

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78282

RECEIVED
MAY 20 2013

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) The Terteling Company, Inc. Phone 208-338-5200 WATER RESOURCES
WESTERN REGION

Mailing address 3858 Garden Center Way Email jlt@tertco.com

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

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

☐ No Representative

Name of Representative Charles L. Honsinger Phone 208-863-6106

Mailing address P.O. Box 517, Boise, ID 83701 Email honsingerlaw@gmail.com

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

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

Joe Terteling
Signature of Applicant or Authorized Representative

President, The Terteling Co., Inc.
Print Name and Title if applicable

15 MAY 13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. (1) Add points of diversion to reflect new well(s) ("Creekside Well" and "Miller Gulch Well" on attached map) and existing well(s). (2) Remove geothermal well as POD for water right no. 63-3603 ("Terteling Springs Well" on attached map). (3) Create a permissible place of use for water rights.

SUPPORT DATA

IN FILE # 63-3603

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒	☐ 63-3603	1.03 cfs	Irrigation	03-15 to 11-15	Ground water
☒	☐ 63-7595	2.00 cfs	Irrigation	03-15 to 11-15	Ground water
☒	☐ 63-7595	.05 cfs	Stockwater	01-01 to 12-31	Ground water
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights 3.03 cfs and/or 816.50 ac-ft

2. Total amount of water proposed to be transferred or changed 3.03 cubic feet per second and/or 816.50 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 #
			NW	NE	22	4N	2E	ADA	Ground Water	Champagne
Y			NW	SE	22	4N	2E	ADA	Ground water	Miller Gulch
			NW	SW	22	4N	2E	ADA	Ground water	Windsock
			SW	NW	22	4N	2E	ADA	Ground water	Pool
Y			NW	NE	22	4N	2E	ADA	Ground water	Creekside

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	
4N	2E	14											25	5					30
4N	2E	15													3			38	41
4N	2E	21				2.5									27			0.5	30
4N	2E	22	3	23			38	18	38 S	18.5	25	40	13	18		21			255.5

Total Acres (for irrigation use) 178 within 357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights _____ cfs and/or _____ ac-ft

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NE	22	4N	2E	ADA	Ground water	Motorcycle (cold)

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	

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 will be diverted from all wells into an integrated diversion system serving the place of use. As diversions will be solely from wells, measuring devices and lockable controlling works can be easily installed.

- b. Who owns the property at the point(s) of diversion? The Terteling Company, Inc.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No effect on lands currently irrigated, although portions of the land may be temporarily taken out of production pursuant to the rightholder's irrigation rotation.

- 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:

These rights are limited to the irrigation of 178 acres, together with right nos. 63-12, 63-13, 63-15, 63-308, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056. These additional rights are used sporadically to irrigate very small portions of the 178 acres. It is expected that they will continue to be so used. Transfer No. 78280 and Application for Permit No. 63-12540 should be processed contemporaneously with this transfer application

- 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: _____

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

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Total Acres (for irrigation use) _____

OK per original; fees in 2005 - SL

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3603

WATER RIGHT NUMBER: 63-3603

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE TERTEILING CO INC 3858 GARDEN CENTER WAY STE 300 BOISE, ID 83703 (208)338-5200

Priority Date: 04/26/1967

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.030 CFS	351.00 AF
	<u>Total Diversion:</u>	1.030 CFS	351.00 AF

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	22					3.0	5.0	3.0		20.0	22.0		12.0			13.0		78.0

Total Acres: 78

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands described below.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Attachment 1 Water Right
(4 pgs)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3603

3. The well in the NWNWSW, S22 diverts low temperature geothermal water. The well located in the NWNENW, S22 has been measured at both 97 degrees F and 70 degrees F. The other points of diversion divert both low temperature geothermal and cold water.
4. B09 This right is subject to regulation by the watermaster of Water District 63S.
5. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
6. F05 Right No. 63-7595 is also diverted through three of the points of diversion described above, also known as the Pool Well, the Windsock Well and the Motorcycle Well.
7. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.
8. Diversion and use of low temperature geothermal water under this right from the Pool and Windsock wells is subject to regulation by the watermaster of Water District 63S. Water District 63S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. The Motorcycle low temperature geothermal well is currently not within Water District 63S boundaries and is currently not subject to regulation by the watermaster of Water District 63S.
9. The Pool Well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool Well
10. The Motorcycle Well that is one of the points of diversion for this water right was constructed with a "nested" configuration. Two side-by-side but separate well casings (with screens) are installed inside of a single 28-inch diameter drilled bore. An 8-inch diameter casing is completed to an approximate depth of 334 feet below land surface within a cold-water aquifer. A 16-inch diameter casing is completed to a depth of 685 feet below land surface within a low temperature geothermal aquifer. This right authorizes diversion from both the low temperature geothermal and the cold water aquifers from the Motorcycle Well.
11. Water temperature in the Pool (geothermal aquifer) and Windsock wells is measured at 120 degrees F. Water temperature in the Terteling Springs Well has been measured at both 97 degrees F and 70 degrees F. The determination as to whether the Terteling Springs Well source is low temperature geothermal has not been made.
12. The points of diversion are also known as the Pool Well (T4N R2E S22 SESWNW), the Windsock Well (T4N R2E S22 NWNWSW), the Terteling Springs Well (T4N R2E S22 NWNENW) and the Motorcycle Well (T4N R2E S22 NENWNE).
13. 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.
14. E56 The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.

Dates and Other Information:

Decreed Date: 5/10/2011

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7595

WATER RIGHT NUMBER: 63-7595

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE TERTELING CO INC 3858 GARDEN CENTER WAY STE 300 BOISE, ID 83703 (208)338-5200

Priority Date: 03/07/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	2.00 AF
IRRIGATION	03/15 to 11/15	2.000 CFS	463.50 AF
	<u>Total Diversion:</u>	2.000 CFS	465.50 AF

Location of Point(s) of Diversion

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

Place of Use

STOCKWATER

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

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 02E 21				1.0									8.0				9.0
04N 02E 22		8.0			21.0	10.0	27.0	1.0	3.0	14.0	3.0	3.0		4.0			94.0

Total Acres: 103

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7595

Conditions of Approval:

1. R05 Diversion and use of low temperature geothermal resource water under the terms of the license is subject to the control of the watermaster of Water District No. 63S, Stewart Gulch. Water District 63S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer. The Motorcycle geothermal well is currently not within Water District 63S boundaries and is currently not subject to regulation by the watermaster of Water District 63S.
2. The Pool well that is one of the points of diversion is completed in concentric casings. The 10 inch casing is completed in a cold water aquifer. The 8 inch casing within the 10 inch casing is completed in the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. This right authorizes the diversion from both the low temperature geothermal and the cold water aquifers in the Pool well.
3. The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR
4. Water temperature in the Pool (geothermal aquifer) and Windsock wells is measured at 120 degrees F.
5. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
6. 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.
7. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8. E56 The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season. Combined Right Nos.: Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.
9. The well in the NWNWSW, S22 diverts low temperature geothermal water. The wells located in the SESWNW, S22 and NENWNE, S22 divert both low temperature geothermal and cold water.
10. X02 Stockwater use is for 150 mixed stock.
11. F05 Right No. 63-3603 is also diverted through two of the points of diversion described above.also known as the Motorcycle Well and the Pool Well.
12. The Motorcycle Well that is one of the points of diversion for this water right was constructed with a "nested" configuration. Two side-by-side but separate well casings (with screens) are installed inside of a single 28-inch diameter drilled bore. An 8-inch diameter casing is completed to an approximate depth of 334 feet below land surface within a cold-water aquifer. A 16-inch diameter casing is completed to a depth of 685 feet below land surface within a low temperature geothermal aquifer. This right authorizes diversion from both the low temperature geothermal and the cold water aquifers from the Motorcycle Well.
13. This right is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4202.
14. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.
15. 01B The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.
16. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands described below.
17. The points of diversion are also known as the Pool Well (T4N R2E S22 SESWNW), the Windsock Well (T4N R2E S22 NWNWSW). There are two points of diversion in the NWNE S22, the Champagne well

Dates and Other Information: Decreed Date: 5/10/2011

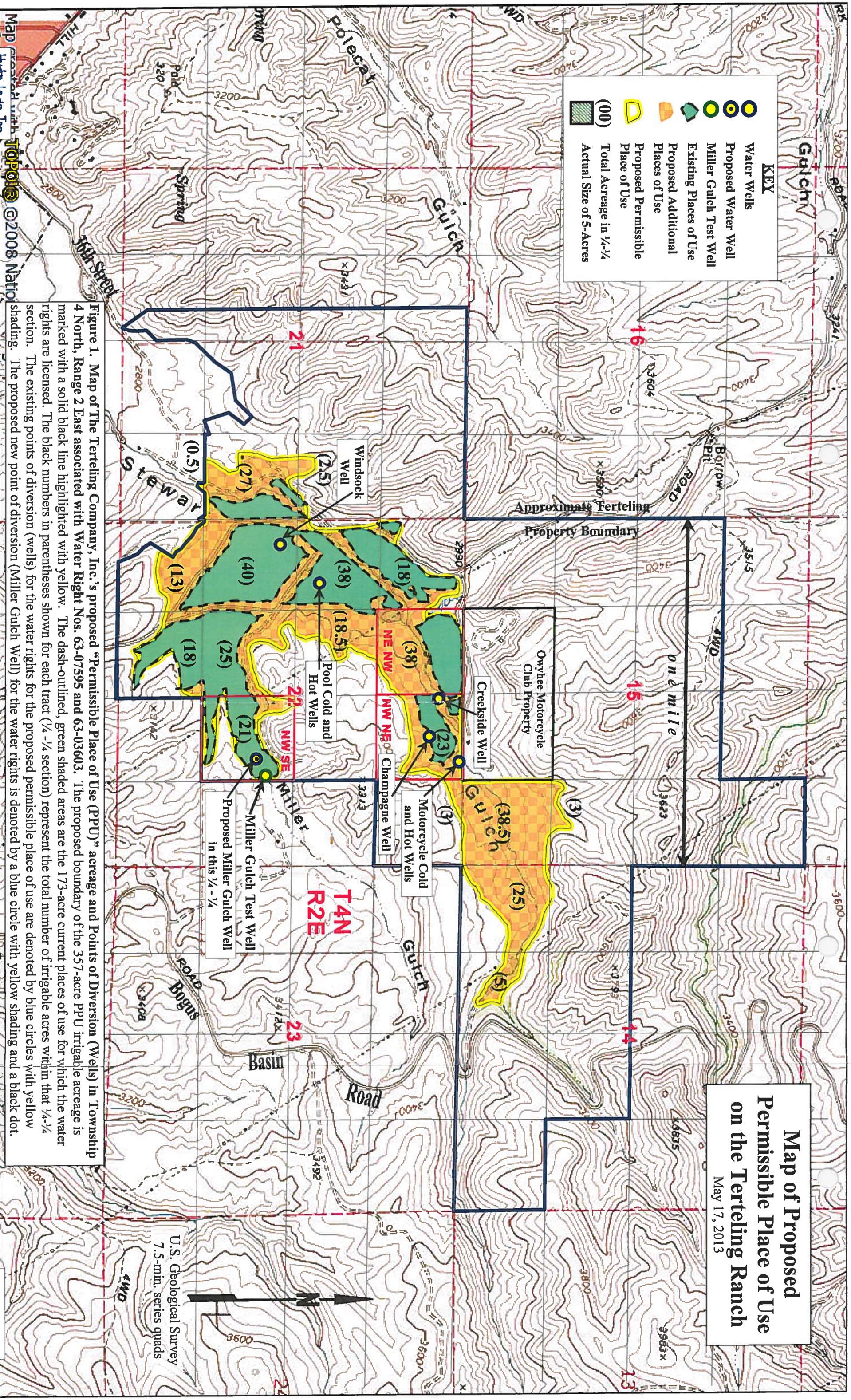
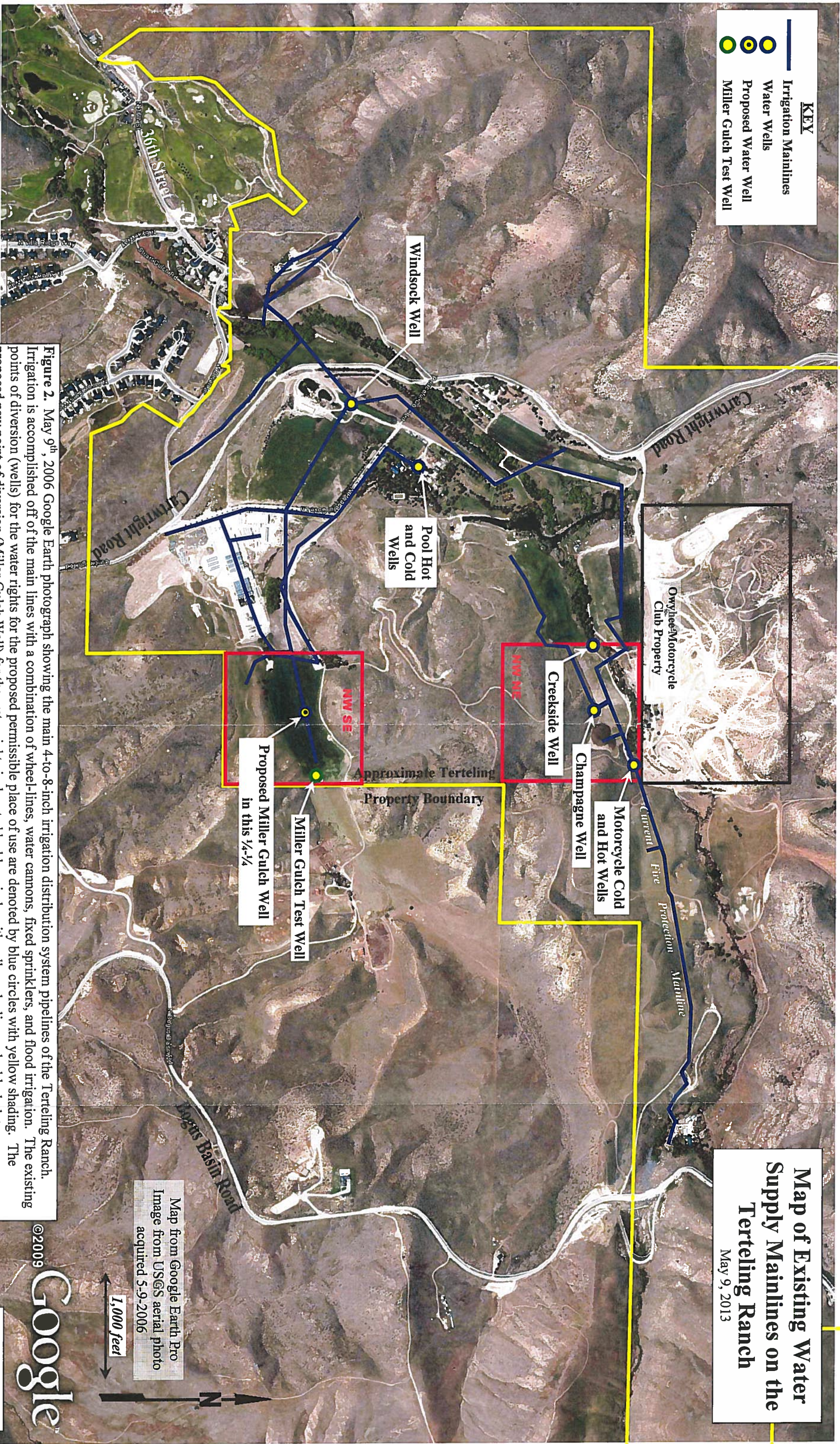


Figure 1.



KEY

- Irrigation Mainlines
- Water Wells
- Proposed Water Well
- Miller Gulch Test Well

Map of Existing Water Supply Mainlines on the Terteling Ranch
May 9, 2013

Figure 2. May 9th, 2006 Google Earth photograph showing the main 4-to-8-inch irrigation distribution system pipelines of the Terteling Ranch. Irrigation is accomplished off of the main lines with a combination of wheel-lines, water cannons, fixed sprinklers, and flood irrigation. The existing points of diversion (wells) for the water rights for the proposed permissible place of use are denoted by blue circles with yellow shading. The proposed new point of diversion (Miller Gulch Well) for the water rights is denoted by blue circle with yellow shading and a black dot.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78282

RECEIVED

FEB 04 2013

AmendedAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) The Terteling Company, Inc. Phone 208-338-5200Mailing address 3858 Garden Center Way Email jlt@tertco.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
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Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

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

- ☒ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
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- ☐ 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.

Joe Terteling
Signature of Applicant or Authorized Representative

President, The Terteling Co., Inc.
Print Name and Title if applicable

18 JAN 13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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Terminated

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-3603	1.03 cfs	Irrigation	03-15 to 11-15	Ground water
☒ ☐	63-7595	2.00 cfs	Irrigation	03-15 to 11-15	Ground water
☒ ☐	63-7595	.05 cfs	Stockwater	01-01 to 12-31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.03 cfs and/or 816.50 ac-ft

2. Total amount of water proposed to be transferred or changed 3.03 cubic feet per second and/or 816.50 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 #
			NW	SE	22	4N	2E	ADA	Ground water	Old Barn Well
Y			NW	SE	22	4N	2E	ADA	Ground water	Miller Gulch
			NW	SW	22	4N	2E	ADA	Ground water	Windsock
			SW	NW	22	4N	2E	ADA	Ground water	Pool
Y			NW	NE	22	4N	2E	ADA	Ground water	Creekside

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	
4N	2E	14											25	5					30
4N	2E	15													3			38	41
4N	2E	21				2.5									27			0.5	30
4N	2E	22	3	23			38	18	38 S	18.5	25	40	13	18		21			255.5

Total Acres (for irrigation use) 178 within 356.5

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 ☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights _____ cfs and/or _____ ac-ft

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NE	22	4N	2E	ADA	Ground water	Motorcycle
			NW	NE	22	4N	2E	ADA	Ground water	Champagne

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	

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 will be diverted from all wells into an integrated diversion system serving the place of use. As diversions will be solely from wells, measuring devices and lockable controlling works can be easily installed.

- b. Who owns the property at the point(s) of diversion? The Terteling Company, Inc.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No effect on lands currently irrigated, although portions of the land may be temporarily taken out of production pursuant to the rightholder's irrigation rotation.

- 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:

These rights are limited to the irrigation of 178 acres, together with right nos. 63-12, 63-13, 63-15, 63-308, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056. These additional rights are used sporadically to irrigate very small portions of the 178 acres. It is expected that they will continue to be so used.

- 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)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer contains _____	pages and _____	attachments.
Received by <u>SL</u>	Date <u>2/4/2013</u>	Prelim. Check by _____ Date _____
Fee Paid <u>\$ 370</u>	Date <u>5/8/2005</u>	Received by <u>DB</u> Receipt # <u>W033031</u>
Add'l Fee Paid _____	Date _____	Received by _____ Receipt # _____

\$ No original

KEY

Irrigation Mainlines

Water Wells

Proposed Water Wells

Miller Gulch Test Well

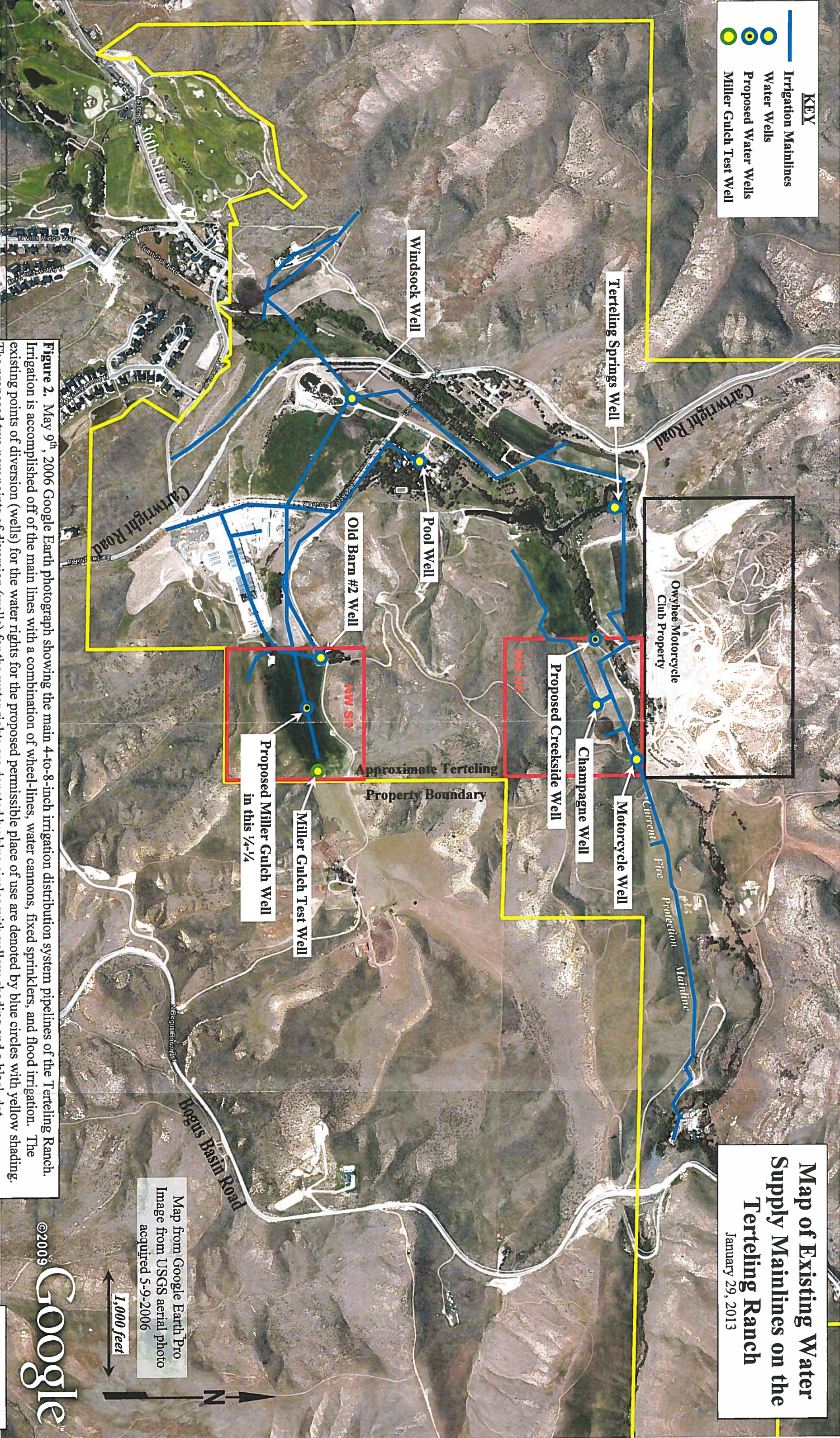


Figure 2. May 9th, 2006 Google Earth photograph showing the main 4-to-8-inch irrigation distribution system pipelines of the Terteling Ranch. Irrigation is accomplished off of the main lines with a combination of wheel-lines, water cannons, fixed sprinklers, and flood irrigation. The existing points of diversion (wells) for the water rights for the proposed permissible place of use are denoted by blue circles with yellow shading. The proposed two new points of diversion (wells) for the water rights are denoted by blue circles with yellow shading and a black dot.

RECEIVED

JUN 08 2005

WATER RESOURCES
WESTERN REGION

Page 1 of 6

78282
73897
Transfer No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant T-7, LLC Phone (208) 338-5200

Post Office Address 3823 N. 36th Street, Boise, ID 83703

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: (1) Transfer the ten acre place of use in T4N, R2E, Section 21 SESE to lands owned by the water right holder. (2) Change the points of diversion from geothermal well to cold water wells, including a proposed new well. The proposed well is identified as Miller Gulch Well on the attached map. (3) Create a permissible place of use for the water rights.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature	Period of Use
<u>63-3603</u>	<u>04/26/1967</u>	<u>1.03 cfs</u>	<u>Irrigation.</u>	<u>3/15</u> to <u>11/15</u>
<u>63-7595</u>	<u>03/07/1973</u>	<u>2.0 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-7595</u>	<u>03/07/1973</u>	<u>.05 cfs</u>	<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>
<u>63-7595</u>	<u>03/07/1973</u>	<u>.05 cfs</u>	<u>Stockwater</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred 3.03 cubic feet per second and/or 817.7 acre-feet per annum.

3. Source of water Groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Tw	Rge.	County	Local name for diversion
		NE	SW	22	4N	2E	ADA	Old Barn Well
		NW	SE	22	4N	2E	ADA	Proposed Miller Gulch Well
		NW	NE	22	4N	2E	ADA	Motorcycle Cold Well
		NW	NE	22	4N	2E	ADA	Champagne Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	14										25	5					30	
4N	2E	15												3			38	41	
4N	2E	21				2.5								27				29.5	
4N	2E	22	1	23			38	18	38 S,D	17	25	40	18	18		20		256	

Total acres 181 within a permissible place of use of 356.5 acres

6. General Information:

a. Description of diversion system Water will be diverted from the four (4) wells identified on the attached map into an integrated diversion system serving the place of use. The proposed Miller Gulch well will be constructed in a similar manner and to a similar depth as the existing wells.

Superceded

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: No effect on lands currently irrigated, although portions of the land may be taken out of production temporarily pursuant to the rightholder's irrigation rotation.

d. Remarks: The rightholder shall be limited to the irrigation of 181 acres within the permissible place of use (approximately 356.5 acres). This transfer application is being filed at about the same time as a transfer involving water right no. 63-10533. This transfer application should proceed independently of the application to transfer water right no. 63-10533. When the application to transfer water right no. 63-10533 is approved, the following combined use remarks will apply: (1) These rights when combined with water right no. 63-10533 shall provide no more than 0.02 cfs per acre; (2) These rights, in combination with water right no. 63-10533, are limited to the irrigation of 207 acres with the permissible place of use of 356.5 acres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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: Please see copies of attached approved water right transfers and licenses for water right nos. 63-3603 and 63-7595.

1. Right Evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License Nos. 63-3603, 63-7595 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

c. Transfer Nos. 3990, 4202 which produce these rights.

2. Attach a copy of last year's tax notice of 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 of priority _____

5. Water is used for the following purpose:

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

Total acres _____

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

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

No _____ 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 _____ 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

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

3. Lands irrigated or place of use:

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

Total acres _____

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

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 _____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on 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) John F. Madigan

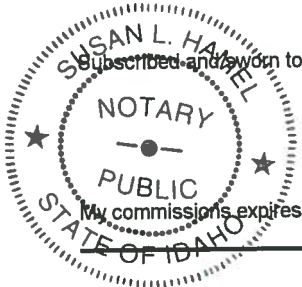
Subscribed and sworn to before me this

7th

day of

June

, 20 05



03/27/2008

(Notary Public)

Susan L. Hamel

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 6-8-05 Protest filed by _____

Prelim. check by _____ Fee \$370-

Receipted by DB W033031 Date 6-8-05

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ re'd. _____ by _____

Copy of transfer sent to lien holder _____

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33602/63-3603 Priority April 26, 1967 Amount 1.03 cfs

THIS IS TO CERTIFY, that J. L. TERTELING
of Boise, Idaho has complied with the terms and conditions of Permit
No. 33602/63-3603 issued pursuant to Application for Permit dated April 26, 1967
and has submitted proof to the Department of Water Administration on May 14, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.03 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>1.03</u> cfs and	<u>351 acre feet or</u>
			<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.03 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
351 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ -and-
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22, Twp. 4 N, Rge. 2 E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	2 E	22					3	5	3		20	22		12		13			78

Total number of acres irrigated 78

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
April, 1974

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OCT 27 1982

Director

Page 1 of 6

STATE OF IDAHO JUL 20 1992
DEPARTMENT OF WATER RESOURCES

Transfer No. 3990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Terteling Trust No. 7 Phone 208-338-5200

Post Office address 877 West Main Street, Ste. 706, Boise, Idaho 83702

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 SHALLOWER PUMPING DEPTHS

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03603</u>	<u>4/26/1967</u>	<u>1.03</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u>
<u>A 63-03603</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to BOISE RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	22	4N	2E	Ada	artesian
		NW	SW	22	4N	2E	Ada	50 HP 16" well
		SW	NW	22	4N	2E	Ada	Hot water well
	SW	NE	NW	22	4N	2E	Ada	Proposed
	NW	SW	NW	22	4N	2E	Ada	Proposed
	NW	NE	NW	22	4N	2E	Ada	Proposed

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system A well - proposed surface diameter of 16", proposed
maximum well depth is 700'.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-03603
and said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 5th day of October, 19 92.

[Signature]
CHIEF, WATER ALLOC. BUREAU

OCT 27 1992

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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated 63-03603 in _____ county of _____
- b. License No. 63-03603 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 a 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 tax assessment notice

3. Source of water groundwater tributary to _____

4. Date or priority 04/26/1967

5. Water is used for the following purpose:

amount 1.03 for Irrigation purposes from 3/15 to 11/15
(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 1.03 cubic feet per second and/or 351 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	22	4N	2E	Ada	Artesian
		NW	SW	22	4N	2E	Ada	50 hp 16" well
		SW	NW	22	4N	2E	Ada	Hot water well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2E	22					3	5	3		20	22		12		13			78

Total acres 78

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

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No 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 _____ 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:

*ALL OR NONE DEPENDING UPON SUCCESS
 OF FINDING WATER AT SHALLOWER DEPTHS.*

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

3. Lands irrigated or place of use:

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

Total acres _____

A. 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

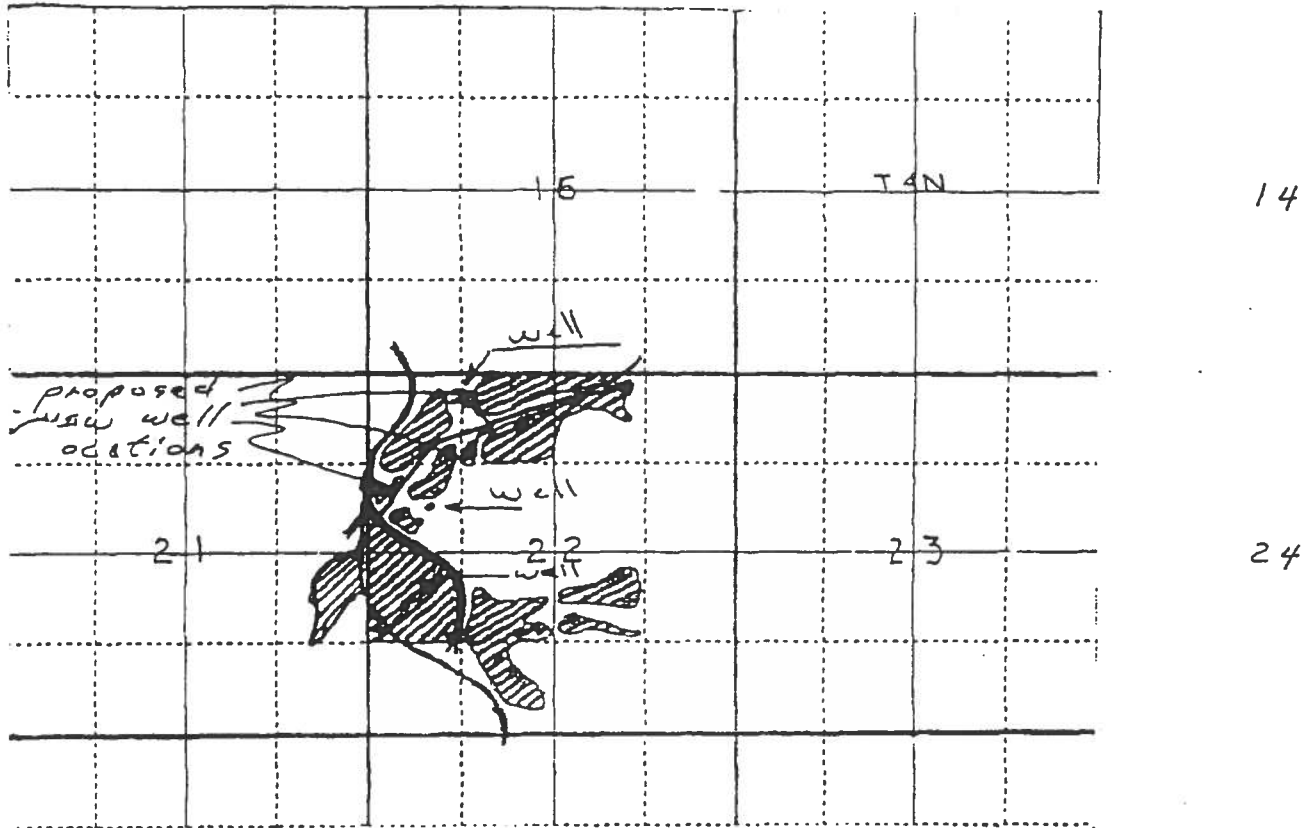
RECORDED
 OCT 27 1992

Total acres _____

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 rights described in part 1. Clearly depict the land by section, township and range number.

SEC. 22, T4N, R2E



28

27

26

25

33

34

35

36

OCT 27 1992

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

4N
2E+

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

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.

J. L. Terteling, Trustee, Terteling Trust No. 7

(Signature of Applicant)

Subscribed and sworn to before me this 17th day of July, 19 92

(Notary Public)

My commission expires 5-7-97

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by MM Date 7-20-92 Protest filed by _____Prelim. check by _____ Fee \$50.00 _____Receipted by JLD Date 7-20-92 _____Published in Salinas Statesman Copies of protest forwarded by _____Pub. dates 8/6 & 8/13/92 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by DM

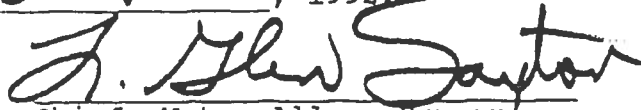
Copy of transfer sent to lien holder _____

MAILED
OCT 27 1992

CONDITIONS OF APPROVAL
Transfer of Water Right No. 63-03603

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands described above.
6. Use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
7. Use of low temperature geothermal water for irrigation purposes is prohibited, unless the heat is first removed through another beneficial use.
8. Approval of this transfer authorizes the diversion of water from one producing well only.

Dated this 5th day of October, 1992


Chief, Water Alloc. Bureau

RECEIVED
OCT 27 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-07595

Priority: March 7, 1973

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 466.7 AF

This is to certify, that TERTELING TRUST NO 7
877 W MAIN ST #706
BOISE ID 83702

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 3, 1972; and
has submitted Proof of Beneficial Use on June 29, 1982. An examination indicates
that the works have a diversion capacity of 2.930 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	463.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.0 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.2 AF
	Totals	2.00 CFS	466.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 15, Township 04N, Range 02E
SWNW , Sec. 22, Township 04N, Range 02E
NWSW , Sec. 22, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	21	SENE 1	NESE 8	SESE 10	19
		22	NWNE 8	NENW 11	NWNW 10	
			SWNW 27	SENE 1	NESE 3	
			NWSW 14	SNSW 3	SESE 3	
			NWSE 4			84

Total number of acres irrigated: 103

PLACE OF USE: STOCKWATER

TWN RGE SEC

04N 02E 22 SWNW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

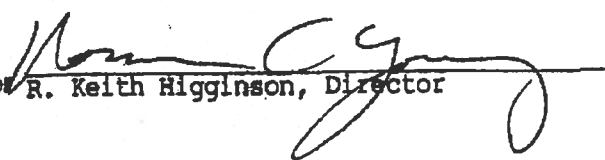
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this

FEB 02 1993

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**
WATER RIGHT NO. 63-07595CONDITIONS/REMARKS:

- right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
 3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
 4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
 6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
 7. Diversion and use of low temperature geothermal resource water under terms of this license is subject to the control of the watermaster of Water District 63-S, Stewart Gulch, upon a determination of interconnection with other low temperature geothermal water users in the district.
 8. Domestic use is for 2 homes.
 9. Stockwater use is for 150 mixed stock.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 14th day of JANUARY, 1993.

Acting for  R. Keith Higginson, Director

FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4202
WATER RIGHT NO. 63-07595

This is to certify that: **TERTELING TRUST NO 7**
877 W MAIN ST #706
BOISE ID 83702

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	463.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.0 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.2 AF
Totals		2.00 CFS	466.7 AF

SOURCE

GROUNDWATER

Priority: 03/07/1973

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 22, Township 04N, Range 02E
NENW , Sec. 22, Township 04N, Range 02E
SWNW , Sec. 22, Township 04N, Range 02E
NWSW , Sec. 22, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	21	SENE 1	NESE 8	SESE 10	19
		22	NWNE 8	NENW 11	NWNW 10	
			SWNW 27	SENW 1	NESW 3	
			NWSW 14	SWSW 3	SESW 3	
			NWSE 4			84

Total number of acres irrigated: 103

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
04N	02E	22	SWNW

DEC 02 1993

PAGE 2

TRANSFER NO. 4202
WATER RIGHT NO. 63-07595

PLACE OF USE:

DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Right No. 63-07595 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4202.

Dated this 27th day of October, 19 93

A. Mue Gayton

Chief, Water Alloc. Bureau

DEC 02 1993

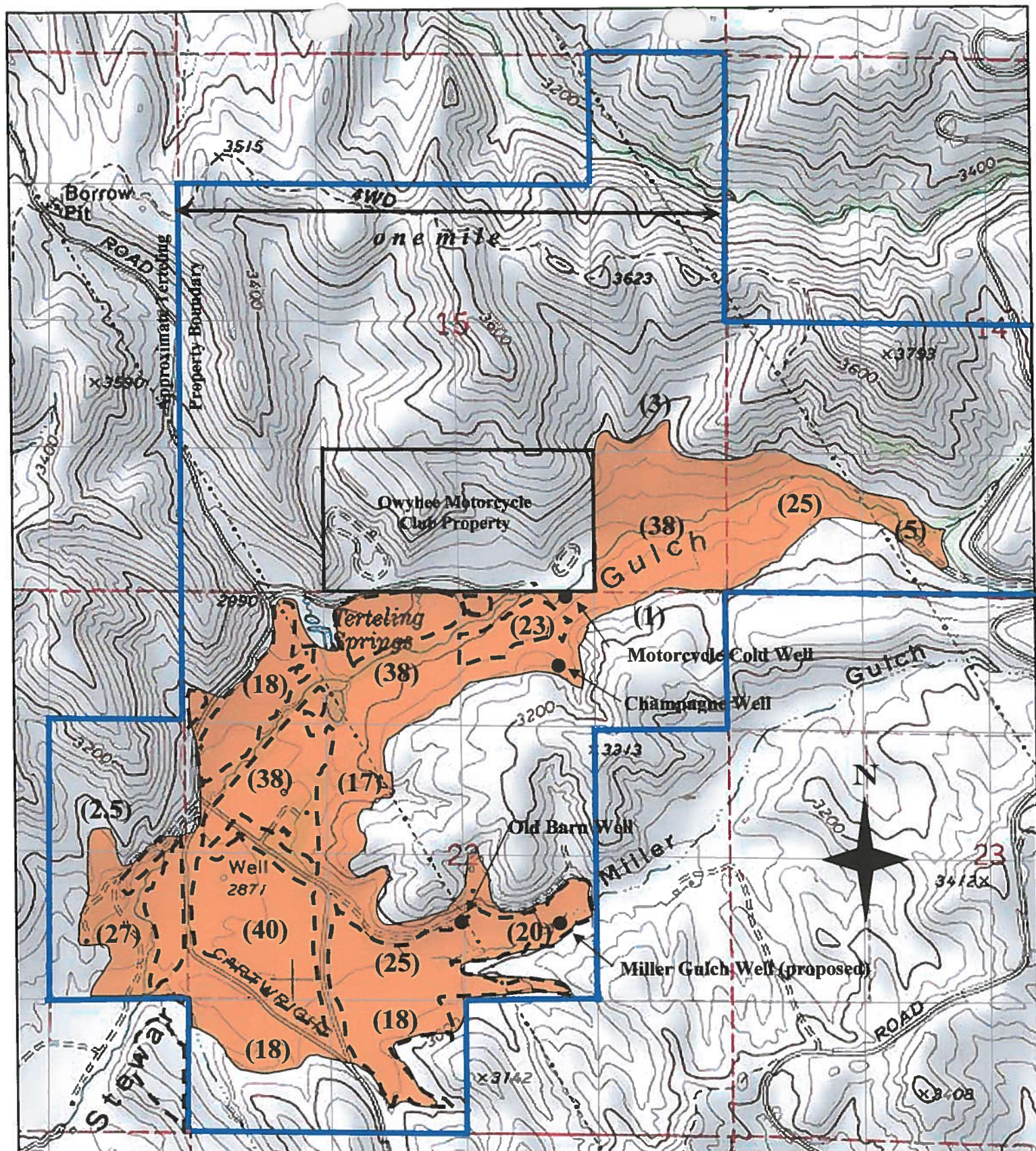


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which the water rights are licensed. The black numbers in parentheses shown for each tract (1/4 - 1/4 section) represent the total number of irrigable acres within that 1/4 1/4 section.. The points of diversion (wells) for the water rights proposed as points of diversion for the permissible place of use are denoted by solid black circles.

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, August 13, 2013 3:27 PM
To: 'roger.dittus@unitedwater.com'
Subject: Transfer & Permit Applications
Attachments: Application for Permit 63-12540.pdf; Application for Transfer 78280.pdf; Application for Transfer 78282.pdf

August 13, 2013

RE: Application for Permit No. 63-12540
Application for Transfer No's: 78280, 78282

Dear Mr. Dittus:

The above referenced applications may be of interest to you. I would like to inform you that all three applications have been submitted to The Idaho Statesman for advertising. I have enclosed copies of the three files for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer

Administrative Assistant
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise ID 83705
208-334-2190
RACHEL.SOMMER@IDWR.IDAHO.GOV

Enclosures

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, August 13, 2013 3:28 PM
To: Neely, Ken
Subject: FW: Transfer & Permit Applications
Attachments: Legal Notice.pdf; Application for Permit 63-12540.pdf; Application for Transfer 78280.pdf; Application for Transfer 78282.pdf; 1 Watermaster Recommendation Form.docx

The recommendation form is enclosed.

From: Sommer, Rachel
Sent: Tuesday, August 13, 2013 3:23 PM
To: Neely, Ken
Subject: Transfer & Permit Applications

August 13, 2013

KEN NEELY
WATER DISTRICT 63S
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No. 63-12540
Application for Transfer No's: 78280, 78282

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications and legal notice are enclosed with this email for your reference. Please review the applications, complete the enclosed recommendation form, and submit your reply, if any, to this office within 30 days.

The protest deadline for any interested party is September 3, 2013. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

IDWR will assume you do not object to this applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Sommer

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, August 07, 2013 12:34 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Afternoon Janice,

Please see the attached ad for publication on 8/15/2013 & 8/22/2013.

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

August 7, 2013

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

RE: Application for Permit No. 63-12540
Application for Transfer No's: 78280, 78282

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 9/3/2013.** Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-12540

THE TERTELING CO INC

3858 GARDEN CENTER WAY STE 300

BOISE, ID 83703

Points of Diversion NWNE NWNE NWNE NWSE S22 T04N R02E ADA County Source GROUND WATER

Use: IRRIGATION 3/15 to 11/15 1.1 CFS

Total Diversion: 1.1 CFS

Date Filed: 6/24/1999

Place of Use: IRRIGATION

T04N R02E S14 SWSW SESW

T04N R02E S15 NESE SESE

T04N R02E S21 SENE NESE SESE

T04N R02E S22 NENE NWNE NW(ALL) SW(ALL) NWSE

Total Acres: 357

Proposes 3 applications (Appl) for existing and proposed development around Cartwright Road about 1-2 miles north of Simplot Hill, east of Quail Hollow Golf Course. The Appls propose a 357 acre permissible place of use limited as follows: Appl 78280 for 63-10533, 25 acres; Appl 78282 for 63-3603 & 63-7595, 178 acres; Appl 63-12540, 95 acres; total irrigation per year, 298 acres. Appls 78280 and 63-12540 are limited to cold water less than 85 degrees Fahrenheit, Appl 78282 allows use of cold water and low temperature geothermal water (exceeding 85 degrees Fahrenheit), hotter water is from existing wells authorized under existing rights. Two new cold water wells are proposed (Creekside & Miller Gulch Wells). Water bearing zone for existing & proposed wells in Appl 63-12540 is from 205 to 595 feet. Ground water less than 200 feet deep is not involved. Appl 78280 retires use from Cartwright Well (formerly United Water) that is close to Simplot Hill.

PROPOSED CHANGE OF WATER RIGHTS

The Terteling Company Inc. of 3858 Garden Center Way, Boise, ID, 83703, filed Application Nos. 78280 and 78282 to transfer three water rights with 1967 to 1987 priority dates from ground water sources.

Transfer 78280 proposes to change a municipal water right to an irrigation right. The transfer also proposes to change and add points of diversion, place of use and season of use of the right.

Transfer 78282 proposes to change and add points of diversion and place of use of two existing irrigation rights.

Proposes 3 applications (Appl) for existing and proposed development around Cartwright Road about 1- 2 miles north of Simplot Hill, east of Quail Hollow Golf Course. The Appls propose a 357 acre permissible place of use limited as follows: Appl 78280 for 63-10533, 25 acres; Appl 78282 for 63-3603 & 63-7595, 178 acres; Appl 63-12540, 95 acres; total irrigation per year, 298 acres. Appls 78280 and 63-12540 are limited to cold water less than 85 degrees Fahrenheit, Appl 78282 allows use of cold water and low temperature geothermal water (exceeding 85 degrees Fahrenheit), hotter water is from existing wells authorized under existing rights. Two new cold water wells are proposed (Creekside & Miller Gulch Wells). Water bearing zone for existing and proposed wells in Appl 63-12540 is from 205 to 595 feet. Ground water less than 200 feet deep is not involved. Appl 78280 retires use from Cartwright Well (formerly United Water) that is close to Simplot Hill.

Permits will be subject to all prior water rights. 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. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, 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 9/03/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/15/2013 and 8/22/2013

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

RECEIVED

MAY 20 2013

**WATER RESOURCES
WESTERN REGION**

May 20, 2013

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Transfer Application Nos. 78280, 78272, Permit Application No. 63-12540

Dear Steve:

Thank you for your correspondence of April 8, 2013 addressing and raising issues related to the above-referenced applications. Your queries and concerns have helped us to analyze each of the applications and crystalize our thinking regarding the same. After discussing the applications with my client, we have determined to amend each of them to address your concerns, and to reflect the interrelationship between the water rights that are the subjects of the applications. Attached hereto are amended applications for each of the three above-referenced matters.

The central unifying features of all three applications are that the water rights addressed thereby will each be appurtenant to the same 357 acre permissible place of use; and that (with the exception of water right nos. 63-3603 and 63-7595 which already list additional points of diversion) they will each be diverted from the same four cold-water wells: Champagne, Motorcycle (cold), Creekside, and (proposed) Miller Gulch. One advantage that will result from approval of these applications will be to reduce the likelihood of TTCI's future diversions of low-temperature geothermal water for irrigation purposes by increasing the availability of cold water to be pumped into the distribution and delivery system.

Please note that Old Barn Well has been removed as a point of diversion under all of the applications so as to avoid the diversion of water from less than 200 feet below ground surface pursuant to any of the water rights subject to the applications. Finally, please see the attached revised maps of the permissible place of use and water distribution and delivery system that are applicable to all three applications.

I believe that the foregoing paragraph addresses the more general queries in your letter of April 8. As to the more specific questions I asked Ed Squires, TTCI's hydrogeologic consultant, to address the same. Here are the summaries of his answers to your questions:

Your Question nos. 1, 2 and 4 address concerns regarding wells that are less than 200 feet deep or the transfer of water to wells that are less than 200 feet deep.

No existing well, and no proposed well listed as points of diversion under any of the applications, have completion intervals less than 200 feet below land surface. Old Barn well was removed as a proposed point of diversion from all of the applications specifically to address this concern.

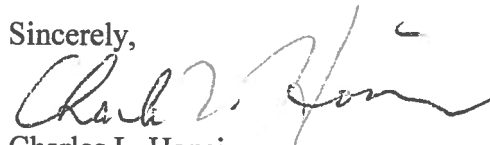
Your Question Nos. 3 and 5 address the impacts from the applications to the low-temperature geothermal aquifer. A summary of Mr. Squires' discussion with me is below:

No impacts to the low-temperature geothermal aquifer are expected from the diversions proposed under any of these applications. First, a total of 3.55 cfs was already being withdrawn from this immediate area (the total flow of water right nos. 63-3603, 63-7595, and 63-10533). Thus the only increase in withdrawals from the immediate area will be those related to permit application 63-12450 - a total of 1.1 cfs. This is a relatively small increase in total withdrawals from the cold water aquifer. Second, the deepest well proposed as a point of diversion under these applications - Champagne - which is 500 feet deep - consistently provides irrigation water for which the temperature is no greater than 70°F. Third, TTCI has a long history of pumping the deep cold water sub-aquifers under the Terteling Ranch and monitoring the same. This pumping has not ever impacted the low-temperature geothermal aquifer in terms of quantity, quality, temperature or aquifer pressures. The one shallower well that remains to be constructed (Miller Gulch) will be monitored for bottom hole temperature during drilling, and for water temperatures once constructed. In any case, based upon the historic data collected for many years by TTCI, no impacts to the low-temperature geothermal aquifer are expected from the diversions proposed under these applications.

I believe this answers the questions listed in your letter of April 8. Thank you again for your thoughtful queries that have led us to simplify and consolidate these three applications. Please let me know immediately should you have any additional questions or concerns. Otherwise, I will call or e-mail in the next couple of weeks to check on the status of the processing of these applications.

Thank you.

Sincerely,



Charles L. Honsinger

enclosures

cc: TTCI
Ed Squires



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

April 8, 2013

TERTELING CO INC
C/O HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701-0517

Re: Applications for Transfer Nos. 78280 & 78282, Application for Permit No. 63-12540

Dear Charlie:

I am writing to clarify details for the above referenced applications to be processed. Please review the following information and the enclosures.

Water rights 63-3603 and 63-7595 in application 78282 are somewhat unique. They were decreed to include some wells diverting both cold ground water and low temperature geothermal water ("hot water") via nested casings. Those waters are typically considered separate sources by the Idaho Department of Water Resources (IDWR) but co-exist within these rights. Examples include the Pool Well and the Motorcycle Well.

In addition to water temperatures, other ground water issues for the site cover cold, shallow ground water less than 200 feet deep and its association with the Boise River. New consumptive uses from the shallow aquifer must be mitigated to prevent injury to senior rights. Additionally, cold water deeper than 300 feet potentially communicates with hot water, even though treated as separate sources. Communication might adversely affect hot water. Finally, new consumptive use from hot water must be mitigated to protect water rights in the Boise Front Ground Water Management Area (BFGWMA) and the Stewart Gulch Water District (District).

Transfer Applications

Apparently both transfer applications intend to cover the same permissible place of use (PPU). Application 78282 covers rights 63-3603 and 63-7595. This application includes hot (Windsock) and cold (Champagne) aquifers. The application and map appear to be accurate. As a point of database clarification not requiring

application 78282 to be amended, total acres for larger parcels should not include fractional acres, prompting some rounding for database purposes. The enclosed copy of part of this transfer shows the rounding details. This will result in a 357 instead of 356.5 acre PPU. This is assumed to be acceptable unless specified otherwise.

Application 78280 addresses changing right 63-10533 from municipal to irrigation use for the same PPU. This application should be amended to match the PPU in the other transfer. Right 63-10533 describes the Cartwright Well with a water temperature of 80 degrees F. – warm but not hot, so treated as cold water. This application can include all the cold water wells but no hot water. The additional data provided from United Water Cartwright Well records supports your conclusion that 25 acres of irrigation are approvable in Application 78280. The total acre limit for the proposed PPU under all the transferred rights will be 203 acres. The proposed new well in application 78282 probably should include either the Miller Gulch Well or the Creekside Well (add one more diversion point).

Amending application 78280 as suggested also requires a different map – could be same PPU as the other transfer but slightly different wells to avoid hot water.

Application for Permit

The application originated in 1999 and is most likely outdated. Questions for this application follow.

1. Does the applicant want to withdraw the application and request a refund for the \$120 fee (see enclosed)?
2. Does the applicant want to proceed with this filing and add it to the proposed PPU or make it a separate development (separate system)? Note some of the acres currently proposed overlap with the proposed PPU but probably should not.
3. If adding to the PPU, how many new irrigated acres does the application add? Should the amount of water in the application be reduced for fewer new acres?
4. If this application joins the PPU, it should probably identify the same cold water wells as both transfer applications, including one new well in two alternate locations. A new map would be needed for this application.
5. If this application adds irrigated acres to the PPU and/or includes land not within the boundary of the PPU in the map for application 78282, a new map for all three applications might suffice. A new map could list all the existing and proposed well sites and the common PPU with acres per 40-acre tract shown. This new map could identify hot water wells to be excluded from applications 78280 and 63-12540.

All Applications, Ground Water Depths and Temperatures

Several questions apply to the applications as outlined below. Hot ground water and cold ground water are considered separate sources. Cold water less than 200 feet deep upstream from Star is considered

tributary to the fully appropriated reach of the Boise River and is not available for new uses unless mitigated. Cold water deeper than 300 feet at the proposed site might communicate with hot water in the BFGWMA. Finally, hot water in the BFGWMA and the District is not available for appropriation unless the new use is mitigated.

For the cold aquifer, changing existing rights from greater than 200 feet deep to less than 200 feet deep is problematic. Likewise, changing in this aquifer from less than 300 feet deep to greater than 300 feet deep might be problematic.

Questions

1. For the transfers, does existing use from any existing well include cold water less than 200 feet deep? Will any proposed well(s) include cold water less than 200 feet deep? Identify which, if any, wells do or will include ground water less than 200 feet deep.
2. Will the transfers include a change in diverting cold water deeper than 200 feet to diverting cold water less than 200 feet deep? That use must be mitigated if it will occur.
3. Will the transfers include a change in diverting cold water less than 300 feet to diverting cold water greater than 300 feet deep? That change must address potential affects to the hot water aquifer. Affects can include water quantity, quality, temperature and pressure.
4. Will application 63-12540 include cold water less than 200 feet deep? If so, mitigation is needed for the additional consumptive use proposed in this filing.
5. Will application 63-12540 include cold water deeper than 300 feet? If so, the applicant must show the new appropriation from deeper water will not adversely affect hot water within the BFGWMA.

The applicant should amend the applications as needed and submit the requested additional information for processing to continue. A written response, which can include a request for more time to complete these steps, must be received within the next ninety (90) days. Without a timely reply, IDWR will issue preliminary orders to reject or void applications. Application fees will not be refunded for rejected or voided applications.

Please contact me at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

**WITHDRAWAL
OF
APPLICATION FOR PERMIT**

I/We, _____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Permit to Appropriate the Public Waters of the

State of Idaho, No. 63 12540 *

Signed this _____ day of _____, 20 _____.

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

*
includes request for
\$120 Application
fee refund.

78282

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 Nature of Use Period of Use Source & Tributary

(cfs/ac-ft)

All or Part

☒	☐	63-3603	1.03 cfs	Irrigation	03-15	to	11-15	Ground water
☒	☐	63-7595	2.00 cfs	Irrigation	03-15	to	11-15	Ground water
☒	☐	63-7595	.05 cfs	Stockwater	01-01	to	12-31	Ground water
☐	☐					to		
☐	☐					to		
☐	☐					to		
☐	☐					to		
☐	☐					to		

fyi info - does not need to be amendedTotal authorized under rights 3.03 cfs and/or 816.50 ac-ft2. Total amount of water proposed to be transferred or changed 3.03 cubic feet per second and/or 816.50 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 #
			NW	SE	22	4N	2E	ADA	Ground water	Old Barn Well
Y			NW	SE	22	4N	2E	ADA	Ground water	Miller Gulch
			NW	SW	22	4N	2E	ADA	Ground water	Windsock
			SW	NW	22	4N	2E	ADA	Ground water	Pool
Y			NW	NE	22	4N	2E	ADA	Ground water	Creekside

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	
4N	2E	14											25	5					30
4N	2E	15													3			38	41
4N	2E	21				2.5									27			0.5	30
4N	2E	22	3	23			38	18	38 S	18.5	25	40	13	18		21			255.5

Rounding details for
database standardsTotal Acres (for irrigation use) 178 within 356.5

357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78282

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 ☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights _____ cfs and/or _____ ac-ft

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NE	22	4N	2E	ADA	Ground water	Motorcycle
			NW	NE	22	4N	2E	ADA	Ground water	Champagne

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	

Total Acres (for irrigation use) _____

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

RECEIVED

FEB 04 2013

WATER RESOURCES
WESTERN REGION

February 4, 2013

Transmitted by Hand Delivery

Steve Lester, Water Rights Supervisor
Idaho Department of Water Resources
Western Region Offices
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer No. 78282, Water Right Nos. 63-3603, 63-7595

Dear Steve:

The above-referenced transfer application has been pending since 2005 awaiting SRBA decrees of the subject water rights. As The Terteling Company, Inc. has determined that, in order to further decrease the use of geothermal water for irrigation of its property, it needs to construct at least one new cold-water well to continue producing the irrigation water needed, the decree of the rights permitting processing of the transfer application is a welcome coincidence.

To that end, and to bring the transfer application in line with the SRBA decrees of the rights, I submit the Amended Application for Transfer no. 78282 on behalf of my client. You will note that the proposed ten-acre change in the place of use has been removed from the application as the SRBA district court resolved that particular issue. Now, the proposed transfer consists of simply adding the Old Barn and proposed Miller Gulch and Creekside wells (see attached location map) to the Windsock, Motorcycle, Champagne, and Pool wells that are existing points of diversion for the water rights. Additionally, it is proposed to remove the Terteling Springs well as a point of diversion from water right no. 63-3603. Finally, the application proposes to create a 356.5 acre permissible place of use within which the decreed 178 acres may be irrigated.

The essential purpose of the transfer is to ensure that either water right can be diverted from any of the wells that are (or will be) points of diversion for both rights, and that any such water can be applied to any acreage authorized to be irrigated after the transfer. This will allow maximum flexibility, and have the added benefit of reducing the need to use the geothermal water from the Windsock well for irrigation purposes, thereby conserving that resource for heating and related uses, and reducing unnecessary impacts on Water District 63-S water users.

Steve Lester
January 23, 2013
Page 2

No additional water volume or diversion rate is sought.

I look forward to answering any questions or addressing any concerns regarding this proposed amended transfer application, and await prompt processing of the same.

Sincerely,

A handwritten signature in cursive script, reading "Charles L. Honsinger". The signature is written in dark ink and is positioned above the printed name.

Charles L. Honsinger

cc: Client (w/enclosure)
Ed Squires (w/enclosure)

Lester, Steve

From: Ed Squires [ed@hydrologicinc.net]
Sent: Friday, May 15, 2009 5:54 PM
To: Lester, Steve
Cc: Andy J. Terteling ; Joe L. Terteling; Honsinger Charlie ; Music, Vicky
Subject: 5-15-2009 The Terteling Company, Inc. Cold Water Transfer of Water Rights Nos. 63-7595 and 63-3603 Distribution System Map
Attachments: 5-15-2009 Permissable Place of Use Transfer Map with Pipelines on 11x17 smaller.pdf



[1002 W. Franklin St. Boise, ID 83702 \(208\) 342-8369 Fax: \(208\) 342-3100 Cell: \(208\) 631-6781](mailto:ed@hydrologicinc.net)

Dear Steve,

Approximately two weeks ago, I received a call from Sandy Hemenway of the IDWR State office requesting a map of the cold water irrigation distribution system on the Terteling Ranch in Stewart Gulch pursuant to a pending water rights transfer of The Terteling Company, Inc.'s (TTCI) water rights Nos. 63-7595 and 63-3603. I had indicated to Sandy that I had an existing map of the distribution system and that I would send a copy right over.

Unfortunately, after some research, I discovered we had not prepared such a map (as I had thought and indicated) and we set about developing one from TTCI records. Last week, I happened to encounter Sandy H. at the State office and indicated to her that we were working on the requested map. She informed me that I should direct all future correspondence on the transfer application to Vicky Music's attention at the IDWR Western Regional Office.

Attached, above, is our best representation of the main lines of the existing cold water irrigation distribution system. We developed the map from TTCI records, from discussions with the Terteling Ranch Operations Manager and the Terteling family, and from our own experience with the irrigation system.

The map does not show smaller lines, sprinkler guns, and/or pivots and wheel lines used to irrigate individual fields.

I hope this satisfies the original request by the Department. Please do not hesitate to let us know directly if additional information is needed with respect to this transfer application.

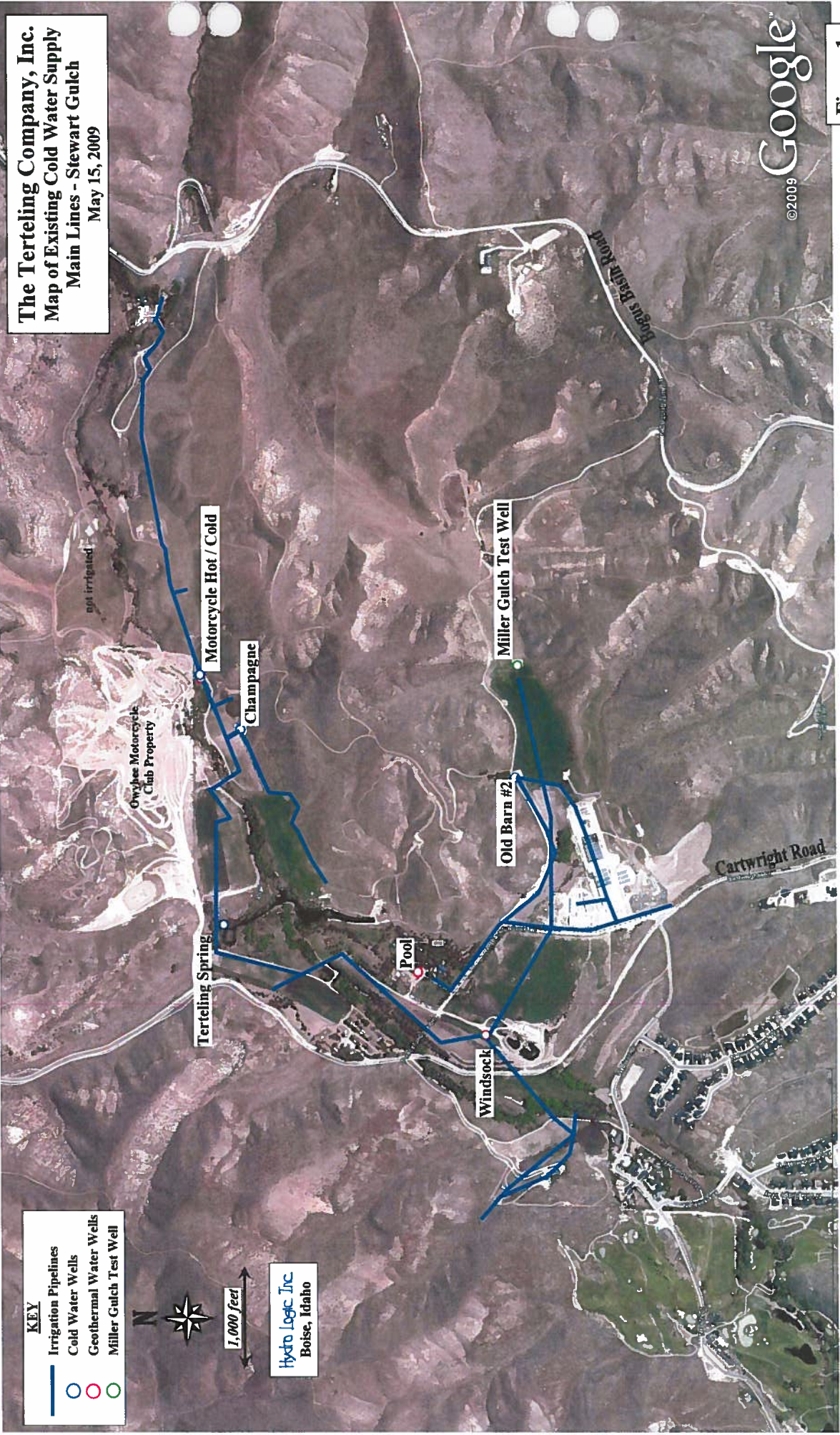
Respectfully,

Ed Squires

Copy to T. 73898 & 63-10533

5/18/2009

The Terteling Company, Inc.
Map of Existing Cold Water Supply
Main Lines - Stewart Gulch
 May 15, 2009



KEY

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



Hydro Logic Inc
 Boise, Idaho

Google
 ©2009

Figure 1.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 21, 2005

T-7 LLC C/O CHARLES HONSINGER
455 S 3RD ST
PO BOX 2773
BOISE ID 83701

Re: Application for Transfer of Water Right(s)

Dear Applicant:

Your application for transfer to change a water right(s) was recently received. Processing of the application must be delayed as explained below.

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

June 8, 2005

Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, Idaho 83705-5082

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

RECEIVED

JUN 08 2005

**WATER RESOURCES
WESTERN REGION**

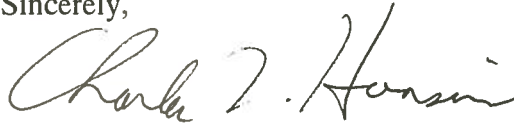
Re: Application for Transfer of Water Right Nos. 63-3603 and 63-7595

Dear Sir and/or Madam:

Enclosed please find the above referenced Application, together with a check in the amount of \$370.00 that I hereby file on behalf of my client, T-7, LLC.

Please contact me with any questions or concerns regarding this transfer application, and please contact me with the dates of advertisement once they are determined. Thank you.

Sincerely,



Charles L. Honsinger

cc: Tom Terteling
Ed Squires