

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72440

This is to certify that: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706
 (208) 424-1027

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-120	WR/Decreed	11/20/1913	1.60 cfs	N/A	80.0	928.0	RAFT RIVER
43-2167B	WR/Decreed	05/25/1914	0.80 cfs	N/A	40.0	928.0	RAFT RIVER
43-2534B	WR/Decreed	07/02/1962	3.96 cfs	884 af	221.0	928.0	GROUND WATER
43-2381	WR/Decreed	06/02/1952	1.67 cfs	660 af	165.0	928.0	GROUND WATER
43-10069	WR/Decreed	06/30/1985	5.63 cfs	1544 af	542.0	928.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-120	NO	NO	YES	NO	NO	YES
43-2167B	NO	NO	YES	NO	NO	YES
43-2534B	NO	NO	YES	NO	YES	YES
43-2381	NO	NO	YES	NO	YES	YES
43-10069	NO	NO	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

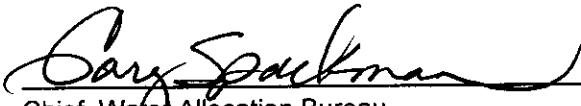
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-120	43-120	1.60 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
43-2167B	43-2167B	0.80 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
43-2534B	43-2534B	3.96 cfs	884.0 af	N/A	N/A		N/A	N/A	N/A	N/A
43-2381	43-2381	1.67 cfs	660.0 af	N/A	N/A		N/A	N/A	N/A	N/A
43-10069	43-10069	5.63 cfs	1544.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		8.03 cfs	1544.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of December, 2006

SUPPORT DATA

IN FILE # 43-120


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-120
As Modified by Transfer No. 72440

In accordance with the approval of Transfer No. 72440, Water Right No. 43-120 is now described as follows.

Right Holder: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706

Priority Date: November 20, 1913

Source: RAFT RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COOLING	03/15	11/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RAFT RIVER NENESW Sec. 27 Twp 15S Rge 26E CASSIA County

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 23															X		
15S 26E 26					X	X	X	X	X	X	X	X		X	X		
15S 26E 27	X	X	X	X					X		X	X	X	X	X	X	
15S 26E 28																X	
15S 26E 33	X																
15S 26E 34						X											

CONDITIONS OF APPROVAL

1. Rights 43-120, 43-2167B, 43-2534B, 43-2381 and 43-10069 when combined shall not exceed a total annual maximum diversion volume of 1544.0 acre-feet.
2. The consumptive use of water under this right shall not exceed 199.2 acre-feet per year.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43-B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Cooling use is for two (2) geothermal power plants located within the SWSE, Sec. 23 and the NWNE, Sec. 27, T15S, R26E.
6. The place of cooling use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the power plants as authorized by these water rights.

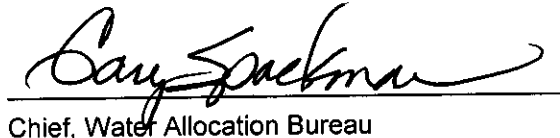
WATER RIGHT NO. 43-120
As Modified by Transfer No. 72440

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Return flow discharged to a subsurface system through an injection well must be authorized by a separate injection well permit.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2167B
As Modified by Transfer No. 72440

In accordance with the approval of Transfer No. 72440, Water Right No. 43-2167B is now described as follows.

Right Holder: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706

Priority Date: May 25, 1914

Source: RAFT RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COOLING	03/15	to 11/15	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RAFT RIVER NENESW Sec. 27 Twp 15S Rge 26E CASSIA County

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 23															X		
15S 26E 26					X	X	X	X	X	X	X	X		X	X		
15S 26E 27	X	X	X	X					X		X	X	X	X	X	X	
15S 26E 28																X	
15S 26E 33	X																
15S 26E 34						X											

CONDITIONS OF APPROVAL

1. Rights 43-120, 43-2167B, 43-2534B, 43-2381 and 43-10069 when combined shall not exceed a total annual maximum diversion volume of 1544.0 acre-feet.
2. The consumptive use of water under this right shall not exceed 99.6 acre-feet per year.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43-B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Cooling use is for two (2) geothermal power plants located within the SWSE, Sec. 23 and the NWNE, Sec. 27, T15S, R26E.
6. The place of cooling use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the power plants as authorized by these water rights.

WATER RIGHT NO. 43-2167B
As Modified by Transfer No. 72440

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Return flow discharged to a subsurface system through an injection well must be authorized by a separate injection well permit.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2381
As Modified by Transfer No. 72440

In accordance with the approval of Transfer No. 72440, Water Right No. 43-2381 is now described as follows.

Right Holder: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706

Priority Date: June 02, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COOLING	01/01	to 12/31	1.67 CFS	660.0 AF
			1.67 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNESW	Sec. 26 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NWNWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	SWSWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NENENE	Sec. 33 Twp 15S	Rge 26E	CASSIA County

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 23															X		
15S 26E 26					X	X	X	X	X	X	X	X		X	X		
15S 26E 27	X	X	X	X					X		X	X	X	X	X	X	
15S 26E 28																X	
15S 26E 33	X																
15S 26E 34						X											

CONDITIONS OF APPROVAL

1. Rights 43-2381, 43-2534B and 43-10069 when combined shall not exceed a total diversion rate of 5.63 cfs, and a total annual maximum diversion volume of 1544.0 acre-feet.
2. Rights 43-120, 43-2167B, 43-2534B, 43-2381 and 43-10069 when combined shall not exceed a total annual maximum diversion volume of 1544.0 acre-feet.
3. The consumptive use of water under this right shall not exceed 402.6 acre-feet per year.
4. Right 43-10069 is an expansion of this right pursuant to Sec. 42-1416B, Idaho Code.
5. Cooling use is for two (2) geothermal power plants located within the SWSE, Sec. 23 and the NWNE, Sec. 27, T15S, R26E.
6. The place of cooling use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the power plants as authorized by these water rights.

WATER RIGHT NO. 43-2381
As Modified by Transfer No. 72440

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Return flow discharged to a subsurface system through an injection well must be authorized by a separate injection well permit.
9. To the extent that rights 43-2381, 43-2534B and 43-10069 are used in combination at a rate of diversion greater than 4.90 cfs, the following shall apply:
 - The right holder shall make full beneficial use of surface water Rights 43-120 and 43-2167B when available to the right holder for cooling use authorized under this right. The right holder shall limit the diversion of ground water under Rights 43-2381, 43-2534B and 43-10069 to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient for the cooling use authorized under this right.
 - If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2534B
As Modified by Transfer No. 72440

In accordance with the approval of Transfer No. 72440, Water Right No. 43-2534B is now described as follows.

Right Holder: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706

Priority Date: July 02, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COOLING	01/01	to 12/31	3.96 CFS	884.0 AF
			3.96 CFS	884.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNESW	Sec. 26 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NWNWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	SWSWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NENENE	Sec. 33 Twp 15S	Rge 26E	CASSIA County

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 23															X		
15S 26E 26					X	X	X	X	X	X	X	X		X	X		
15S 26E 27	X	X	X	X					X		X	X	X	X	X	X	
15S 26E 28																X	
15S 26E 33	X																
15S 26E 34						X											

CONDITIONS OF APPROVAL

1. Rights 43-2381, 43-2534B and 43-10069 when combined shall not exceed a total diversion rate of 5.63 cfs, and a total annual maximum diversion volume of 1544.0 acre-feet.
2. Rights 43-120, 43-2167B, 43-2534B, 43-2381 and 43-10069 when combined shall not exceed a total annual maximum diversion volume of 1544.0 acre-feet.
3. The consumptive use of water under this right shall not exceed 539.2 acre-feet per year.
4. Right 43-10069 is an expansion of this right pursuant to Sec. 42-1416B, Idaho Code.
5. Cooling use is for two (2) geothermal power plants located within the SWSE, Sec. 23 and the NWNE, Sec. 27, T15S, R26E.
6. The place of cooling use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the power plants as authorized by these water rights.

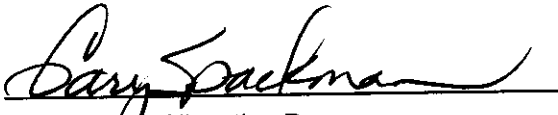
WATER RIGHT NO. 43-2534B
As Modified by Transfer No. 72440

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Return flow discharged to a subsurface system through an injection well must be authorized by a separate injection well permit.
9. To the extent that rights 43-2381, 43-2534B and 43-10069 are used in combination at a rate of diversion greater than 4.90 cfs, the following shall apply:
 - The right holder shall make full beneficial use of surface water Rights 43-120 and 43-2167B when available to the right holder for cooling use authorized under this right. The right holder shall limit the diversion of ground water under Rights 43-2381, 43-2534B and 43-10069 to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient for the cooling use authorized under this right.
 - If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10069
As Modified by Transfer No. 72440

In accordance with the approval of Transfer No. 72440, Water Right No. 43-10069 is now described as follows.

Right Holder: U S GEOTHERMAL INC
 1509 TYRELL LN STE B
 BOISE ID 83706

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COOLING	01/01 to 12/31	5.63 CFS	1,544.0 AF
		5.63 CFS	1,544.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNESW	Sec. 26 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NWNWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	SWSWSE	Sec. 27 Twp 15S	Rge 26E	CASSIA County
GROUND WATER	NENENE	Sec. 33 Twp 15S	Rge 26E	CASSIA County

PLACE OF USE: COOLING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 23															X		
15S 26E 26					X	X	X	X	X	X	X	X		X	X		
15S 26E 27	X	X	X	X					X		X	X	X	X	X	X	
15S 26E 28																X	
15S 26E 33	X																
15S 26E 34						X											

CONDITIONS OF APPROVAL

1. Rights 43-2381, 43-2534B and 43-10069 when combined shall not exceed a total diversion rate of 5.63 cfs, and a total annual maximum diversion volume of 1544.0 acre-feet.
2. Rights 43-120, 43-2167B, 43-2534B, 43-2381 and 43-10069 when combined shall not exceed a total annual maximum diversion volume of 1544.0 acre-feet.
3. This right is an expansion of Rights 43-2381 and 43-2534B pursuant to Sec. 42-1416B, Idaho Code.
4. Cooling use is for two (2) geothermal power plants located within the SWSE, Sec. 23 and the NWNE, Sec. 27, T15S, R26E.
5. The place of cooling use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the power plants as authorized by these water rights.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

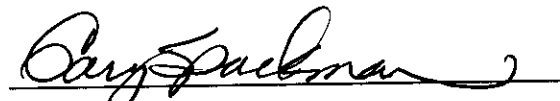
WATER RIGHT NO. 43-10069
As Modified by Transfer No. 72440

CONDITIONS OF APPROVAL

7. Return flow discharged to a subsurface system through an injection well must be authorized by a separate injection well permit.
8. To the extent that rights 43-2381, 43-2534B and 43-10069 are used in combination at a rate of diversion greater than 4.90 cfs, the following shall apply:
 - The right holder shall make full beneficial use of surface water Rights 43-120 and 43-2167B when available to the right holder for cooling use authorized under this right. The right holder shall limit the diversion of ground water under Rights 43-2381, 43-2534B and 43-10069 to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient for the cooling use authorized under this right.
 - If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of December, 2006


Chief, Water Allocation Bureau