

All or Split	Basin	Sequence	Suffix	Process	Basis	Status	Priority Date	Diversion Rate	Volume	Cons. Volume	Total Acres	Source List	Water Use List	Notes
All	43	2381		Water Right	Decreed	Active	6/2/1952	1.670	660.0	402.6		GROUND WATER	COOLING	
Split	43	2534	B	Water Right	Decreed	Active	7/2/1962	2.200	490.0	298.7		GROUND WATER	COOLING	
Split	43	10069		Water Right	Decreed	Active	6/30/1985	3.870	1,150.0	448.7		GROUND WATER	COOLING	This right provides only consumptive use, not added rate or volume.
Total								3.870	1,150.0	1,150.0				

Split	43	2534	B	Water Right	Decreed	Active	7/2/1962	1.540	230.5	230.5	76.8	GROUND WATER	IRRIGATION	Acreage determined by dividing the consumptive use volume in Transfer 72440 by 3.0 af/acre.
Split	43	10069		Water Right	Decreed	Active	6/30/1985	1.760	163.5	163.5	131.3	GROUND WATER	IRRIGATION	Expansion right. Acreage determined by dividing total consumptive volume of 394 af by 3.0 af/acre. Rate preserves the 5.63 cfs total prior to the change.
Subtotal								1.760	394.0	394.0	131.3			Use Raft River water first on 99.6 acres
All	43	120		Water Right	Decreed	Active	11/20/1913	1.330		199.2	66.4	RAFT RIVER	IRRIGATION	Acreage determined by dividing the consumptive use volume in Transfer 72440 by 3.0 af/acre.
All	43	2167	B	Water Right	Decreed	Active	5/25/1914	0.660		99.6	33.2	RAFT RIVER	IRRIGATION	Acreage determined by dividing the consumptive use volume in Transfer 72440 by 3.0 af/acre.
Subtotal								1.990		298.8	99.6			
Total								2.630	394.0	394.0	131.3			

Grand Total								6.500	1,544.0	1,544.0	131.3			
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Scott,

The table on this page is a concept for reserving the water needed for cooling at US Geothermal's Raft River plant while converting the rest of the cooling water back to irrigation.

The key item driving the numbers is that IDWR is unlikely to allow you to transfer back to the deficit irrigation situation that preceded the transfer. In Basin 43, IDWR will require at least 3.0 af per acre. Consequently, the total number of acres per right are less than before the transfer. The change will allow any crop to be grown, which keeps IDWR from having to regulate by crop type and also makes the rights more attractive to buyers or renters.

The Raft River rights would be primary on 99.6 acres, leaving only 31.7 acres of groundwater rights that could theoretically stand alone. (See below.)

The biggest concern I have is overcoming IDWR's forfeiture review. Idaho Code § 42-222(2) states that forfeiture occurs after five years of non-use. IDWR's review standard is to start counting the year after the last action, count five years, then expect a resumption of use by the next year. In this case, the transfer was in 2006, so we would count 2007-2011 as the five year grace period, and we would expect resumption in 2012. Since that did not occur, IDWR would not approve a transfer or a Water Supply Bank lease at this time. About the only option would be to resume use of the unused Raft River rights in your cooling process for a year or two, then apply for a transfer or a Water Supply Bank lease. Resumption for cooling would not have to occur on the corresponding portion of the ground water rights (the portion supplemental to surface water). The difficult part is how to resume use of the remaining ground water rights. Since they are all diverted from the same wells, it does not seem reasonable to say that you are using all of Rights 43-2534B and 43-10069 while "resting" Right 43-2381, since Right 43-2381 is the senior priority right. It just may not be possible to convert the non-supplemental portion of the ground water back to irrigation.

Shelley Keen
IDWR

3/26/2013