concurrent therewith, the United States shall move the SRBA District Court for leave to file a late notice of claim for water right permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D.

In the event that the United States fails either to request IDWR to license water right

Decreed 4/30/13
Filed 60 days ✓

permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D or to move the SRBA District Court for leave to file a late notice of claim for water right permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D within 60 days of the United States' acceptance of this offer, the Parties agree that this agreement shall remain in full force and effect and that the Parties shall proceed in good faith under Parts II.F through H of this agreement.

The undersigned objectors/respondents agree not to object to any license, notice of claim, director's report, special master's recommendation, or decree for water right no. 63-09890 that is consistent with that set forth in Stipulation Exhibit D. In the event: (a) the United States requests IDWR to license water right permit no. 63-09890 inconsistent with that set forth in Stipulation Exhibit D; (b) IDWR issues a license for water right permit no. 63-09890 that is inconsistent with that set forth in Stipulation Exhibit D; (c) the United States moves the SRBA District Court for leave to file a late notice of claim for water right permit no. 63-09890 that is inconsistent with that set forth in Stipulation Exhibit D; or (d) the SRBA District Court issues a special master's recommendation or decree that is inconsistent with that set forth in Stipulation Exhibit D, the Parties agree that this agreement shall be voidable upon the discretion of any party. The exercise of such discretion would allow the parties to proceed as if this agreement had never been executed, but must be served upon the other parties in writing within 60 days of the issuance of such offending action or decision.

UPON APPROVAL OF THE APPLICATION FOR TRANSFER OF WATER RIGHT NO. 63-29710 CONSISTENT WITH THAT SET FORTH IN STIPULATION EXHIBIT C AND UPON ENTRY OF A PARTIAL DECREE FOR LATE CLAIM NO. 63-09890 CONSISTENT WITH THAT SET FORTH IN STIPULATION EXHIBIT D, THE PARTIES AGREE TO PROCEED UNDER PARTS II.F THROUGH H OF THIS AGREEMENT AS FOLLOWS:

F. Withdrawal and Disallowal of Claim Nos. 63-29713 and 63-29715

The United States shall move the SRBA District Court to withdraw claim nos. 63-29713 and 63-29715 with prejudice. The Parties agree that claim nos. 63-29713 and 63-29715 should thereafter be recommended by the special master and decreed by the district court as "Disallowed".

G. Filing of SF-5 in SRBA Subcase No. 63-29716

The Parties shall file an SF-5 in subcase no. 63-29716 consistent with that set forth in Stipulation Exhibit E.

H. Filing of Notice of Intent to Relinquish Permit. 63-10339

The United States shall file a notice of intent to relinquish permit no. 63-10399 consistent with that set forth in Stipulation Exhibit F.

III. ADDITIONAL CONSIDERATION

Upon the conclusion of Part II of this agreement, the Parties (including the United States and its agencies independently and collectively) agree that this agreement shall resolve all claims and rights by, and on behalf of, the United States (and its agencies independently and collectively) to its rights and/or use of the low temperature geothermal resource under state and federal law

within the boundaries of SRBA Basin 63, including but not limited to any interest in water right permit no. 63-10339. This agreement is not intended to preclude the United States from pursuing future development of the geothermal resources at the Fort Boise Reservation under applicable state laws and regulations.

The Parties (including the United States and its agencies independently and collectively) agree that this agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, without any determination on the merits. The Parties agree that nothing herein or resulting herefrom shall constitute an admission against interest or be used in any proceeding as legal support or precedent, except as to effectuate this specific agreement. Each party stands by its claims, objections, and/or responses and intends merely to avoid litigation and to settle its peace.

The Parties agree to bear their own costs and fees, including attorney fees.

IV. CONCLUSION

Please present this offer to your clients, Department of Veterans Affairs, USGS, GSA, and Department of Defense. We respectfully request a response by the end of business, September 19, 2008.



DAVID I. STANISH
Deputy Attorney General
On behalf of the State of Idaho

10/3/08

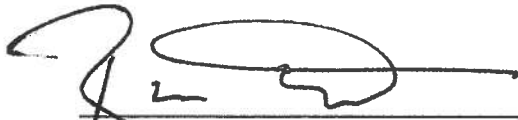
Date



ROBERT A. MAYNARD
Perkins Coie, LLP
On behalf of the City of Boise

10/3/08

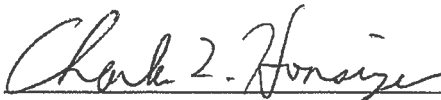
Date



BRUCE M. SMITH
Moore, Smith, Buxton & Turcke, Chtd.
On behalf of Boise Warm Springs Water District

10/14/08

Date



CHARLES L. HONSINGER
Ringert Clark, Chtd.
On behalf of the Terteling Co., Inc.

10/09/08

Date

DAVID GEHLERT
United States Department of Justice
On behalf of the United States Department of Veterans Affairs (63-29713)

Date

DAVID L. NEGRI
United States Department of Justice
On behalf of the United States Geological Survey (63-29716) & the United States General Services
Administration (63-29715)

Date

JAMES DUBOIS
United States Department of Justice
On behalf of the United States Army Reserve (63-29710)

Date

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID I. STANISH (ISB #7310)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

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

In Re SRBA	)	Subcase Nos. 63-29710, 63-29713,
	)	63-29715, and 63-29716
	)	
	)	STIPULATION
Case No. 39576	)	
	)	
	)	
_____	)	

Claimant United States of America (including its agencies independently and collectively) and Objectors/Respondents the State of Idaho, the Terteling Company, the Boise Warm Springs Water District, and the City of Boise (collectively, the "Parties"), by and through their undersigned counsel, hereby stipulate and agree as follows:

1. The United States filed SRBA claim nos. 63-29710, 63-29713, 63-29715, and 63-29716, asserting federal reserved water rights for geothermal heating purposes at the rectangular parcel known as the Fort Boise Reservation.

2. The State of Idaho, Terteling Company, Boise Warm Springs Water District, and City of Boise objected to and/or responded to claim nos. 63-29710, 63-29713, 63-29715, and 63-29716.

3. The Parties (including the United States and its agencies independently and collectively) have entered into an agreement intended to resolve all claims and rights by, and on behalf of, the United States (and its agencies independently and collectively) to its rights and/or use of the low temperature geothermal resource under state and federal law within the boundaries of SRBA Basin 63, including but not limited to claim nos. 63-29710, 63-29713, 63-29715, and 63-29716.

4. The Parties (including the United States and its agencies independently and collectively) agree that this agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, without any determination on the merits. The Parties agree that nothing herein or resulting herefrom shall constitute an admission against interest or be used in any proceeding as legal support or precedent, except as to effectuate this specific agreement. Each party stands by its claims, objections, and/or responses and intends merely to avoid litigation and to settle its peace.

5. The Parties agree to bear their own costs and fees, including attorney fees.

IN CONSIDERATION OF THE PROMISES STATED HEREIN, THE PARTIES AGREE AS FOLLOWS:

A. STAY OF PROCEEDINGS IN SRBA SUBCASE NOS. 63-29713, 63-29715, AND 63-29716

The Parties shall jointly move the SRBA District Court for an order staying the proceedings in subcase nos. 63-29173, 63-29715, and 63-29716, pending approval of the application for transfer of water right no. 63-29710 consistent with that set forth in Stipulation

Exhibit C and entry of a partial decree for late claim no. 63-09890 consistent with that set forth in Stipulation Exhibit D. A copy of the joint motion is attached hereto at Exhibit A. The Parties acknowledge that complete resolution of the matters in the above-entitled subcases is contingent upon approval of the application for transfer of water right no. 63-29710 consistent with that set forth in Stipulation Exhibit C and entry of a partial decree for late claim no. 63-09890 consistent with that set forth in Stipulation Exhibit D.

B. FILING OF SF-5 IN SRBA SUBCASE NO. 63-29710

The Parties shall file an SF-5 in subcase no. 63-29710 consistent with that set forth in Stipulation Exhibit B

C. FILING FOR TRANSFER OF WATER RIGHT NO. 63-29710

The United States shall file an Application for Transfer of Water Right with the Idaho Department of Water Resources (IDWR) consistent with that set forth in Stipulation Exhibit C. The undersigned objectors/respondents agree not to object in any administrative and/or judicial proceeding concerning the United States' transfer of use of water right no. 63-29710 that is consistent with that set forth in Stipulation Exhibit C.

D. FILING OF LATE NOTICE OF CLAIM FOR WATER RIGHT PERMIT NO. 63-09890

The United States shall request IDWR to license water right permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D. Concurrent therewith, the United States shall move the SRBA District Court for leave to file a late notice of claim for water right permit no. 63-09890 consistent with that set forth in Stipulation Exhibit D. The undersigned objectors/respondents agree not to object to any license, notice of claim, director's report, special master's recommendation, or decree for water right no. 63-09890 that is consistent with that set forth in Stipulation Exhibit D.

UPON APPROVAL OF THE APPLICATION FOR TRANSFER OF WATER RIGHT NO. 63-29710 CONSISTENT WITH THAT SET FORTH IN STIPULATION EXHIBIT C AND UPON ENTRY OF A PARTIAL DECREE FOR LATE CLAIM NO. 63-09890 CONSISTENT WITH THAT SET FORTH IN STIPULATION EXHIBIT D, THE PARTIES AGREE TO PROCEED AS FOLLOWS:

E. WITHDRAWAL AND DISALLOWAL OF CLAIM NOS. 63-29713 AND 63-29715

The United States shall move the SRBA District Court to withdraw claim nos. 63-29713 and 63-29715 with prejudice. The Parties agree that claim nos. 63-29713 and 63-29715 should thereafter be recommended by the special master and decreed by the district court as "Disallowed".

F. FILING OF SF-5 IN SRBA SUBCASE NO. 63-29716

The Parties shall file an SF-5 in subcase no. 63-29716 as set forth in Exhibit E.

G. FILING OF NOTICE OF INTENT TO RELINQUISH PERMIT. 63-10339

The United States shall file a notice of intent to relinquish permit no. 63-10399 consistent with that set forth in Stipulation Exhibit F.

H. MUTUAL UNDERSTANDING

This Stipulation shall remain effective only if the water rights proceed to decrees from the SRBA Court as such water rights are described in the attached exhibits. If for any reason the Court does not issue decrees for any of the water rights as described in the attached exhibits, this Stipulation is voidable in whole or in part by any of the Parties, and the United States shall proceed with a determination of any affected water rights under applicable law. The exercise of such discretion must be served upon the other parties in writing within 60 days of the issuance of such offending action or decision.

\



DAVID I. STANISH
Deputy Attorney General
On behalf of the State of Idaho

10/3/08

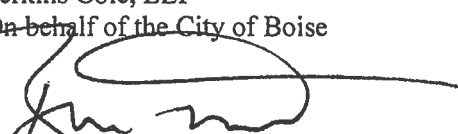
Date



ROBERT A. MAYNARD
Perkins Coie, LLP
On behalf of the City of Boise

10/3/08

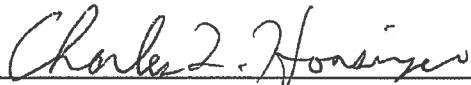
Date



BRUCE M. SMITH
Moore, Smith, Buxton & Turcke, Chtd.
On behalf of Boise Warm Springs Water District

10/14/08

Date



CHARLES L. HONSINGER
Ringert Clark, Chtd.
On behalf of the Terteling Co., Inc.

10/09/08

Date

DAVID GEHLERT

United States Department of Justice
On behalf of the United States Department of Veterans Affairs (63-29713)

Date

DAVID L. NEGRI

United States Department of Justice
On behalf of the United States Geological Survey (63-29716) & the United States General
Services Administration (63-29715)

Date

JAMES DUBOIS

United States Department of Justice
On behalf of the United States Army Reserve (63-29710)

Date

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____ 2008, I caused to be served the original and/or copy of this STIPULATION on each of the following persons by the following methods:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to:

BOISE WARM SPRINGS WATER DIST
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Email:
- ☐ Statehouse Mail

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

CITY OF BOISE
Represented by:
ROBERT A. MAYNARD
PERKINS COIE LLP
251 E FRONT ST, STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
 - ☐ Hand Delivery
 - ☐ Federal Express
 - ☐ Facsimile: _____
 - ☐ Statehouse Mail
-

EXHIBIT A

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID I. STANISH (ISB #7310)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

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

In Re SRBA	)	Subcase Nos. 63-29713, 63-29715, and
	)	63-29716
	)	
	)	JOINT MOTION TO STAY
Case No. 39576	)	PROCEEDINGS
	)	
	)	
	)	

Claimant United States of America (including its agencies independently and collectively) and Objectors/Respondents the State of Idaho, the Terteling Company, the Boise Warm Springs Water District, and the City of Boise (collectively, the "Parties"), by and through their undersigned counsel, hereby move the Court for an order staying the proceedings in subcase nos. 63-29173, 63-29715, and 63-29716 for no less than six (6) months upon the following grounds:

1. The United States filed SRBA claim nos. 63-29710, 63-29713, 63-29715, and

EXHIBIT A

63-29716, asserting federal reserved water rights for geothermal heating purposes at the rectangular parcel known as the Fort Boise Reservation.

2. The State of Idaho, Terteling Company, Boise Warm Springs Water District, and City of Boise objected to and/or responded to claim nos. 63-29710, 63-29713, 63-29715, and 63-29716.

3. The Parties (including the United States and its agencies independently and collectively) have entered into an agreement intended to resolve all claims and rights by, and on behalf of, the United States (and its agencies independently and collectively) to its rights and/or use of the low temperature geothermal resource under state and federal law within the boundaries of SRBA Basin 63, including but not limited to claim nos. 63-29710, 63-29713, 63-29715, and 63-29716.

4. Pursuant to the agreement and the stipulation entered pursuant thereby, complete resolution of the matters in the above-entitled subcases is, however, contingent upon the outcome of certain proceedings involving claim no. 63-29710 and late claim no. 63-09890.

5. Judicial economy would be best served by staying the above-entitled subcases, pending the outcome of the proceedings involving claim no. 63-29710 and late claim no. 63-09890.

6. The Idaho Department of Water Resources has indicated that a time period of no less than six (6) months is appropriate for it to begin, if not complete, the administrative proceedings involving claim no. 63-29710.

PRAYER FOR RELIEF

1. That the Court enter an order staying the proceedings in subcase nos. 63-29173, 63-29715, and 63-29716 for no less than six (6) months; and

EXHIBIT A

2. That the Court grant such other and further relief as it deems proper and just.

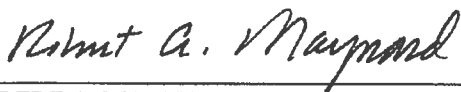
RESPECTIVELY SUBMITTED:



DAVID I. STANISH
Deputy Attorney General
On behalf of the State of Idaho

10/3/08

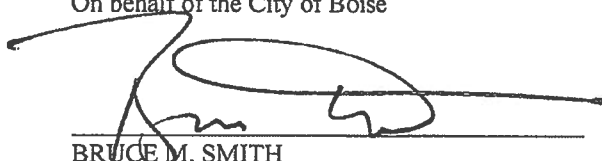
Date



ROBERT A. MAYNARD
Perkins Coie, LLP
On behalf of the City of Boise

10/3/08

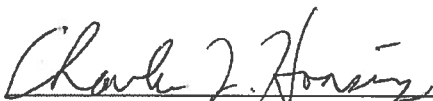
Date



BRUCE M. SMITH
Moore, Smith, Buxton & Turcke, Chtd.
On behalf of Boise Warm Springs Water District

10/14/08

Date



CHARLES L. HONSINGER
Ringert Clark, Chtd.
On behalf of the Terteling Co., Inc.

10/09/08

Date

DAVID GEHLERT

United States Department of Justice
On behalf of the United States Department of Veterans Affairs (63-29713)

Date

DAVID L. NEGRI

United States Department of Justice
On behalf of the United States Geological Survey (63-29716) & the United States General Services
Administration (63-29715)

Date

EXHIBIT A

JAMES DUBOIS

Date

United States Department of Justice

On behalf of the United States Army Reserve (63-29710)

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____ 2008, I caused to be served the original and/or copy of this JOINT MOTION TO STAY PROCEEDINGS on each of the following persons by the following methods:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to:

BOISE WARM SPRINGS WATER DIST
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

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THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

- ☐ U.S. Mail, postage prepaid
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- ☐ Statehouse Mail

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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- ☐ Facsimile: _____
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CITY OF BOISE
Represented by:
ROBERT A. MAYNARD
PERKINS COIE LLP
251 E FRONT ST, STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

EXHIBIT A

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
 - ☐ Hand Delivery
 - ☐ Federal Express
 - ☐ Facsimile: _____
 - ☐ Statehouse Mail
-

EXHIBIT B

08/26/2008

IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ~~RESERVED UNDER FEDERAL LAW~~ ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-29710

NAME AND ADDRESS: ~~UNITED STATES OF AMERICA ACTING THROUGH
 US AIR FORCE
 C/O COMMANDER US ARMY CORPS OF ENGINEERS
 ATTN: GENPS RE PO BOX 3755
 SEATTLE WA 98124-2255~~

VETERANS ADMINISTRATION MEDICAL CENTER
 500 W FORT ST
 BOISE ID 83702-4598

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.920~~ 0.13 CFS
~~67.00~~ AFY

Domestic and stockwater uses are limited to a total combined diversion rate of
 0.13 cfs and a total combined diversion volume of 67.00 af.

PRIORITY DATE: ~~04/09/1073~~ 11/26/1910

~~Future use, no existing diversion facilities. Diversions will
 be made on Fort Boise site.~~

POINT OF
DIVERSION:T03N R02E S1 SWSW Within ADA CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>HEATING</u>	<u>01/01 12/31</u>	<u>0.920 CFS</u>
<u>DOMESTIC</u>	<u>01/01 12/31</u>	<u>0.130 CFS</u>
		<u>67.00 AFY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.090 CFS</u>
		<u>4.40 AFY</u>

Domestic use is in a hospital.

PLACE OF USE:

DOMESTIC in ADA County

<u>T03N R02E S02</u>	<u>NWSW</u>	<u>T03N R02E S02</u>	<u>SWSW</u>
<u>T03N R02E S02</u>	<u>SESW</u>	<u>T03N R02E S03</u>	<u>SESE</u>
<u>T03N R02E S11</u>	<u>NENW</u>	<u>T03N R02E S11</u>	<u>NWNW</u>

STOCKWATER same as DOMESTIC

~~No existing place of use. Future place of use will be on property
 administered by the US Army Reserve on Fort Boise site.~~

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

Claimant accepts the following "Conditions of Approval" to be placed in
 the Director's Report and Partial Decree for this water right:

1. Upon specific notification by the Department, the right holder shall (a)
 install and maintain acceptable measuring device(s), including data
 logger(s), temperature gauge(s), and totalizing fluid meter(s), at the
 authorized point(s) of diversion and reinjection in accordance with
 Department specifications; (b) report measuring information to the
 Department upon its request; and (c) contribute a reasonable pro-rata
 share of costs for periodic updating of the Idaho Water Resources
 Research Institute, University of Idaho, Boise Front Low Temperature
 Geothermal Resource Management Area aquifer computer model or its
 successor. This condition will not be construed to obligate the
 expenditure of funds by any public agency beyond the amounts
 available to the agency for such purposes through lawful authorization

EXHIBIT B

and appropriation.

2. This water is for use only on the rectangular parcel known as the Fort Boise Reservation: "Beginning at a point 2145 feet, N. 68° 34' W. from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at top of each face marked 'U.S.'; thence running S. 20° E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35° E.; thence running N. 70° E. 117.50 chains to stake 4 inches square, 2½ feet high; thence running N. 20° W. 54.32 chains to pile of stones; thence running S. 70° W. 117.75 chains to the point of beginning and containing 638 acres, more or less."

3. This water is from a low temperature geothermal resource.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Reserved Beneficial Use

Stockwater 324 head mixed stock

Page _____ of _____

EXHIBIT C
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Veterans Administration Medical Center Phone _____Mailing address 500 w Fort St, Boise, ID 83702-4598 Email _____**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 the reason for the proposed changes _____
Change purpose to geothermal heating to use as part as existing system.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-29710</u>	<u>11/26/1910</u>	<u>0.13cfs/67afa</u>	<u>Heating</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.13 cubic feet per second and/or 67 acre-feet per annum.3. Source of water Ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	02	03N	02E	Ada	VA geothermal well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02E	03N	02										X	X	X					

Total Acres _____

PART 1**6. General Information:**

a. Description of diversion system Water to be used in existing system described in permit no. 63-09890. All water to be reinjected into geothermal aquifer from which it was diverted.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No X Yes _____ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes & list name of entity : _____

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/a

d. Remarks:

Claimant accepts the conditions of approval set forth in Attachment I to this application.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

EXHIBIT C
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount Entire Right for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

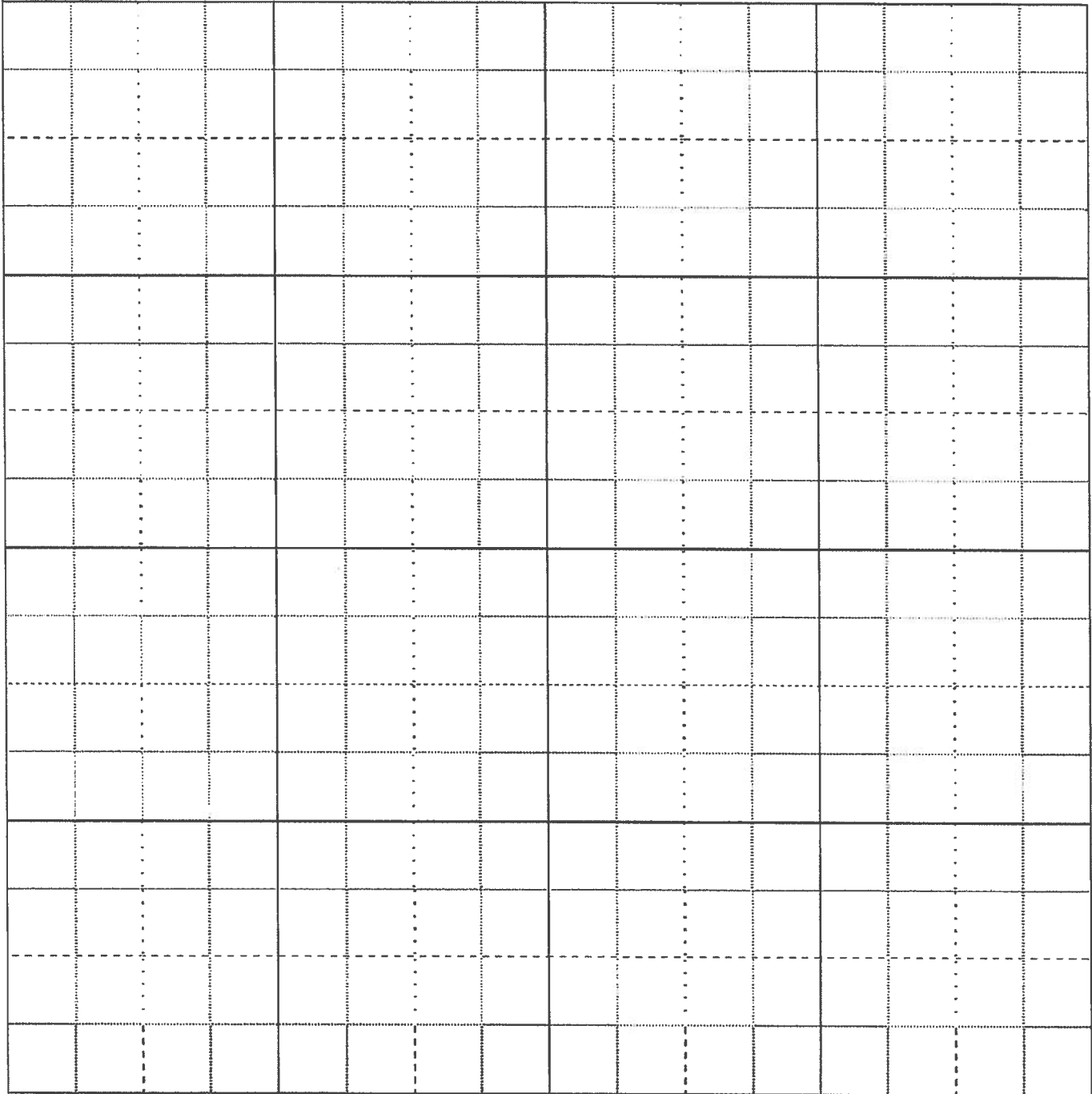
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

EXHIBIT C
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|------------------------------|
| | <u>Heating</u> | <u>0.13cfs/67afa</u> | | <u>01/01</u> to <u>12/31</u> |
| | | | | to _____ |
2. Quantity and quality of return flows and location of discharge: Water to be used in existing system described in permit no. 63-09890. All water to be reinjected into geothermal aquifer from which it was diverted.
3. Describe effects on other water uses resulting from the proposed change:
- _____
- _____
- _____
- _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Print Name (and title, if applicable)

Subscribed and sworn to before me this _____ day of _____, 20 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

EXHIBIT C

Attachment I

Applicant requires that any transfer of water right no. 63-29710 shall include the following explanatory remarks:

Owner accepts the following "Conditions of Approval" to be placed upon this water right:

1. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.
2. This water is for use only on the rectangular parcel known as the Fort Boise Reservation: "Beginning at a point 2145 feet, N. 68° 34' W. from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at top of each face marked 'U.S.'; thence running S. 20° E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35° E.; thence running N. 70° E. 117.50 chains to stake 4 inches square, 2½ feet high; thence running N. 20° W. 54.32 chains to pile of stones; thence running S. 70° W. 117.75 chains to the point of beginning and containing 638 acres, more or less."
3. This water is from a low temperature geothermal resource.
4. All water diverted pursuant to this water right is to be reinjected into the geothermal aquifer from which it is diverted.

DRAFT

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-09890

Priority: April 19, 1982

Maximum Diversion Rate: 1.43 CFS

Maximum Diversion Volume: 612.8 AF 628.6 AF

It is hereby certified that VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE ID 83702-4598 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated April 19, 1982; and has submitted Proof of
Beneficial Use on November 28, 1989. An examination indicates that the works have a diversion
capacity of 1.43 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>	
HEATING	01/01 to 12/31	1.43 CFS	612.8 AF	<u>628.6 AF</u>

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp 03N, Rge 02E, B.M. ADA County

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02E 2											X	X					

CONDITIONS OF APPROVAL

1. Heating use is for the space heating of buildings.
2. ~~Some of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim No. 63-29713. If Claim 63-29713 is decreed as it is claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.~~
3. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
4. All water diverted pursuant to this water right is to be reinjected into the geothermal aquifer from which it is diverted.
5. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer

EXHIBIT D

model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

EXHIBIT E

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 63-29716

Name and Address: UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
US GEOLOGICAL SURVEY
230 COLLINS ROAD
BOISE, ID 83702-5420

Source: GROUND WATER

Quantity: 0.24 CFS 0.12 CFS
1.5 AFA

Priority Date: 04-09-1873 10-21-1980

Diversion Point: T03N R02E S11 NENW Within Ada County

POINT OF DIVERSION: FUTURE USE, NO EXISTING DIVERSION FACILITIES. DIVERSIONS WILL BE MADE ON FORT BOISE SITE. THE POINT OF DIVERSION SHOWN ABOVE IS BY IDWR FOR DATA CONVENIENCE AND IN NO WAY LIMITS OR DEFINES THE WATER RIGHT CLAIMED. ONLY WITHIN THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN THE ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, § 8, 94 STAT. 2305, 2310.

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Heating	01-01 TO 12-31	0.24 CFS
			0.12 CFS
			1.5 AF

Place of Use: Heating T03N R02E S11 NENW Within Ada County NWNW

NO EXISTING PLACES OF USE. FUTURE PLACE OF USE WILL BE ON USGS ADMINISTERED PROPERTY ON FORT BOISE SITE. PLACE OF USE SHOWN ABOVE IS BY IDWR FOR DATA CONVENIENCE AND IN NO WAY LIMITS OR DEFINES THE WATER RIGHT CLAIMED. ONLY WITHIN THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN THE ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, § 8, 94 STAT. 2305, 2310.

Other Provisions Necessary for Definition / Administration of this Water Right:

LEGAL DESCRIPTION OF RESERVATION: THE ORIGINAL RESERVATION OF APRIL 9, 1873, WAS DESCRIBED AS FOLLOWS: "BEGINNING AT A POINT 2145 FEET, N. 68 DEG., 34 MIN. W FROM THE FLAGSTAFF, AT FIR POST 8 FEET HIGH AND 1 FOOT IN DIAMETER, SQUARED AT TOP AND EACH FACE MARKED "U.S.", THENCE RUNNING S. 20 DEG. E. 54.32 CHAINS, TO POST 1.21 CHAINS FROM N.E. CORNER OF SMALL LOG BUILDING BEARING S. 35 DEG. E.; THENCE RUNNING N. 70 DEG. E. 117.50 CHAINS TO STAKE 4 INCHES SQUARE, 2 1/2 FEET HIGH, THENCE RUNNING N. 20 DEG. W. 54.32 TO PILE OF STONES; THENCE RUNNING S. 70 DEG. W.

EXHIBIT E

~~117.75 CHAINS TO THE POINT OF BEGINNING AND CONTAINING 638 ACRES, MORE OR LESS. ALL THE BEARINGS ARE TRUE MERIDIAN."~~ THE RESERVATION OF FEBRUARY 13, 1911, WAS DESCRIBED AS FOLLOWS: ~~"INT. 3N, R. 3E, B.M., LOT 4 AND THE SE 1/4 OF THE NE 1/4 SEC. 5 AND LOTS 1 AND 2, SEC. 6. IN T. 4N, R. 3E, B.M., THE SE 1/4 SEC. 8, THE S. 1/2 SEC. 9, ALL OF SEC. 17, THE NW 1/4, THE E 1/2 AND THE SW 1/4 SEC. 20, ALL OF SEC. 21, THE W 1/2 SEC. 22, THE W 1/2 SEC. 27, ALL OF SECS. 29, 29, AND 30, ALL OF SEC. 31, EXCEPT 20.596 ACRES EMBRACED IN "SUNNYSIDE LODE" PATENTED TO W.P. RICHARDS AND DAVID CEKELER, AND ALL OF SEC. 32, THE N. 1/2 OF THE NW 1/3 AND THE SW 1/4 OF THE NW 1/4 SEC. 33."~~ LIST OF DOCUMENTS CREATING THE FEDERAL RESERVATION: EXECUTIVE ORDER OF APRIL 9, 1873 EXECUTIVE ORDER OF FEBRUARY 13, 1911 THE PRESENTLY FEDERALLY OWNED PROPERTY ADMINISTERED BY THE U.S. GEOLOGICAL SURVEY IS SHOWN ON THE MAP ATTACHED TO CLAIM.

1. ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, § 8, 94 STAT. 2305, 2310 SETS FORTH THE FOLLOWING: "THE SECRETARY OF THE INTERIOR, THROUGH THE BUREAU OF LAND MANAGEMENT, IS AUTHORIZED TO UTILIZE GEOTHERMAL RESOURCES FOUND UNDER THE PARCEL KNOWN AS THE BOISE DISTRICT OFFICE SITE, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE OLD FORT BOISE MILITARY RESERVATION, THENCE NORTH 70 DEGREES 0 MINUTES EAST, 1,448.2 FEET; THENCE NORTH 4 DEGREES 32 MINUTES EAST, 627 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 87 DEGREES 8 MINUTES WEST, 696.5 FEET; THENCE NORTH 21 DEGREES 2 MINUTES WEST, 532 FEET; THENCE SOUTH 69 DEGREES 4 MINUTES WEST, 21.9 FEET; THENCE NORTH 22 DEGREES 40 MINUTES WEST, 86.3 FEET; THENCE NORTH 84 DEGREES 50 MINUTES EAST, 993.6 FEET; THENCE SOUTH 4 DEGREES 32 MINUTES WEST, 624.95 FEET TO THE POINT OF BEGINNING; CONSISTING OF 11.53 ACRES, MORE OR LESS, CONTAINED IN SECTION 11, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, IDAHO."

2. THIS WATER IS FOR USE ONLY WITHIN THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, § 8, 94 STAT. 2305, 2310.

3. ALL WATER DIVERTED PURSUANT TO THIS WATER RIGHT IS TO BE REINJECTED INTO THE GEOTHERMAL AQUIFER FROM WHICH IT IS DIVERTED.

4. UPON SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL (A) INSTALL AND MAINTAIN ACCEPTABLE MEASURING DEVICE(S), INCLUDING DATA LOGGER(S), TEMPERATURE GAUGE(S), AND TOTALIZING FLUID METER(S), AT THE AUTHORIZED POINT(S) OF DIVERSION AND REINJECTION IN ACCORDANCE WITH DEPARTMENT SPECIFICATIONS; (B) REPORT MEASURING INFORMATION TO THE DEPARTMENT UPON ITS REQUEST; AND (C) CONTRIBUTE A REASONABLE PRO-RATA SHARE OF COSTS FOR PERIODIC UPDATING OF THE IDAHO WATER RESOURCES RESEARCH INSTITUTE, UNIVERSITY OF IDAHO, BOISE FRONT LOW TEMPERATURE GEOTHERMAL RESOURCE MANAGEMENT AREA AQUIFER COMPUTER MODEL OR ITS SUCCESSOR. THIS CONDITION WILL NOT BE CONSTRUED TO OBLIGATE THE EXPENDITURE OF FUNDS BY ANY PUBLIC AGENCY BEYOND THE AMOUNTS AVAILABLE TO THE AGENCY FOR SUCH PURPOSES THROUGH LAWFUL AUTHORIZATION AND APPROPRIATION.

EXHIBIT E

~~5. THE PRESENTLY FEDERALLY OWNED PROPERTY ADMINISTERED BY THE
U.S GEOLOGICAL SURVEY IS SHOWN ON THE MAP ATTACHED TO CLAIM.~~

Explanatory Material: Basis of Claim - Reserved

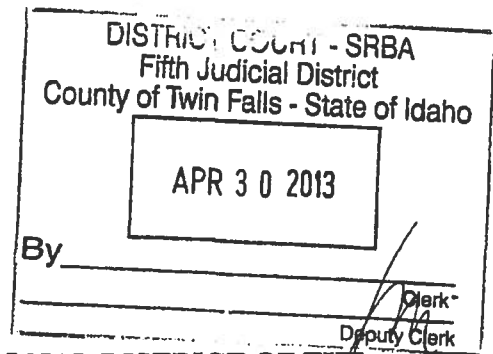
EXHIBIT F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RELINQUISHMENT OF PERMIT

I, _____, hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to Appropriate the Public Waters of the
State of Idaho, No. 63-10339.

Signed this _____ day of _____, 20 _____.

Permit Holder(s)



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

RECEIVED

MAY 01 2013

DOJ/BOISE

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

Subcase No. 63-29710

(Veterans Administration Medical Center)

On March 27, 2013, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

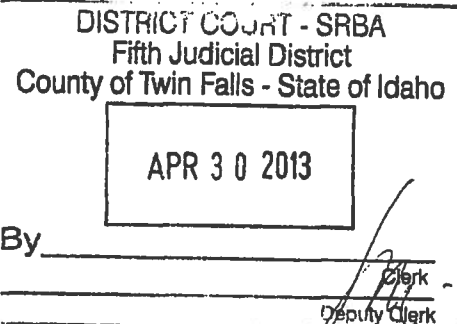
DATED April 30, 2013.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-29710



NAME AND ADDRESS: VETERANS ADMINISTRATION
MEDICAL CENTER
500 W FORT ST
BOISE, ID 83702-4598

SOURCE: GROUND WATER

QUANTITY: 0.13 CFS
67.00 APY

Domestic and stockwater uses are limited to a total combined
diversion rate of 0.13 cfs and a total combined diversion
volume of 67.00 af.

PRIORITY DATE: 11/26/1910

POINT OF DIVERSION: T03N R02E S01 SWSW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.09 CFS 4.40 APY
	Domestic	01-01 TO 12-31	0.13 CFS 67.00 APY

Domestic use is in a hospital.

PLACE OF USE: Stockwater Within Ada County
Same as Domestic

Domestic		Within Ada County
T03N R02E S02	NWSW	SWSW
	SESW	
S03	SESE	
S11	NENW	NWNW

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

1. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.
2. This water is for use only on the rectangular parcel known as the Port Boise Reservation and will not be transferred for use therefrom: "Beginning at a point 2145 feet, N. 68 degrees 34' W. from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at top of each face marked 'U.S.'; thence running S. 20 degrees E. 54.32 chains, to post 1.21 chains from

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

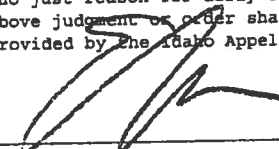
N.E. corner of small log building bearing S. 35 degrees E.; thence running N. 70 degrees E. 117.50 chains to stake 4 inches square, 2-1/2 feet high; thence running No. 20 degrees W. 54.32 chains to pile of stones; thence running S. 70 degrees W. 117.75 chains to the point of beginning and containing 638 acres, more or less."

3. This water is from a low temperature geothermal resource.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

2013 APR 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-29710

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-29710 was mailed
on April 30, 2013, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BOISE WARM SPRINGS WATER DIST

Represented by:

BRUCE M. SMITH
950 W BANNOCK ST STE 520
BOISE, ID 83702-6118
Phone: 208-331-1800

THE TERTELING CO INC

Represented by:

CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE, ID 83701-0517

CERTIFICATE OF MAILING

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04/30/13

STATE OF IDAHO

Represented by:

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449
Phone: 208-334-2400

VETERANS ADMINISTRATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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04/30/13

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, December 24, 2013 12:48 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Afternoon Janice Hildreth,

Please see the attached ad for publication on 1/2/2014 & 1/9/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

December 24, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 78670, 78853
Extension No. 63-32339

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/20/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHTS

The City of Meridian of 33 E Broadway Ave, Meridian, Idaho, 83642, filed Application No. **78853** to transfer one water right with a 1993 priority date from ground water totaling 3.0 cfs. The purpose of the transfer is to correct the legal description of the well that is the authorized point of diversion, and add two additional wells as points of diversion. Water will be used at the current place of use in the City of Meridian service area.

Veterans Administration Medical Center, 500 W. Fort St., Boise, ID 83702, filed Application No. **78670** to transfer ground water right 63-29710 with a 1910 priority date. The transfer will convert the full right, 0.13 cfs and 67.0 af, to heating purposes for additional use within the medical center's existing geothermal heating system.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Jeffery Wolfe of 1111 West Jefferson Street Ste 80, Boise, ID 83702 filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. **63-32339** with a 1959 priority from ground water totaling 0.18 cfs. The irrigation right was partially decreed in the SRBA in 2007. The right serves property located 0.5 miles north of Hidden Springs, ID. The applicant requests the extension of time to allow for a residence to be built on the property.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. For specific details of the extension see this link www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp using right no 2-10370. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 01/20/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/2/2014 and 1/9/2014

Van Dyke, Nick

From: Gehlert, David (ENRD) [David.Gehlert@usdoj.gov]
Sent: Tuesday, December 10, 2013 12:07 PM
To: Van Dyke, Nick
Cc: Spencer, Nick; Jarvis, David (ENRD)
Subject: Application for Transfer No. 78670

Mr. Van Dyke,

This e-mail is in response to your letter of Dec. 5, 2013 requesting justification for the VA's change of water right 63-29710 to geothermal heating. The short answer is that the change is necessary to provide geothermal heating to the Mountain Cove property recently re-acquired by the VA and to support the new ICU addition to Building 85. The estimated increase in usage for these items is 69.4 AF/YR and 0.15 CFS.

Below is a more detailed explanation of how those figures were calculated:

The Mountain Cove property original was part of Fort Boise and subsequently part of the VA Medical Center until about 1972 when the property was deeded to the Boise City School District for an alternative high school. In about 2009, the Boise School District built a new alternative high school and sold the Mountain Cove property back to the VA. The additional square footage on the Mountain Cove property to be geothermally heated is 31,040 square feet (the modular and Building 42 are not to be geothermally heated).

The VA is nearing the completion of an addition to Building 85 that will house our ICU and portions of our ER. The addition is adding 14,298 square feet of space to the campus that will be geothermally heated.

Currently the VA has 411,144 square feet of space that is geothermally heated. The existing water right determined based on the highest annual geothermal usage is currently 628.5 AF and 1.43 CFS. Dividing the AF and CFS by the existing square footage that is geothermally heated indicates that the current water right equals 0.00153 AF/SF and 0.0000034 CSF/SF. Multiplying these rates by the square footage added by the Mountain Cove property and the addition to Building 85 results in a needed increase of 69.4 AF/YR and 0.15 CFS. The existing water right we are requesting be converted is 67 AF/YR and 0.13 CFS, which is slightly less than the additional square footage indicates is needed.

I hope this response satisfies your needs. Please let me know if you have any further questions. Also, please note that I will be out of the country starting Dec. 23 and returning on January 13. During that time I will be unable to respond to e-mails or letters.

Thanks,

Dave

cc: Nick Spencer

David Gehlert
Natural Resources Section
Environment & Natural Resources Division
U.S. Department of Justice
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
(303) 844-1386 (phone)
(303) 844-1350 (fax)
david.gehlert@usdoj.gov



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

December 5, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE ID 83702-4598

RE: Application for Transfer No. 78670

Dear Applicant:

I have reviewed your application for transfer of right no. 63-29710, received June 18, 2013. The application seeks to change the nature of use of 63-29710 from domestic and stockwater purposes to heating use. Currently, right no. 63-9890 authorizes heating use at the Veterans Medical center; this transfer intends to add additional capacity from 63-29710 to be used within 63-9890's system. Before I can continue the processing of this transfer, documentation/evidence is needed to support the rate and volume sought under the transfer application, 0.13 cfs and 67 acre-feet, can be beneficially used at the VA center in addition to the heating use already provided by 63-9890. Please provide a technical justification/data demonstrating the additional heating use requires that rate and volume.

Please note condition no. 2 of the partial decree for 63-29710. The condition states:

Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rate share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.

All or a portion of these requirements will be mandated upon transfer approval, should the transfer application be approved.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

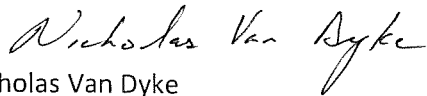
Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

December 5, 2013

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IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. If you have any questions feel free to contact me at (208) 334-2190 or at nick.vandyke@idwr.idaho.gov

Sincerely,



Nicholas Van Dyke

Sr. Water Resource Agent

c: David Gehlert – U.S. Department of Justice, Environment and Natural Resource Division



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
USIS / Labat
999 18th Street
South Terrace – Suite 370
Denver, CO 80202

Telephone: 303-844-1485
Facsimile: 303-844-1350
E-Mail: David.Jarvis2@usdoj.gov

June 14, 2013

RECEIVED

JUN 18 2013

WATER RESOURCES
WESTERN REGION

via FedEx Mail

IDWR
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Case No. 39576
Subcase No. 63-29710

Under terms of settlement for water rights at the Fort Boise Reservation, and as noted in the attached documentation, the United States, on behalf of the Veterans Administration, submitted the attached Application for Transfer of the above listed water right for your consideration.

Any questions regarding this application should be directed to the following attorney representing the United States in this matter:

David W. Gehlert
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street, South Terrace – Suite 370
Denver, Colorado 80202
Phone: 303-844-1386
E-mail: David.Gehlert@usdoj.gov

Sincerely,

David A. Jarvis
Paralegal

Enclosures