

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

63-9139

IN THE MATTER OF PETITION FOR)
ORDER AUTHORIZING ADDITIONAL)
USE UNDER EXISTING PERMITS AND)
MORATORIUM ORDER FOR WATER)
RIGHTS 63-9138 & 63-9139 IN THE)
NAME OF THE CITY OF BOISE)
_____)

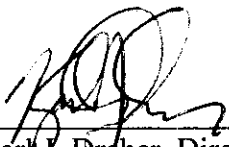
**ORDER EXTENDING STAY
OF FURTHER PROCEEDINGS**

Pursuant to the September 6, 2002 Order Accepting Settlement in Part and Stay of Proceedings Regarding Remainder of Petition entered in this matter and the February 25, 2004 motion by the City of Boise joined in by the other parties to this proceeding, and having considered the matter, the Director of the Department of Water Resources makes the following Order:

ORDER

IT IS THEREFORE HEREBY ORDERED that further proceedings in the captioned matter are stayed regarding any increase in the production limit above 230 million gallons per year by the City of Boise under water permits 63-9138 and 63-9139 until at least January 1, 2005.

Dated this 24th day of March 2004.



Karl J. Dreher, Director
Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2004, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Boise Warm Springs Water District
c/o Bruce Smith
Moore Smith Buxton & Turcke
225 N. Ninth St Ste 420
Boise, ID 83702

Edwards' Greenhouses
c/o Dana Hofstetter
Hofstetter Law Office
608 W. Franklin St
Boise, ID 83702

State of Idaho, Dept. of Lands
c/o Harriet Hensley
Attorney General's Office
P.O. Box 83720
Boise, ID 83720-0010

State of Idaho, Dept of Admin
c/o Joanna L. Guilfoy
650 W. State St Room 100
Boise, ID 83720-0003

Terteling Company, Inc.
c/o Charles Honsinger
Ringert Clark Chtd
P.O. Box 2773
Boise, ID 83701-2773

Felicia Burkhardt
Rep. of Dallas Harris
c/o Mike Wardle
P.O. Box 125
Boise, ID 83701

Pat Flanagan
Dept. of Veterans Affairs
Medical Center
500 W. Fort Street
Boise, ID 83702

Manager
Quail Hollow Golf Club
4520 N. 36th St
Boise, ID 83703

Robert A. Maynard
Perkins Coie LLP
251 E. Front Street, Ste 400
Boise, ID 83702-7310



Victoria Wigle
Administrative Assistant to the Director
Department of Water Resources

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-09139

Priority: April 17, 1978

Maximum Diversion Rate: 12.00 CFS

This is to certify, that CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COOLING	01/01 to 12/31	12.00 CFS
HEATING	01/01 to 12/31	12.00 CFS
IRRIGATION	04/01 to 10/15	12.00 CFS
MUNICIPAL	01/01 to 12/31	12.00 CFS

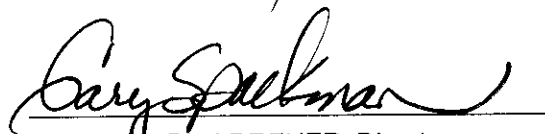
LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp 03N, Rge 02E, B.M	ADA County
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp 03N, Rge 02E, B.M	ADA County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp 03N, Rge 02E, B.M	ADA County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp 03N, Rge 02E, B.M	ADA County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before a date to be determined by the Department in connection with the Request for Extension of Time to Submit Proof of Beneficial Use received on May 30, 1989.
2. Subject to all prior water rights.
3. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Place of use is within the City of Boise geothermal water supply service area.
7. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
8. Rights 63-9138 and 63-9139 when combined shall not exceed a total diversion rate of 17.35 cfs for irrigation purposes.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of January, 2004.


KARL J DREHER, Director

IN THE MATTER OF
PETITION FOR ORDER
AUTHORIZING ADDITIONAL USE UNDER
EXISTING PERMITS AND MORATORIUM
ORDER

FILED ON BEHALF OF THE CITY OF BOISE
FOR PERMITS 63-9138 AND 63-9139,

IS LOCATED IN THE FILE FOR
PERMIT NO. 63-9138

RECEIVED

APR 25 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN - 6 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESReceipt No. W030402
Received By SL
Date 4/29/03

70554

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant City of Boise Public Works Dept. Phone 384-3901Address P.O. Box 500 Boise, ID 83701I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-9139, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: x Change point of diversion Add point of diversion
 Change place of use Change nature of use Change period of use Other1. Point of diversion: NE 1/4 NE 1/4 NW 1/4, Section 11, Township 3N, Range 2E, B.M.,
County of Ada. Other points of diversion SWNWNE Sec 11 3N2E(2 wells in each location for total of 4 wells)2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) no changeAmount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)3. Place of use or land to be irrigated: no change

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

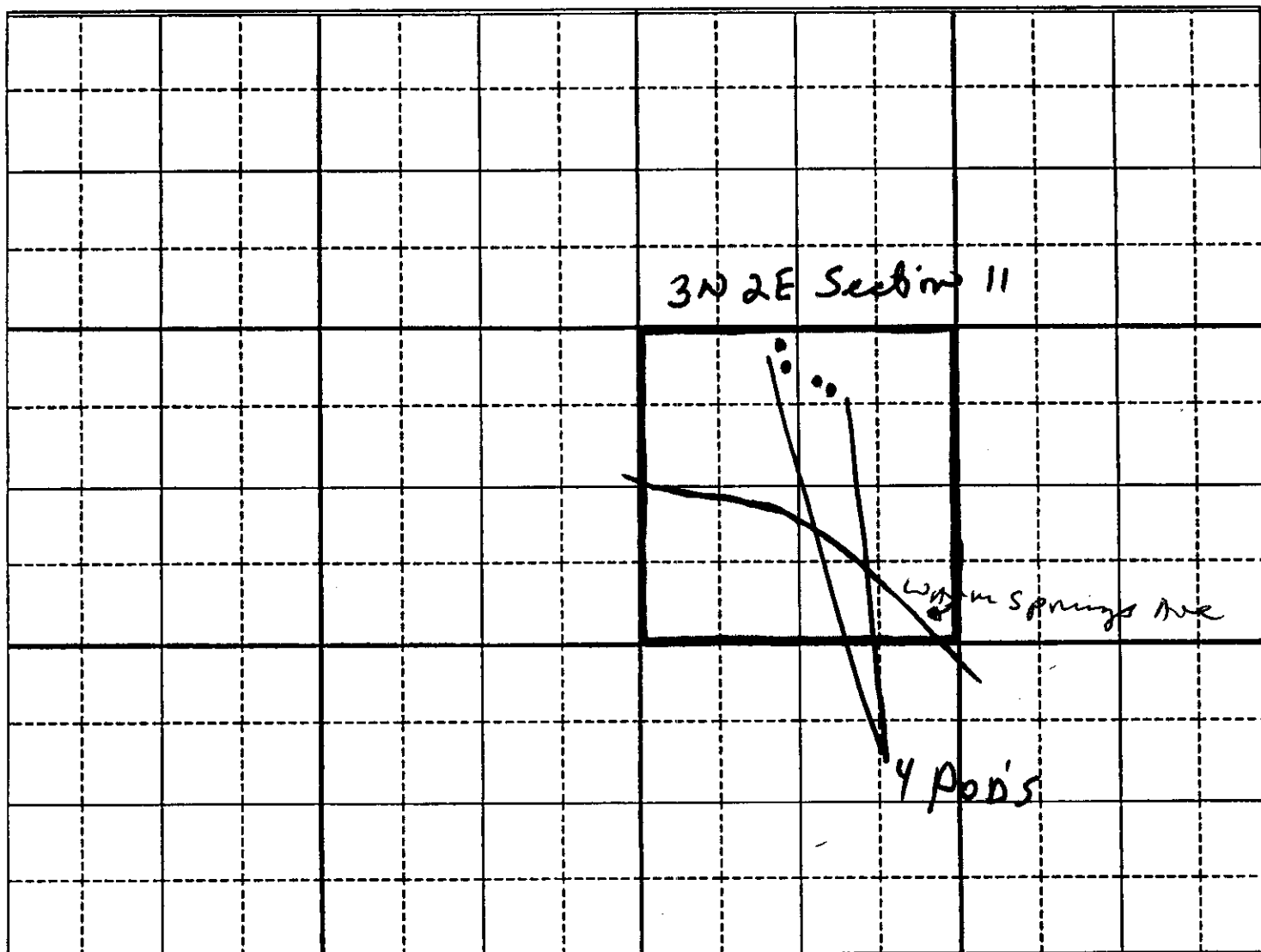
Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? City of Boise
- b. Who owns the land to be irrigated at the place of use? City of Boise and/or its residents
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: municipality

This change is to correct the permit. The legal description of the points of diversion on the original permit was incorrect.

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 23rd day of April, 2003.

Charles R. Micka
Permit Holder
Charles R. Micka (S.I.)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by SL Publication prepared by SL Date 5/6/03

Published in Statewide Publication dates 5-15 + 22, 2003

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

SIGNATURE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE BOISE)
FRONT LOW TEMPERATURE)
GEOTHERMAL RESOURCE GROUND)
WATER MANAGEMENT AREA)
_____)

**FINAL ORDER
EXTENDING MORATORIUM**

WHEREAS, on June 15, 1987, the Director of the Idaho Department of Water Resources (IDWR) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area in Ada County, Idaho, due to reported declines in aquifer water levels and water pressure; and

WHEREAS, on June 11, 1988, IDWR issued an order establishing a five (5) year moratorium to prevent further development or additional use of the low temperature geothermal water resource (resource); and

WHEREAS, on July 7, 1998, IDWR advised the users of the resource that IDWR was reviewing the need for the moratorium and whether it should be modified or extended. IDWR requested written comments on the nature of the action IDWR should take in connection with the expiring moratorium; and

WHEREAS, six (6) parties submitted written comment to IDWR. All major users supported extending the moratorium for an additional five (5) years.

NOW THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and IDAPA Rule 37.03.08055 (Water Appropriation Rule 55), IT IS HEREBY ORDERED that:

(1) The order dated June 10, 1988 which established a moratorium on further development and additional use of the low temperature geothermal water resource in the Boise Front Ground Water Management area is extended.

(2) The provisions of this order are effective for five (5) years from the date issued unless rescinded or modified by order of a court of competent jurisdiction or unless rescinded or modified by order of the Director.

Dated this 1st day of September, 1998.



KARL J. DREHER
Director

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

MAR 25 1999

WATER RESOURCES
WESTERN REGION

Water Right or Adjudication Claim No(s): See Attached Sheet

The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant See Attached Sheet
4. New Owner/Claimant(s) City of Boise
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address Public Works Dept.
P.O. Box 500
 City, State and ZIP Code Boise, ID 83701-0500
 New Telephone Number (208) 384-3901

*Name
change
only
ADDRESS
change*

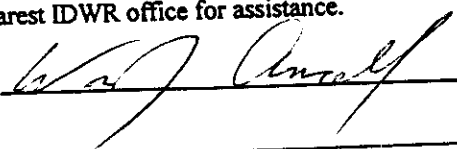
5. Date you acquired the property ---

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

City of Boise
Public Works Department
Water Rights/Adjudication Claims

✓ ~~A63-09139~~ ✓	City of Boise P.O. Box 500 Boise, ID 83701	A63-07078B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
✓ 63-12351 ✓	City of Boise	A63-07755 ✓	City of Boise PO Box 500 Boise, ID 837010500
✓ 63-12312 ✓	City of Boise Public Works Dept PO Box 500 Boise, ID 83701-0550	A63-08130B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
A63-08125 ✓	City of Boise Wastewater Treatment Plant 11818 Joplin Rd. Boise, ID 83704	A63-09243 ✓	City of Boise PO Box 500 Boise, ID 837010500
A63-07005B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-09359 ✓	City of Boise PO Box 500 Boise, ID 837010500
A63-07042B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837-10500	A63-15489	City of Boise PO Box 500 Boise, ID 837010500
A63-07053 ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-15491	City of Boise PO Box 500 Boise, ID 837010500
A63-07055C ✓	City of Boise PO Box 500 Boise, ID 837010500	A63-15492	City of Boise PO Box 500 Boise, ID 837010500
A63-07055D ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-18683	City of Boise PO Box 500 Boise, ID 837010500
A63-07064A ✓	City of Boise PO Box 500 Boise, ID 837010500	A63-30137B	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550
A63-07064B ✓	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550	A63-30138	City of Boise Attn: D. Strickling/B. Ancell PO Box 500 Boise, ID 837010550

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
~~App. for Permit~~	~~63-9139~~	~~City of Boise % Louis Uranga~~	~~12.0~~
Assignment	63-9139	Boise Geothermal Ltd., (a limited partnership)	12.0
Assignment	63-9139	City of Boise	12.0

MICROFILMED

OCT 11 1988

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Boise Geothermal, Ltd., an
Idaho limited partnership, hereby assign to the City of Boise
of P.O. Box 500, Boise, Idaho 83701
Address

All my right, title, and interest in and to Permit No. 63-9139
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 63-9139 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

All right, title and interest in the permit is being transferred
and assigned

Made this 28th day of June, 1988.

[Signature]
Permit Holder

[Signature]
Spouse of Permit Holder

State of Idaho)
County of Ada) ss

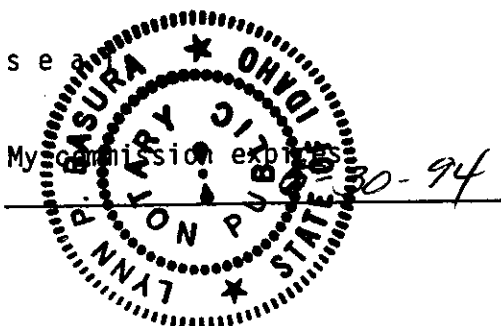
On this 28 day of June, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]

Notary Public residing at



OCT 11 1988



RECEIVED

State of Idaho
Department of Water Resources

JAN 20 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

ok
I, City of Boise, c/o Jean, hereby assign to Boise Geothermal Ltd., a
limited partnership of 331 W. Idaho, Boise, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 63-9139
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 5 day of JANUARY, 19 81.

Richard R. Early
Permit Holder (MAYOR)

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 5th day of January, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

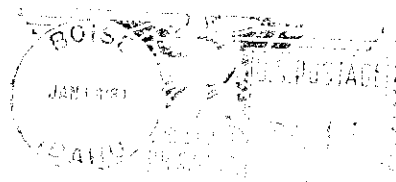
seal

Patricia B. Reed
Notary Public residing at
Boise, Idaho

My commission expires:
10-11-83

MICROFILMED

ELAM, BURKE, EVANS, BOYD AND KOONTZ
ATTORNEYS AND COUNSELORS AT LAW
SUITE 1010 BANK OF IDAHO BUILDING
POST OFFICE BOX 1559
BOISE, IDAHO 83701



MAILED 11 33 31 PM

Department of Water Resources
State Office
450 W. State
Boise, Idaho 83702

Attn: Dave Tudhill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

MAY 2 1984

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

BOISE GEOTHERMAL LTD. of 331 West Idaho St. (P.O. Box 500)
(Name) (Address)

State of BOISE, IDAHO 83701, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 63-9139.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before JUNE 1, 1984.

That he has heretofore performed the following work described under said permit: drilled and completed
four wells; equipped three wells with pumps and pumphouses. Water is put into City of
Boise distribution system and sold to subscribers. Operates as municipal-supply system
with new subscribers coming on-line continually. Present installed capacity is 9 c.f.s.

The U.S. Dept. of Energy loan guarantee includes provision Costing \$ 1,600,000
for drilling additional wells to reach permitted 12 c.f.s.

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Present installed capacity of the completed wells is not currently being
used by subscribers. New contracts, planning to use a significant fraction of unused
capacity are currently under negotiation. Urban redevelopment is expected to absorb
remaining installed capacity and require expansion to fully permitted capacity.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to JUNE 1, 1989.

Melvin J. Baptie

BOISE GEOTHERMAL LTD.

By Melvin J. Baptie (General Partner)

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVE and the time
within which to submit the statement of beneficial use is extended to June 1, 1989.

ed this

9th day of

May

, 1984.

A. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by

Date

5-2-84

Receipt #

33977

ASSIGNMENT TO:
Boise Geothermal Ltd.,
331 W. Idaho
Boise, Idaho 83701
Jan. 20, 1981

Identification No. _____
Application No. 63-9139

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant CITY OF BOISE c/o Louis Uranga Phone: 384-4196
post office address P. O. Box 500, Boise, Idaho 83701
2. Source of water supply groundwater (5 wells) which is a tributary of -
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 3N
Range 2E B.M. Ada County; additional points of diversion if any: _____
Legal Descriptions for wells A, B, C, D, E are attached
marked Exhibit "A" SE SW S2 3N 2E, SW SW S2 3N 2E
- b. If water is not consumed, it will be discharged into re-injection at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 12.0 ^{cfs} for space heating & cooling purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12.0 ^{cfs} for irrigation purpose from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12.0 ^{cfs} for see 8(a) (5) purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 12.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pumped from geothermal well to
pipeline distribution thence to building complexes and to irrigation
of park lands and other after heat extraction.
- b. Height of storage dam - feet, active reservoir capacity - acre feet; total reservoir
capacity - acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 1500 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 1.35 million.
8. Description of proposed uses:
a. If water is **not** for irrigation: See attached Service Area Map Exhibit "B"
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: - hp under _____ feet of head.
(3) List number of each kind of livestock to be watered N/A
- (4) Name of municipality to be served Boise City, or number of families to be
supplied with domestic water N/A
- (5) If water is to be used for other purposes describe: Sewer maintenance, pools, greenhouses, fish hatchery

RECEIVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Boise City

b. Who owns the land to be irrigated or place of use Boise City (Parks) & City Residents

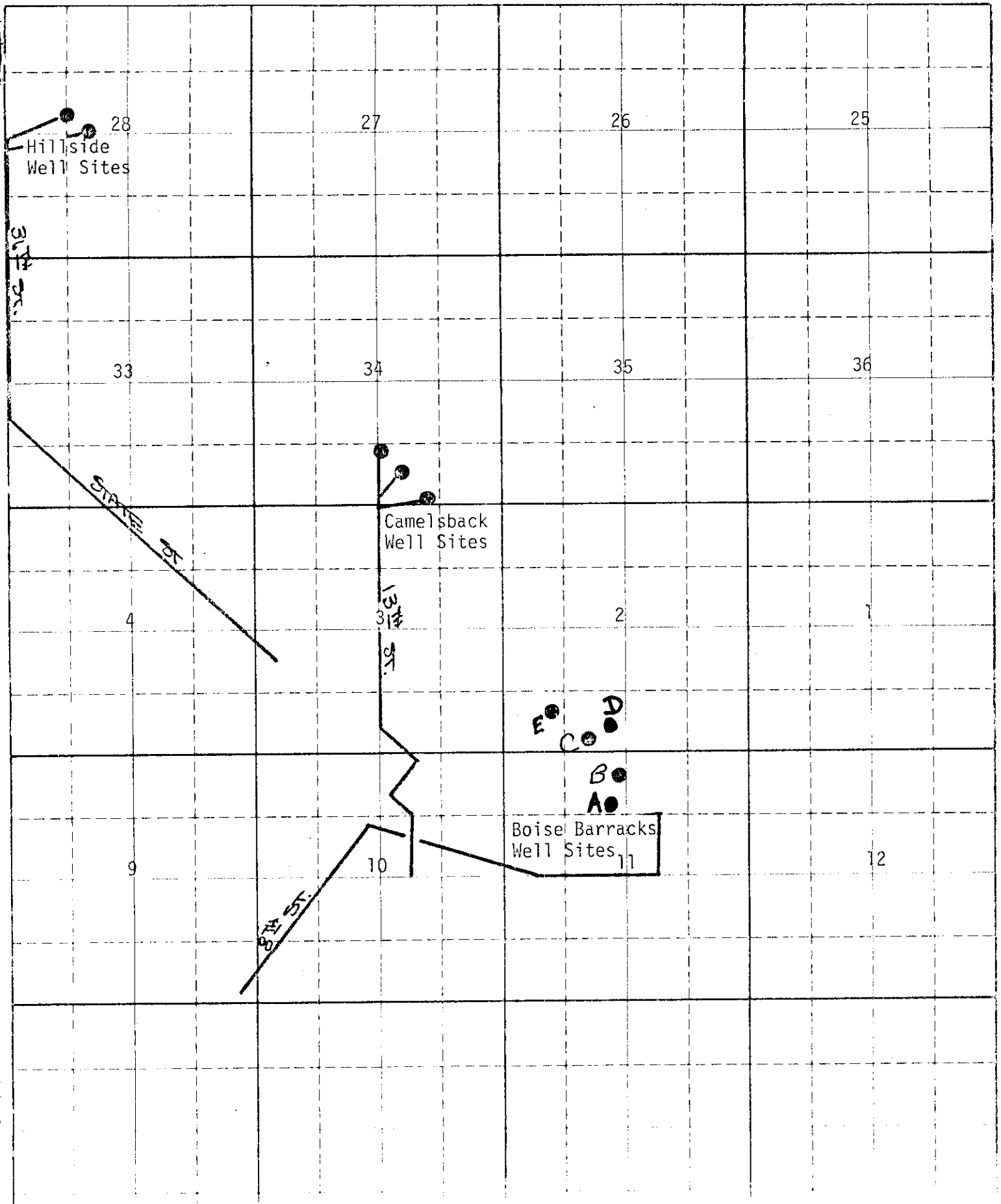
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing City will serve geothermal water to building complexes

10. Remarks The service area depicted here will be overlapped by subsequent geo-
thermal wells. Because of the cost of laying the service lines, joint use
of the service system by several wells is necessary to gain maximum
utilization of the service system.

Secondary use of the geothermal waters will be irrigation, swimming pools, greenhouses, sewer maintenance and fish hatcheries. The remainder of the geothermal water will be re-injected. The amount of land to be irrigated and the number of other secondary uses will depend upon system development and costs of designing a system to allow the secondary uses.

It is anticipated the service area may be expanded as the costs of alternate heat sources increase.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard R. Eardley
(Applicant) Mayor of Boise City

Proposed Priority 4-17-78

Received by J Date 4/17/78 Time 3:15 pm
Preliminary check by WHS Fee \$ \$135.00 # 11266
Receipted by J Date 4/17/78
Publication prepared by WHS Date 4-20-78
Published in Idaho Statesman
Publication dates Apr 27 + May 4
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9139, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1984.
- c. Other: (1) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards. (4) The maximum rate of diversion under this permit when combined with Water Right No. 63-9138 shall not exceed 17.35 cubic feet per second for irrigation.

Witness my hand this 20th day of June 1979.

J. Glen Saxton
Chief, Operations Bureau

EXHIBIT "A"

Wells A & B are located in the Northeast Quarter of the Northwest Quarter of Section 11, Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho.

Wells C & D are located in the Southeast quarter of the Southwest Quarter of Section 2, Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho.

Well E is located in the Southwest Quarter of the Southwest Quarter of Section 2, Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho.

MICROFILMED

COUNTY OF ADA)

Nancy E Smith

issue of May 4, 1978.

Nancy E Smith

Shirley E. Evers
Notary Public for Idaho, Residing

Notary Public for Idaho, Residing at Boise, Idaho

Boise City limits.
If issued, this permit will be subject to all prior water rights. Protest against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705, on or before May 15, 1978.
C. STEPHEN ALLRED,
Director
Pub. April 27; May 4, 1978 9802

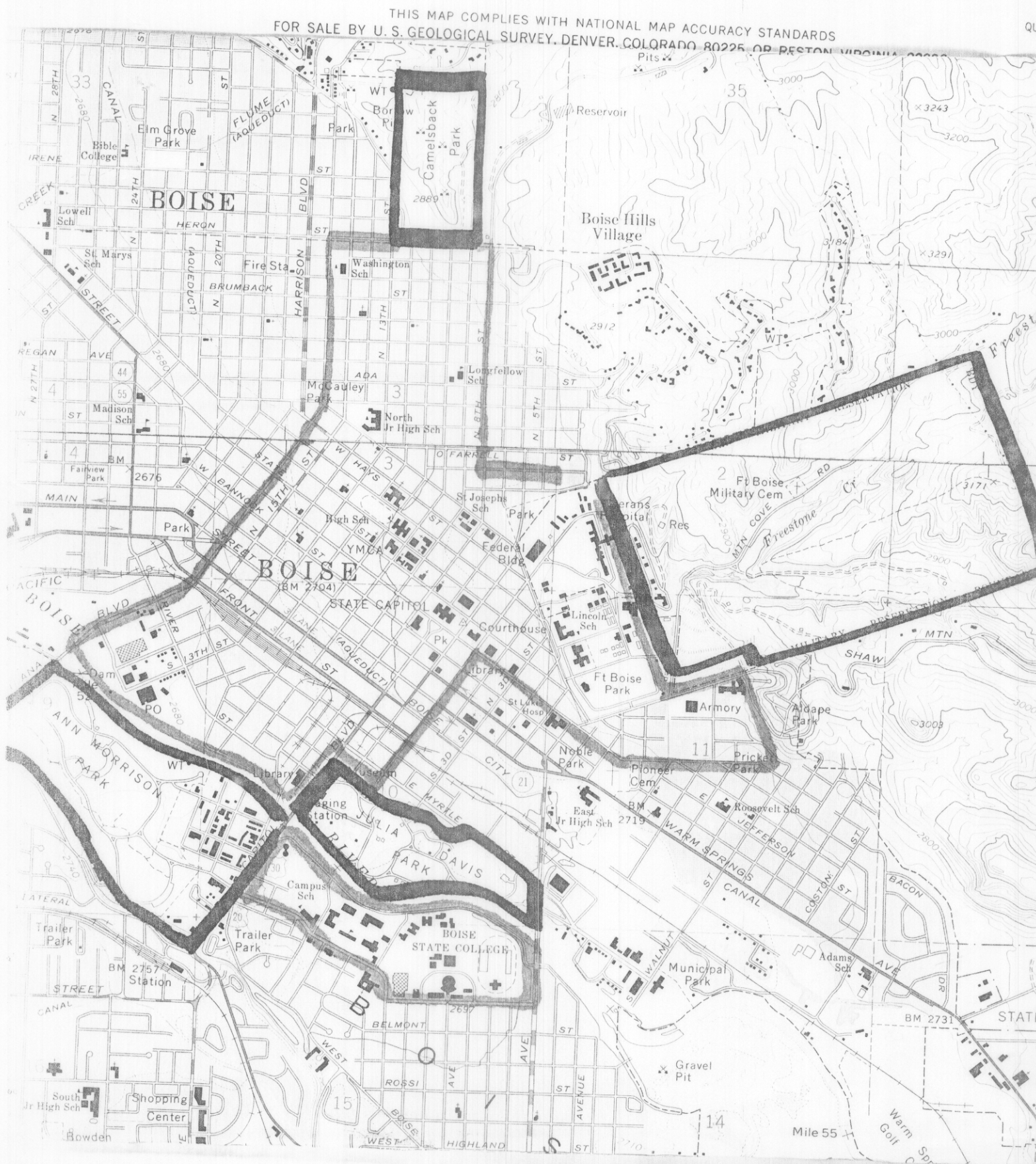
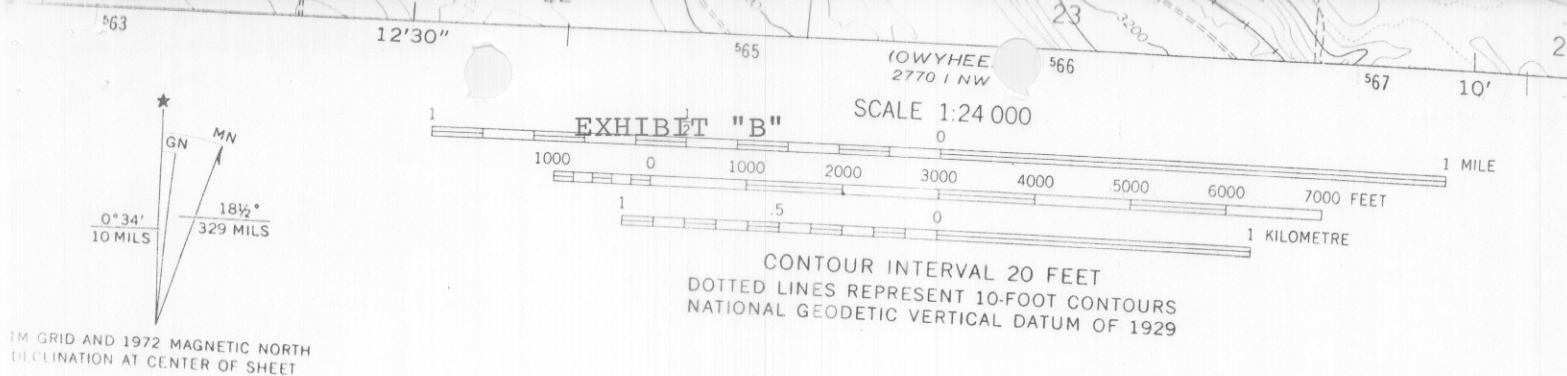
9802

RECEIVED
MAY 8 1970

MAY 8 1978

Department of Water Resources
Western Regional Office

RECEIVED



MICROFILMED

EXHIBIT "C"

LOCATIONS FOR GEOTHERMAL IRRIGATION

ANN MORRISON PARK

<u>TOTAL ACRES</u>	<u>ST. LOCATION</u>	<u>GEOGRAPHIC LOCATION</u>	<u>IRRIGATION</u>
APP MORRISON 146.04	Btwn. Americana Blvd. & Capitol Blvd. S. of river.	E. $\frac{1}{2}$ Section 9, T 3 N, R 2 E.	2 wells

CAMEL BACK PARK

68.06	N. of Heron St. btwn. 9th & 13th Sts.	W. $\frac{1}{2}$ of the SE $\frac{1}{4}$ Section 34, T 4 N., R 2 E.	Well
-------	---------------------------------------	---	------

CAPITOL PARK

2.47	Btwn. Jefferson & Bannock, 6th & 8th Sts.	NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 10, T 3 N, R 2 E.	Well
------	---	--	------

CUNNINGHAM NURSERY

5.00	N. of Municipal Park on Walnut.	SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 11, T 3 N, R 2 E.	Boise City Canal Co.
------	---------------------------------	--	----------------------

ELM GROVE

3.75	Btwn. 23rd & Irene Sts.	SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 33, T 3 N, R 2 E.	Well
------	-------------------------	--	------

FORT BOISE PARK

36.52	E. of Fort St., N. of Reserve St.	NW $\frac{1}{4}$ Section 11, T 3 N, R 2 E.	Well
-------	-----------------------------------	--	------

HILLSIDE PARK

12.95	36th & Hill Road	S W $\frac{1}{4}$ of the N W $\frac{1}{4}$ Section 28, T 4 N., R 2 E.	Boise City Canal Co.
-------	------------------	---	----------------------

JULIA DAVIS

90.06	Btwn. B'way & Capitol Blvd.	S $\frac{1}{2}$ Section 10, T 3 N., R 2 E.	2 Wells
-------	-----------------------------	--	---------

MEMORIAL PARK

5.47	Fort ST. at 6th Street	SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 3, T 3 N., R 2 E.	Well
------	------------------------	--	------

MILITARY RESERVE PARK

419.66	Easterly from Ft. Boise Pk. off Reserve St. on Mtn. Cove Rd.	Portion of Sections 1, 2, & 11, T 3 N., R 2 E.	Boise Water Corp. on Eagle Ridg Only
--------	--	--	--------------------------------------

MUNICIPAL PARK

28.63

E. of Walnut, N. of Boise River,
S. of R.R. Tracts.

NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Well
NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section
14, T 3 N., R 2 E.

WARM SPRINGS PARK SITE

24.68

Warm Springs & Marden Sts.

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section Boise City
14, T 3 N., R 2 E. Canal Co.

WILLOW LANE PARK SITE

24.29

Willow Lane & Lander St.

S $\frac{1}{2}$ of the NW $\frac{1}{4}$ Section 32
T 3 N., R 2 E

Farmers
Union Canal

867.58

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 12, 2004

CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

RE: Permit No. 63-9139

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads 'Shelley W. Keen'. The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

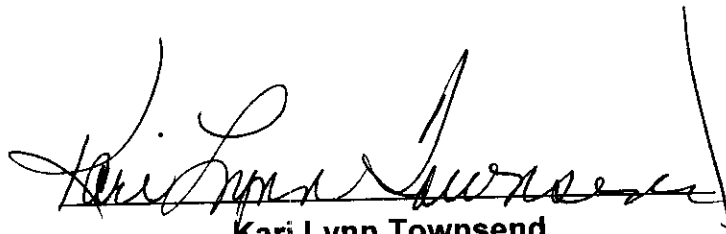
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-9139

**CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SECRET

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Proof of Publication The Post Register

RECEIVED

JUN 02 2003

WATER RESOURCES
WESTERN REGION

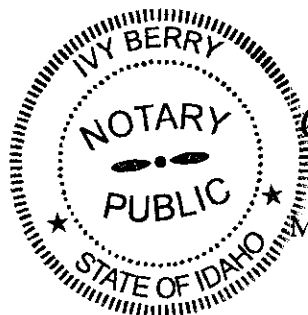
State of Idaho
County of Bonneville

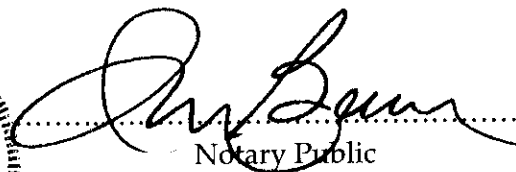
I, ~~Lynn Winter~~ or Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 15TH day of MAY 2003, last publication having been made on the 22ND day of MAY 2003 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

.....

Subscribed and sworn to before me, this 28TH day of MAY 2003



.....
Notary Public

My commission expires January 10, 2009

RECEIVED

JUN 02 2003

WATER RESOURCES
WESTERN REGION

PUBLIC NOTICE

The following application has been
filed to amend Permit to Appropriate
Water

63-9139

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
PO BOX 500

BOISE ID 83701-0500

Point(s) of Diversion SWSW

S2 T03N R02E ADA County

Source GROUND WATER

Point(s) of Diversion SESW

S2 T03N R02E ADA County

Source GROUND WATER

Point(s) of Diversion NENW

S11 T03N R02E ADA County

Source GROUND WATER

Use: IRRIGATION

04/01 To 10/15 12 CFS

Use: HEATING

01/01 To 12/31 12 CFS

Use: COOLING

01/01 To 12/31 12 CFS

Use: MUNICIPAL

01/01 To 12/31 12 CFS

Total Diversion 12 CFS

Priority Date: 4/17/1978

Place of Use:

Within city limits of Boise

Remark: Application to amend per-
mit filed 4-25-2003. Locations of
existing geothermal wells are incor-
rect in the permit. The application
corrects the locations to SWNWNE
and NENENW S11 in the Military
Reserve area of Boise. Two wells are
in each location for a total of 4 wells.
Drilling additional wells is not pro-
posed. No other changes to the
permit are proposed.

Permit(s) will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec
42-211, Idaho Code. Any protest
against the approval of this applica-
tion must be filed with the Director,
Dept. of Water Resource, Western
Region, 2735 Airport Wy, Boise ID
83705 together with a protest fee of
\$25.00 for each application on or
before June 2, 2003. The protestant
must also send a copy of the pro-
test to the applicant.

KARL J. DREHER, Director

Published: May 15, 22, 2003

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/22/2003 INVOICE NO. 325645
Account No. 964760
Description 325645The following ap

Times 2 Lines 35

LEGAL ADVERTISING
INVOICE

RECEIVED

Tab. Lines _____

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

JUN 02 2003

WATER RESOURCES
WESTERN REGION

\$ 112.70

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application has been filed to amend Permit to Appropriate Water ³²⁵⁶⁴⁵
63-9139 ✓

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
PO BOX 500
BOISE ID 83701-0500
Point(s) of Diversion SWSW S2 T03N R02E ADA County
Source GROUND WATER
Point(s) of Diversion SESW S2 T03N R02E ADA County
Source GROUND WATER
Point(s) of Diversion NENW S11 T03N R02E ADA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/15 12 CFS
Use: HEATING 01/01 To 12/31 12 CFS
Use: COOLING 01/01 To 12/31 12 CFS
Use: MUNICIPAL 01/01 To 12/31 12 CFS
Total Diversion: 12 CFS

Priority Date: 4/17/1978

Place of Use: Within city limits of Boise

Remark: Application to amend permit filed 4-25-2003. Locations of existing geothermal wells are incorrect in the permit. The application corrects the locations to SWNWNE and NENENW S11 in the Military Reserve area of Boise. Two wells are in each location for a total of 4 wells. Drilling additional wells is not proposed. No other changes to the permit are proposed.

Permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before June 2, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on May 15 and 22, 2003.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 325645The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 05/15, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 05/15/2003, and the last publication thereof being on the 05/22/2003, and said 325645The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

On this _____ day of _____ in the year of _____, before me, a Notary Public, personally appeared _____, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

NOTICE

The following application has been filed to amend Permit to Appropriate Water

63-9139

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
PO BOX 500

BOISE, ID 83701-0500

Point(s) of Diversion SWSW S2 T03N R02E

ADA County Source GROUND WATER

Point(s) of Diversion SESW S2 T03N R02E

ADA County Source GROUND WATER

Point(s) of Diversion NENW S11 T03N R02E

ADA County Source GROUND WATER

Use: IRRIGATION 04/01 To 10/15 12 CFS

Use: HEATING 01/01 To 12/31 12 CFS

Use: COOLING 01/01 To 12/31 12 CFS

Use: MUNICIPAL 01/01 To 12/31 12 CFS

Total Diversion: 12 CFS

Priority Date: 4/17/1978

Place of Use: Within city limits of Boise

Remark: Application to amend permit filed 4-25-2003. Locations of existing geothermal wells are incorrect in the permit. The application corrects the locations to SWNWNE and NENENW S11 in the Military Reserve area of Boise. Two wells are in each location for a total of 4 wells. Drilling additional wells is not proposed. No other changes to the permit are proposed.

Permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before June 2, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: May 15 and 22, 2003

RECEIVED

MAY 27 2003

WATER RESOURCES
WESTERN REGION

45338

of Publication

AHO

TWIN FALLS } SS.

Aufderheide being first duly sworn upon oath, depose

n principal clerk of the TIMES-NEWS, published daily at,

to, and do solemnly swear that a copy of the notice of advertisement, as per clipping published in the regular and entire issue of said newspaper, and not in any supplement

two consecutive weeks,

th the issue dated May 15, 20 03,

the issue dated May 22, 20 03.

urther certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily of which newspapers prior to consolidation had been published under said names in said city and ly and uninterruptedly during a period of more than twelve consecutive months, and said TIMES- consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at ewspaper began daily publication under said name in said city and county continuously and unin-

er certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated h legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to hursday is announced as the day on which said legal notices will be published.

TWIN FALLS

1st day of May in the year 2003, before me,

personally appeared Ruby Aufderheide,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-09

The folk
to Appr

ree Sun

CITY OF Commission officials:
PUBLIC Starting June 18,
PO BOX cast their lines b
BOISE, mouth of Goat Cree
Point(s) ed boundary down
Point(s) the South Fork we
ADA Col The season will end.
Point(s) The commission a
ADA Cou Use: IRR statewide, cumulati
Use: HE/ for the fish from 10 t
Use: COX The commissioner
Use: MUI Total I ed the number of de
Priority D and goose hunting]
Place of offered this year.

Remark:
Locations range will compe
the perm antlerless deer p
SWNWN
area of Bc
4 wells. Di
changes t
Permit(s)
may be si
Idaho Coc
applicator
Resource,
83705 tog
applicator
must also
KARL J. C

PUBLISH:

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

I, Ruby Aufderheide being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily at,
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping
attached, was published in the regular and entire issue of said newspaper, and not in any supplement
thereof, for two consecutive weeks,
commencing with the issue dated May 15, 2003,
and ending with the issue dated May 22, 2003.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and unin-
terruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 23rd day of May in the year 2003, before me,
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Denida Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-09

IDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

RECEIVED

MAY 27 2003

WATER RESOURCES
WESTERN REGION

45338

**WATER RESOURCES
WESTERN REGION**

LEGAL ADVERTISING PROOF OF PUBLICATION

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires:



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

May 8, 2003

HARRIET HENSLEY DEPUTY A G
IDAHO DEPT OF LANDS
PO BOX 83720
BOISE ID 83720-0010

Re: Water Right Application

Dear Ms. Hensley:

Enclosed is a copy of an application which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 2, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application



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

May 8, 2003

JOANNA L GUILFOY
IDAHO DEPT OF ADMINISTRATION
PO BOX 83720
BOISE ID 83720-0002

Re: Water Right Application

Dear Ms. Guilfoy:

Enclosed is a copy of an application which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 2, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application



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

May 8, 2003

EDWARDS FAMILY LLC
C/O DANA HOFSTETTER
HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE ID 83702

Re: Water Right Application

Dear Ms Hofstetter:

Enclosed is a copy of an application which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 2, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application



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

May 8, 2003

THE TERTELING CO INC
C/O CHARLES L HONSINGER
RINGERT CLARK CHARTERED LAWYERS
PO BOX 2773
BOISE ID 83701-2773

Re: Water Right Application

Dear Mr. Honsinger:

Enclosed is a copy of an application which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 2, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application



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

May 8, 2003

BOISE WARM SPRINGS WATER DISTRICT
C/O BRUCE M SMITH
MOORE SMITH BUXTON & TURCKE
225 N 9TH ST STE 420
BOISE ID 83702

Re: Water Right Applications

Dear Mr. Smith:

Enclosed is a copy of an application which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 2, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application



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

April 29, 2003

BETH K BAIRD
CITY OF BOISE PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

Re: Application for Amendment of Permit No. 63-9139

Dear Beth:

Enclosed is a receipt for the \$50 amendment fee in the above referenced matter. The application is complete and will be processed soon.

Please let me know if you have any questions or concerns throughout the processing of the amendment application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure

PUBLIC WORKS DEPARTMENT
CITY HALL



CAROLYN TERTELING-PAYNE
MAYOR

COUNCIL MEMBERS

M. JEROME MAPP
COUNCIL PRESIDENT

JON MASON
COUNCIL PRO TEM

VERNON L. BISTERFELDT
PAULA B. FORNEY
MARYANNE JORDAN
ALAN W. SHEALY

April 23, 2003

Mr. Steve Lester
Idaho Dept. of water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

APR 25 2003

WATER RESOURCES
WESTERN REGION

Dear Mr. Lester:

Please find the attached Application for Amendment of a Permit. It should include the adjustments that we discussed. Please call me at 384-3984 if you have any questions. Thank You.

Sincerely,

Beth K. Baird
Environmental Program Coordinator

Application re-submitted with fee.
-JR



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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 3/31/03, Re faxed 4/3/02

TO: BETH BAIRD

FROM: Steve Lester

FAX 395-7841

DOCUMENT DESCRIPTION: Suggested clarifications & Amendment

Appl. of 63-9139 :

1) NOT substantiating but allows interested party to see broader picture.

2) NEED \$50⁰⁰ fee.

3) Appropriate person can endorse changes on the original Application form you submitted OR can resubmit a fresh form & label it as "AMENDED"

TOTAL PAGES SENT: 2 + COVER SHEET

CONTACT: _____

4) Let me know how you want to proceed.

*thanks & good
luck with the
move!
-SL*

PUBLIC WORKS DEPARTMENT
CITY HALL



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

MIKE WETHERELL
COUNCIL PRESIDENT

M. JEROME MAPP
COUNCIL PRO TEM

VERNON L. BISTERFELDT
PAULA B. FORNEY
JON MASON
CAROLYN TERTELING-PAYNE

January 16, 2003

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

JAN 22 2003

WATER RESOURCES
WATER RESOURCES

To whom it may concern:

Attached is an Application for Amendment of a Permit for the City of Boise's water rights permit, 63-09139. The application indicates that there is change in the points of diversion. In actuality, there has been no change. The original description of the points of diversion is wrong. The Application has been submitted to correct locations of the points of diversion. At the time the permit was issued and at the present time, there are four points of diversion; two in NENENW 11 3N2E and two in SWNWNE 11 3N2E.

I can be reached at 384-3984 if you need to contact me.

Sincerely,

Beth K. Baird
Environmental Program Coordinator

Application filed without fee.
-82

JAN 22 2003

**WATER RESOURCES
WESTERN REGION**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

COPY
A PERMIT

Applicant City of Boise Public Works Department Phone 384-3901

Address P.O. Box 500 Boise, ID 83701

I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-09139, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: X Change point of diversion Add point of diversion
Change place of use Change nature of use Change period of use Other

1. Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 3N, Range 2E, B.M.,
County of _____ . Other points of diversion SWNWNE 11 3N2E

(two wells each location for total of 4 wells)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

* Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

~~3.~~ 3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated =

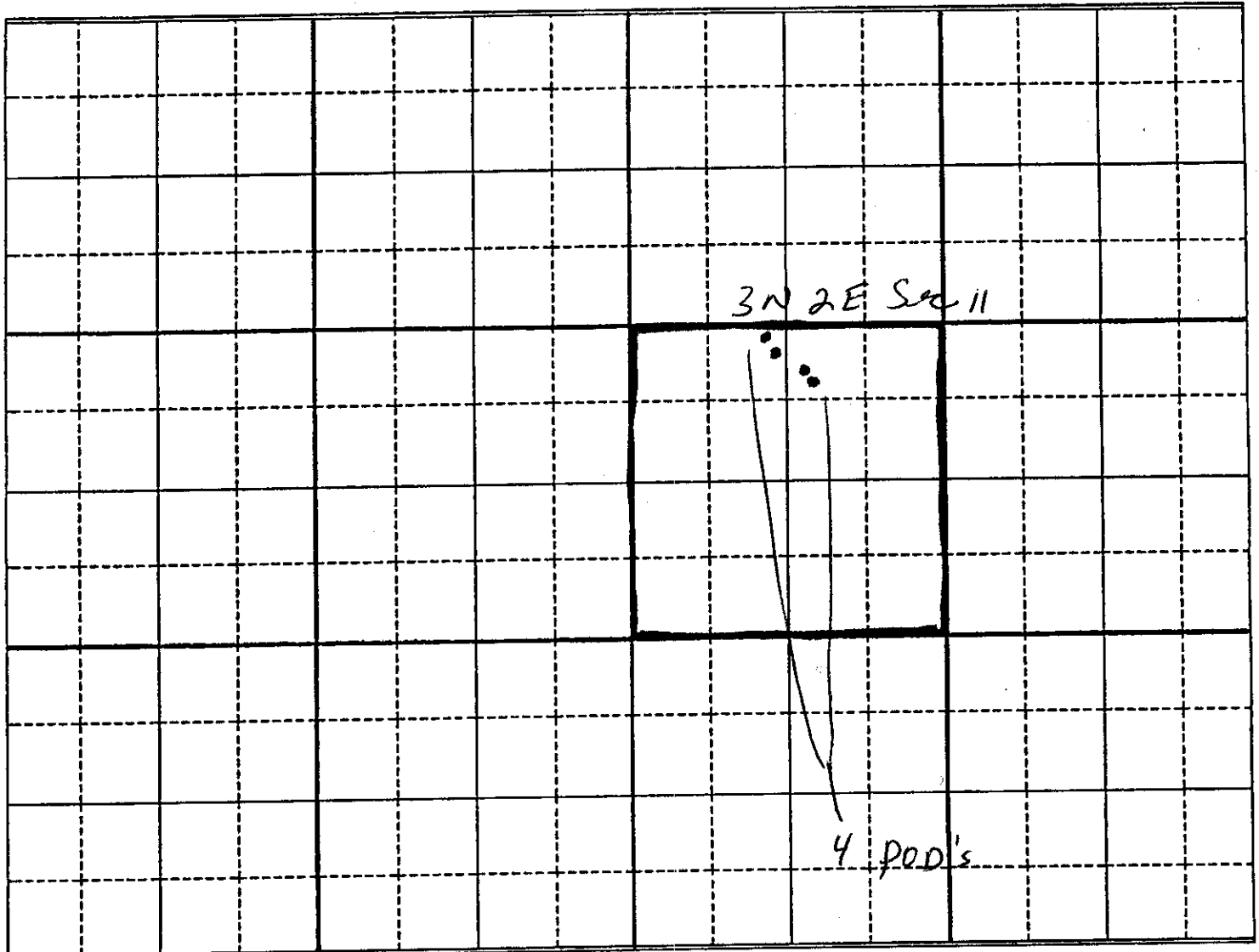
4. a. Who owns the property at the point of diversion? City of Boise

b. Who owns the land to be irrigated at the place of use? City of Boise & its Residents

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: municipality

* NO change ... 12.0 cts for heating, cooling, irrigation & municipal uses within City of Boise.

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 16 day of January, 192003.

W. J. [Signature]
 Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by [Signature] Publication prepared by _____ Date _____

Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

SIGNATURE



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

May 07, 2003

Legal Notice Department

Post Register

PO Box 1800

Idaho Falls, ID 83401

RE: Application to Amend Permit No. 63-9139

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 06/02/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary



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

May 07, 2003

Legal Notice Department

Times News

PO Box 548

Twin Falls, ID 83301

RE: Application to Amend Permit No. 63-9139

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 06/02/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

May 07, 2003

Legal Notice Department
Lewiston Morning Tribune
Box 505C
Lewiston ID

RE: Application to Amend Permit No. 63-9139

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 06/02/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary



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

May 06, 2003

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application to Amend Permit No. 63-9139
Applications for Permit Nos. 63-31677, 63-31678 and 63-31679

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 06/02/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

The following application has been filed to amend Permit to Appropriate Water
63-9139

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
PO BOX 500
BOISE ID 83701-0500

Point(s) of Diversion	SWSW	S2	T03N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	SESW	S2	T03N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	NENW	S11	T03N R02E	ADA County	Source GROUND WATER

Use:	IRRIGATION	04/01 To 10/15	12 CFS
Use:	HEATING	01/01 To 12/31	12 CFS
Use:	COOLING	01/01 To 12/31	12 CFS
Use:	MUNICIPAL	01/01 To 12/31	12 CFS
Total Diversion:			12 CFS

Priority Date: 4/17/1978

Place of Use: Within city limits of Boise

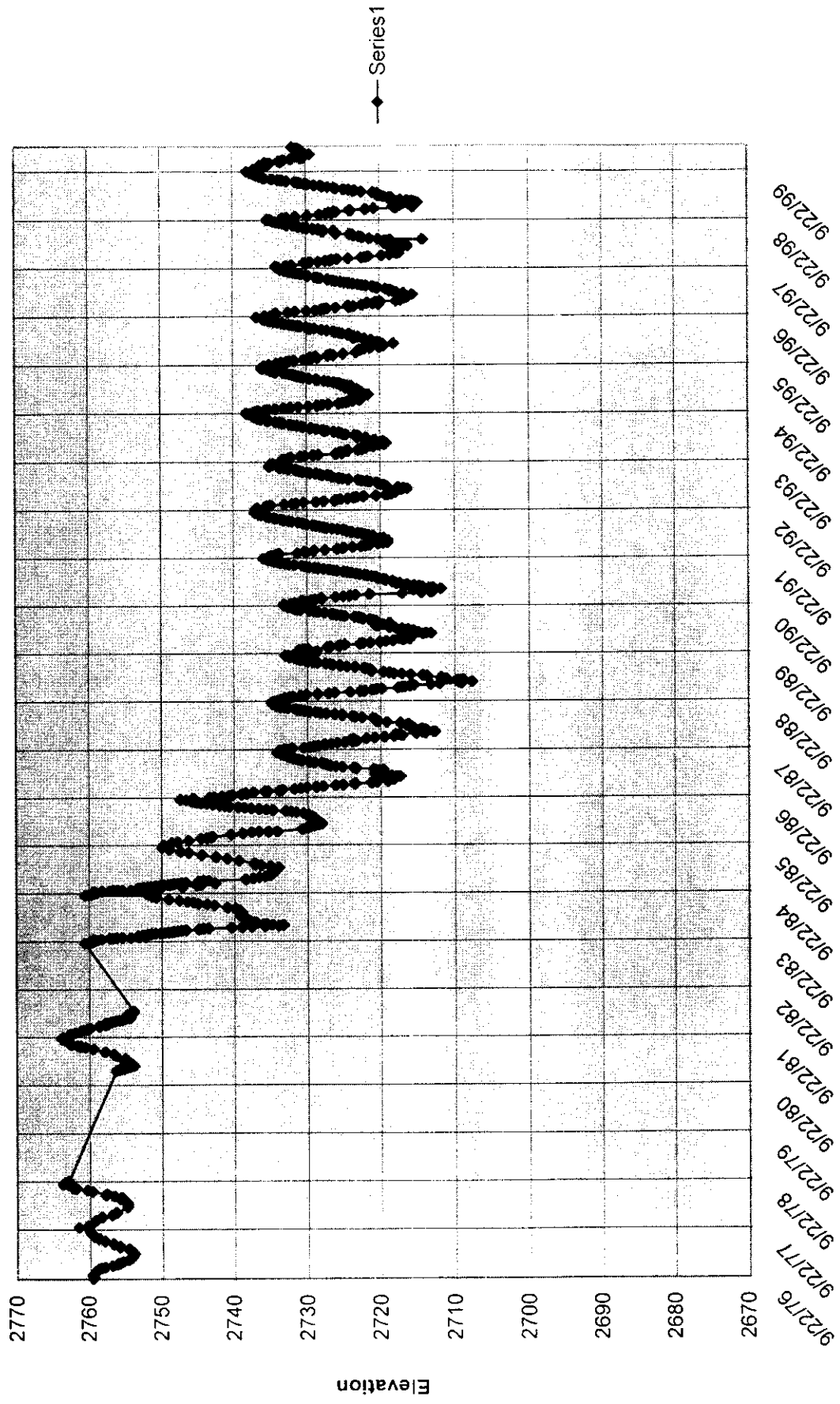
Remark: Application to amend permit filed 4-25-2003. Locations of existing geothermal wells are incorrect in the permit. The application corrects the locations to SWNWNE and NENENW S11 in the Military Reserve area of Boise. Two wells are in each location for a total of 4 wells. Drilling additional wells is not proposed. No other changes to the permit are proposed.

Permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before June 2, 2003. The protestant must also send a copy of the protest to the applicant.

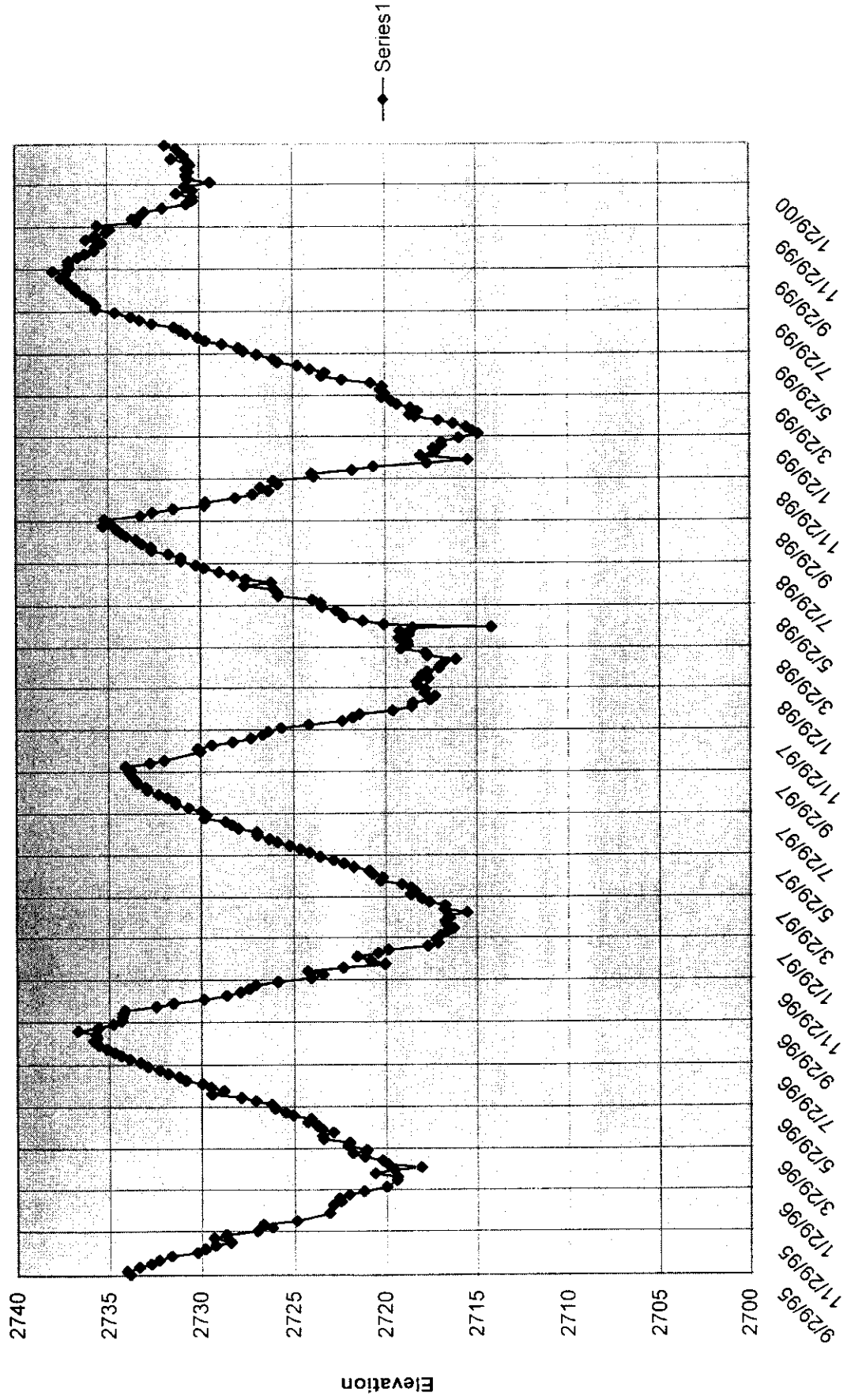
KARL J DREHER, Director

Published in the Idaho Statesman on May 15 and 22, 2003.

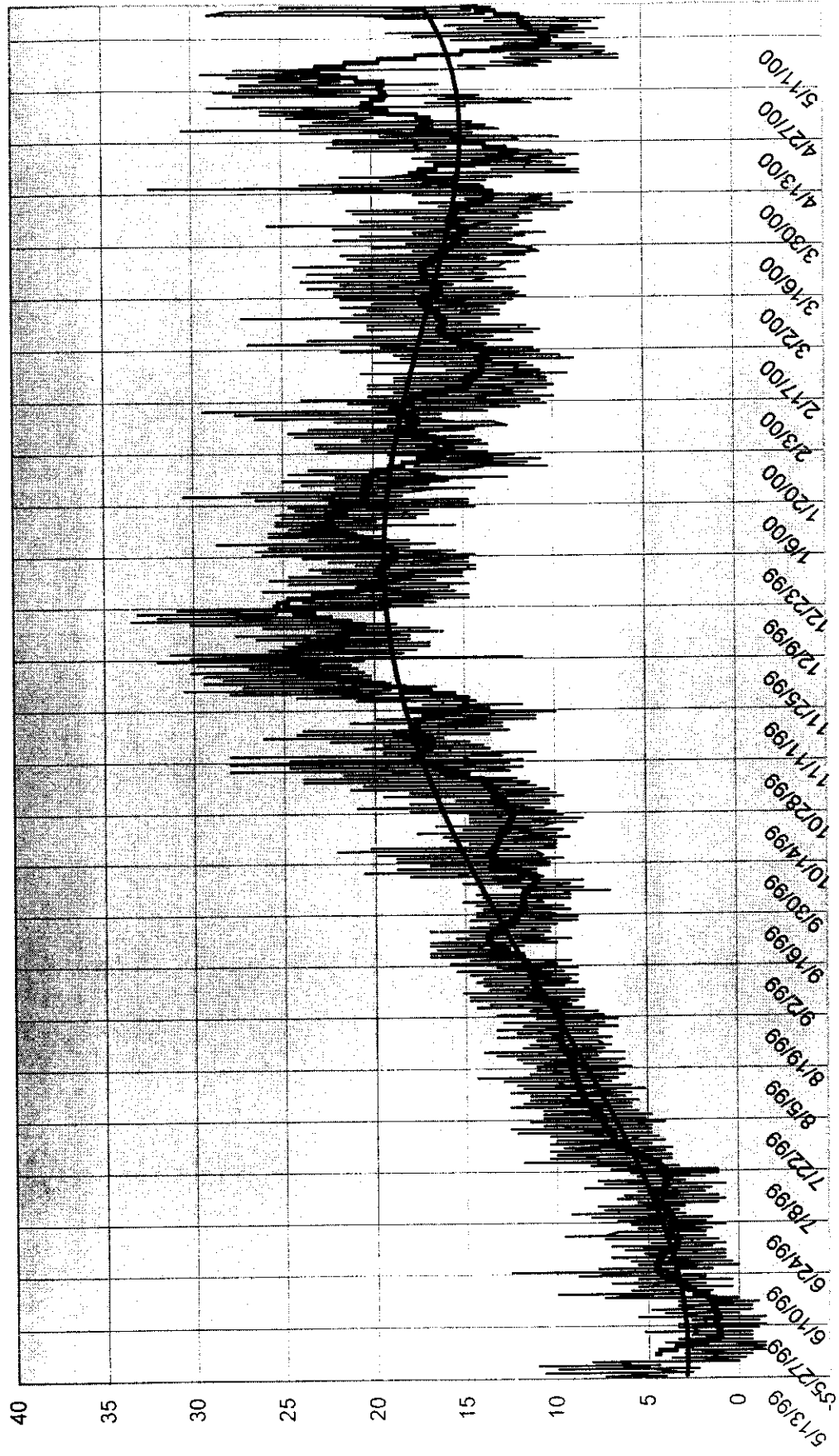
BLM Monitoring Well Levels



BLM Monitoring Well Levels



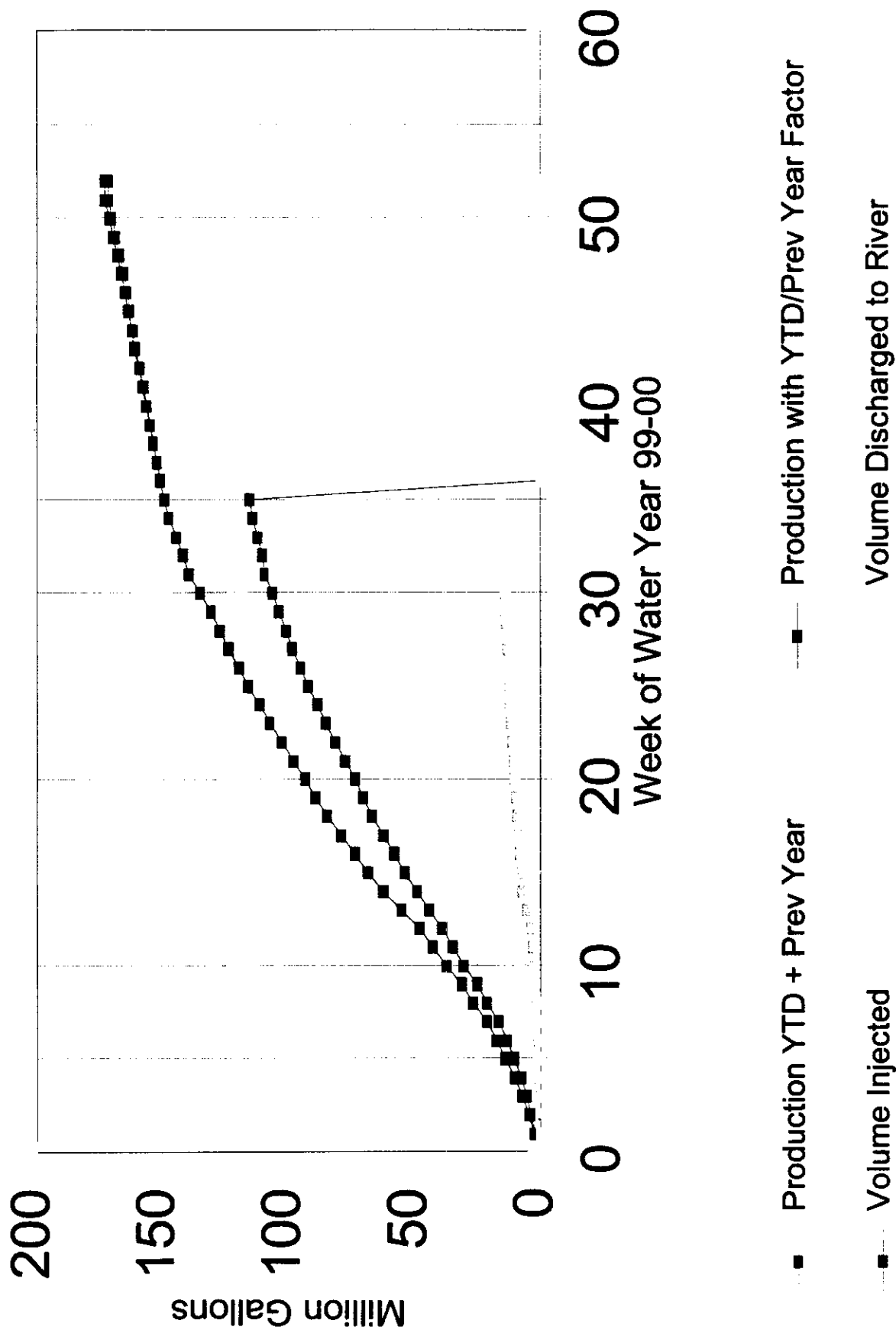
Injection Well Head Pressures



— Injection Well Pressure — Poly. (Injection Well Pressure) — 150 per. Mov. Avg. (Injection Well Pressure)

Geothermal System Production Projected

With Injection & River Discharge



Geothermal System Total Production Projections

Useage Water Year	Useage Million Gallons	Running Total Million Gallons	Includes These New Customers Now on Line
1997			
1998	131.2		
1999	164.9		Sedgewick, Jan99, 1.2 million gallons first full year
2000	173.1	173.1	Fed Building 12.7 Mg Sep-Apr New Elks 5.1 Mg Nov-Apr
— Customers being lost			
Steiner's Corporation	9.9	163.2	1999 Useage
— New Customers			
YMCA	9	172.2	Fall 2000
Empire Building	2	174.2	Fall 2000
River Plaza Building	1.5	175.7	River Discharge Spring 2001
Ada County Building	23	198.7	Fall 2001
Boise Tower	20	218.7	2002?
Armory	3	221.7	2002?
East County Court Complex	20	241.7	2002

MEMORANDUM

To: Users of Low-Temperature Geothermal Water from
Boise Front Ground Water Management Area

From: Norman C. Young, Administrator, Water Management Division

RE: **REVIEW OF BOISE FRONT LOW TEMPERATURE GEOTHERMAL
RESOURCE GROUND WATER MANAGEMENT AREA DESIGNATION**

Date: July 7, 1998

On June 11, 1993, the department issued an order which extended for an additional five (5) years, its June 10, 1988 moratorium order on further development and additional use of the low temperature geothermal water resource in the Boise Front Ground Water Management Area (BFGWMA). Because the five year period is over, it is appropriate to review the continued need for the moratorium or whether it should be modified.

Attached for your review and information are a listing of water rights associated with the BFGWMA and a copy of an open file report titled Production, Temperature and Water Level Data for the Four Heating Systems in the Boise Front Low Temperature Geothermal Resource Area, 1977-1997 by Kenneth W. Neely dated June 1998.

Potential actions of the department relative to the expiring moratorium order include the following:

- a) Extend the moratorium for 5 years without modification.
- b) Extend the moratorium for 5 years with modification.
- c) Rescind the moratorium.

The department seeks written comments until July 31, 1998, on the nature of action the department should take. If you have questions, please feel free to contact me or L. Glen Saxton at 327-7900.

BOISE FRONT LOW TEMPERATURE GEOTHERMAL WATER RIGHTS

<u>Ident. No.</u>		<u>Owner</u>	<u>Priority</u>	<u>Rate</u>	<u>Remarks</u>
63-05073	S	BWSWD	11-05-1894	12.8 cfs	Existing
63-08627	P	D. Harris	03-21-1977	1.42	Examined
63-09138	P	Boise City	04-17-1978	8.0	Ext. req (Camel's back site)
63-09139	P	Boise City	06-15-1978	12.0	Ext. req (Boise barracks well sites)
63-09160	P	BWSWD	06-27-1978	4.0	Ext. req
63-09341	P	St of Id.	02-06-1980	2.29	Examined (Space heat - capital mall)
63-09343	P	D. Harris	02-12-1980	6.0	Ext. req
63-09661	P	St of Id.	01-16-1981	2.2	Ext. req (Botanical Gardens)
On Jan 19, 1996, IDWR approved an amendment adding a p.d. in the NESW Sec 13, T3N, R2E aka old pen well no. 2.					
63-09890	P	Vet Admin	04-19-1982	2.23	Examined
63-10022	P	Boise City	04-20-1983	0.37	Examined (Quarry View Park)
On Feb 16, 1996, IDWR approved an amendment adding a p.d. in the NESW Sec 13, T3N, R2E, B.M. aka old pen well no. 2.					
63-10241	L	Dept of Lands	05-30-1984	0.26	(5.3 ac irrig - old pen well)
On Feb 16, 1996, IDWR approved transfer No. 4526 adding a p.d. in the NESW Sec 13, T3N, R2E, B.M. aka pen well no. 2.					
63-10339	P	Vet Admin	01-14-1986	0.44	Examined
63-10515	A	State of Idaho c/o Kanta-Yankee	07-10-1987	0.5	Protested Applic.

NOTE: The letters following the Ident No. indicate the following:

S = Statutory Claim
P = Permit
A = Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

(208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

3/21/95

NOTES - GEOTHERMAL WELLS IN BOISE FRONT GWMA

STATE OF IDAHO PERMIT 63-09341 Capitol Mall Well & Bldgs., Heating

- Examined 7-23-87, SRBA claim A63-09341 filed, can now proceed with licensing.
- Will hold exam report 30 days (to 4/21/95) to allow state to submit add'l. data for revised license recommendations.
- Tentative license recommendations: 1.79 cfs 1/1-12/31 1031 AFA (803 gpm) $\rightarrow$ ($\approx$ 336 M. gallons/yr.)
- May need to revise volume (AFA) figure per heating beneficial use analysis (re: Admin. Memo #23 Appl. Processing).
- Suggest: amend permit in licensing process ~~to~~ to show well on or near QAG line S.2 SWSESE / S.10 NWNENE.
- Will also mean amending SRBA claim to agree with license recommendations (pld, cfs, volume).
- Injection Well Permit 63-W-17 defines limit of what/how can inject to separate well near 4th & State St.
- Will need to modify 63-W-17 if/or obtain another I.W. Permit if increase/change injection operation.
- Adding new Bldgs to the production well - options:
 - 1) Analyze if new uses fall within limits of permit (need data @ total ft² heated etc. per Ad. Memo #23).
 - 2) New right not feasible per moratorium on new rights in Boise Front GWMA.
 - 3) Change existing right that allows use elsewhere, move this use to new bldgs. to come on-line (re: transfer or amendment process).

3/21/95
Pg 2

City of Boise

Permit 63-09139 ~ 4 wells c Military Reserve,
Includes Heating

Development initiated mid-1983, not completed (re pending Ext. of Time) when mid-1988 Boise Front GwMA moratorium on additional heating development was enacted. " extends through 1998 at this time.

Additional development beyond 6/10/1988 (moratorium) cannot occur
unless specifically authorized by IDWR.

Permit 63-09138 ~ 3 wells c Camelback Park,
Includes Heating

Similar status as 63-09139, falls within same "heating moratorium".

Also has pending Ext. of Time

Without add'l analysis, it is not clear it can
heat more bldgs. with any geothermal wells in
Boise Front GwMA. The issue centers on the
details not yet provided to IDWR for analysis.

- Steve Lester
IDWR Western Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

Neal S. Oldemeyer, P.E.
City of Boise
Public Works Department
150 N. Capitol Blvd.
Boise, ID 83701

RE: City Injection Well

Dear Neal:

We appreciate you keeping us informed of the negotiations and the plans that are being discussed for the use of the geothermal resource.

The plan for re-injection of the water into the aquifer is a positive step toward management of the aquifer.

The Boise Front Groundwater Management Policy states that the level of development by the city was a maximum of 200 million gallons annually. We can agree that the city may, under the moratorium, use the 200 million gallon per year and that with injection some additional amount will be allowed. The additional amount allowed will depend on the efficiency of the injection program. Additional measuring equipment may need to be installed on your well, but that is a matter that can be discussed at a later date.

You are encouraged also to resolve the other existing conflicts over the use of the resource since the actions that you are requesting us to take will be subject to objection by the other parties that use the system.

Again, thank you for letting us know the status of the negotiations.

Sincerely,

A handwritten signature in cursive script that reads "Norman C. Young".

NORMAN C. YOUNG
Administrator
Resource Administration Division

PUBLIC WORKS DEPARTMENT
CITY HALL
4TH FLOOR



H. BRENT COLES
MAYOR

RECEIVED
SEP 30 1993

Department of Water Resources

COUNCIL MEMBERS

Let's discuss
SARA BAKER
COUNCIL PRESIDENT
PAULA FORNEY
COUNCIL PRO-TEM

ANNE STITES HAUSRATH
M. JEROME MAPP
CAROLYN TERTELING
MIKE WETHERELL

September 23, 1993

Mr. Norman C. Young
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

Re: Update on the City's Geothermal Operations

Dear Norm,

I wanted to bring you up to date on several significant events concerning the Boise Front Geothermal Aquifer. First, I am happy to report that the Department of Energy has signed a cooperative agreement with Boise City which commits \$870,000 of federal money to the design and construction of a City geothermal injection well and associated pipeline. We anticipate starting the project design in January immediately following completion of the Montgomery Watson aquifer study.

The Montgomery Watson study is progressing smoothly. We have had two study progress meetings which have included the personnel working on the study, BWSWD representatives, City representatives, and finally, members of our advisory team. The last meeting, held September 20, was also attended by Ken Neely of IDWR and Bob Creed from DOE-ID. Montgomery Watson is using two computer models in the study -- the USGS MODFLOW model, and also the USGS thermal transport model, HST-3D. Bob Creed from DOE-ID intends to run a third model, as an independent check on the Montgomery Watson work, called TETRAD.

Finally, I would like to point out that the City is operating its geothermal wells under valid water right permits which remain partially developed due to the various legal disputes surrounding the use of the local geothermal aquifer and IDWR's current geothermal moratorium. It is our understanding that the City will be allowed to further develop these permits once the bounds of the moratorium are removed. We also presume that the "Request For Extension of Time to provide additional time in which to submit proof of beneficial use for a water right permit," submitted by William J. Ancell in May of 1989, has been tolled until the various legal issues surrounding the geothermal aquifer have been resolved. We further presume that the June 1989 letter from Glen Saxton to Mr. Ancell continues to apply to the current geothermal moratorium and will apply to any future extension of it. Copies of both Glen Saxton's letter and the "Request for Extension of Time" have been enclosed.

Mr. Norman C. Young
September 28, 1993
Page 2

Please contact me immediately if you have any questions or concerns.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Chuck", with a long horizontal flourish extending to the right.

Charles R. Mickelson, P. E.
City Engineer

CRM/NSO/mm

Enclosure

cc: Neal S. Oldemeyer, City Geothermal Coordinator
Jeffrey Fereday, Givens Pursley & Huntley
Doug Strickling, City Attorney's Office
CF/SF GEO 31 (b)

NEAL\DWPMISC\IDWR3



State of
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 15, 1989

City of Boise
Attn: Wm J. Ancell
150 N. Capitol Blvd.
Boise, ID 83702

RE: REQUEST FOR EXTENSION OF TIME - PERMITS 63-9138 AND 63-9139

Dear Mr. Ancell:

The department has reviewed the extension of time requests submitted in connection with the above referenced permits. The department will hold the requests without action pending the development and analysis of additional data on the Boise Front Low Temperature Geothermal Water Resource and the expiration of the present 5 year moratorium which was issued on June 10, 1988.

If for some reason, an extension of time is not allowed in the future, the department will provide you with sufficient notice to allow you to file proof of beneficial use on the portion of the permit(s) developed prior to the imposition of the moratorium.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, reading 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Section

c: W. Region

RECEIVED

MAY 30 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by B. Yell
Date 5/30/89
Receipt # C007108

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-9138

Name(s) of Permit Holder: City of Boise, Att: William J. Ancell, Director of Department of Public Works

Post Office Address: 150 N. Capitol Boulevard, Boise, Idaho 83702

Telephone No. (208) 384-4292

Date Proof is Due: June 1, 1989

Describe what work has been completed toward the development of this water right:
(This must be filled out if no work has been completed, show "none".)

See attachment A

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attachment A.

Permit holder(s) request an extension to June 10, 19 93.
(1 yr. minimum)

W. J. Ancell
(Signature)*

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19 _____.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 10, 1993

Charles R. Mickelson, PE
City Engineer
City of Boise
P.O. Box 500
Boise, Idaho 83701-0500

RE: Low-Temperature Geothermal Water Use

Dear Mr. Mickelson:

Your letter of August 4, 1993, which included a copy of the agreement between City of Boise and Boise Warm Springs Water District has been reviewed. I agree that the agreement clearly sets forth 150 million gallon per year as a cap on low temperature geothermal water use by the city unless the heating year is excessively cold (Paragraph 22) and indicates that the entity conserving water has the right to the conserved water (Paragraph 18). IDWR was provided copies of the agreement when it was being negotiated and when it was being signed. I note from the Operation Summaries copied from the "Proposal to US Department of Energy" and attached to your letter that the City has been routinely adding buildings to the heating system each year after the 1988 moratorium order.

This documentation provides an adequate basis to allow additional buildings to be added to the system using conserved water within the annual diversion specified as a cap in the agreement. I am advising Mr. Rick Sterling, IDWR Energy Division, that the proposed addition of the Presbyterian Church to the system is in accord with your water right under the provisions of the moratorium.

Sincerely,

NORMAN C. YOUNG
Administrator

cc: Rick Sterling

PUBLIC WORKS DEPARTMENT
CITY HALL
4TH FLOOR



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

SARA BAKER
COUNCIL PRESIDENT
PAULA FORNEY
COUNCIL, PRO-TEM

ANNE STITES HAUSRATH
M. JEROME MAPP
CAROLYN TERTELING
MIKE WETHERELL

July 19, 1993

Mr. Norm C. Young
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

RE: Boise City Geothermal Water Conservation Efforts

Dear Norm:

As you suggested during our phone conversation several days ago, I have gathered geothermal water consumption data which demonstrates the results of Boise City's efforts since 1987 to conserve our valuable geothermal resource. In 1986 the City used 199 million gallons of water, resulting in a heating efficiency of 225 gallons per square foot of heated area. As a result of conservation efforts, implemented at substantial cost to the City since then, our 1992 annual consumption was reduced to 126 million gallons, and the heating efficiency to 77 gallons per square foot. *The per square foot consumption has been lowered by 67%; the annual consumption has been reduced by 37%.*

Following is a list of some of the conservation actions the City has undertaken since 1987, most of which were taken in carrying out the City's obligations under its agreement with the Boise Warm Springs Water District:

1. Installed temperature-controlled cross-over valves at the end of nearly every leg of the distribution system. These valves help minimize the amount of water that is bled through the system to keep the distribution lines hot.
2. Further reduced the flow through the cross-over valves. In these cases where the water savings adversely affected customers, we compensated the affected customers by reducing their rates. Thus, we effectively "purchased" the conservation in these instances.
3. Installed special pressure regulating valves at the wellhouses to ensure any water not required by customers is injected back into the well casing.
4. Produced a basic design guide and made it available to architects and engineers to help with proper mechanical design and installation of geothermal equipment.
5. Encouraged installation of water-to-air heat pumps and design of cascade type systems to maximize the amount of energy drawn from the water.

Mr. Norm C. Young
July 19, 1993
Page 2

6. Implemented a meter calibration program to ensure water consumption is accurately monitored.
7. Implemented a program whereby we carefully review on a monthly basis, system and user consumption. Any abnormally high consumption is reported to the customer immediately. The customer is encouraged to contact a reliable HVAC contractor or engineer for assistance.

The City continues to remain sensitive to the careful use of the geothermal aquifer. As I've stated before, the second phase of the Boise Geothermal Aquifer Study is in progress, and we are aggressively pursuing the grant monies required to develop an injection well system.

I am confident that no other user of the local aquifer has taken such effective steps to conserve the geothermal resource. I strongly believe the City should be given credit for these efforts and be allowed to take on new customers as opportunities arise. The City is not out aggressively selling water, but is certainly ready to service a new customer such as the First Presbyterian Church. The Church is currently working on a significant upgrade of its heating system, and it only makes sense that it should consider using geothermal heat -- our distribution system is located only forty feet from the building. *This is not an expansion of our geothermal consumption, but rather a logical use for the water which the City has worked so hard to conserve.*

In addition, the Boise Front Ground Water Management Area Management Policy dated June 8, 1988 includes several statements of importance. Paragraph B of Section III, Management Goals, states that one of the management goals is to:

"Allow full use of the low temperature geothermal resource to maximize public benefit."

Paragraph A.1 of Section IV, Objectives to Meet Goals, states:

"Each use will be limited to the lesser of the recorded right, beneficial use being made of the water or sustained historic diversion rate and/or volume."

Page 1 of 4 of the table attached to the BFGWMA Management Policy entitled "Summary of Uses and Proposed Uses, Boise Front Low Temperature Geothermal Resource Ground Water Management Area" shows the *Present Annual Volume of Diversion for the BGL wells to be 614 acre-feet*. This is equivalent to 200 million gallons per year.

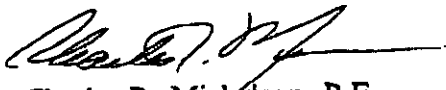
The City feels that during the pendency of the moratorium it has "gone the extra mile" to meet the intent of the BFGWMA Management Policy, and is well within its right to use up to 200 million gallons of geothermal water per year as defined by this policy. The City is still, however, operating under the 1989 agreement with the BWSWD, which is renewed annually given no objection by either party. This agreement limits consumption during a normal heating year to 150 million gallons. Even with the addition of the First Presbyterian Church, and possibly several other buildings in the

Mr. Norm C. Young
July 19, 1993
Page 3

near future, the City will still remain comfortably below this cap. If, however, customer additions do require increasing our production further, the City will produce the amount of water necessary to service these customers up to the previous maximum production level of 200 million gallons, provided we are not in violation of our contract with the BWSWD. We are currently proposing an amendment to our contract which will raise the cap to 200 million gallons.

In short, we do not believe the addition of the First Presbyterian Church, or other immediate probable customers, will violate any policy which you have in place. If you do have concerns though, please let us know immediately.

Respectfully yours,



Charles R. Mickelson, P.E.
City Engineer

CRM/NSO

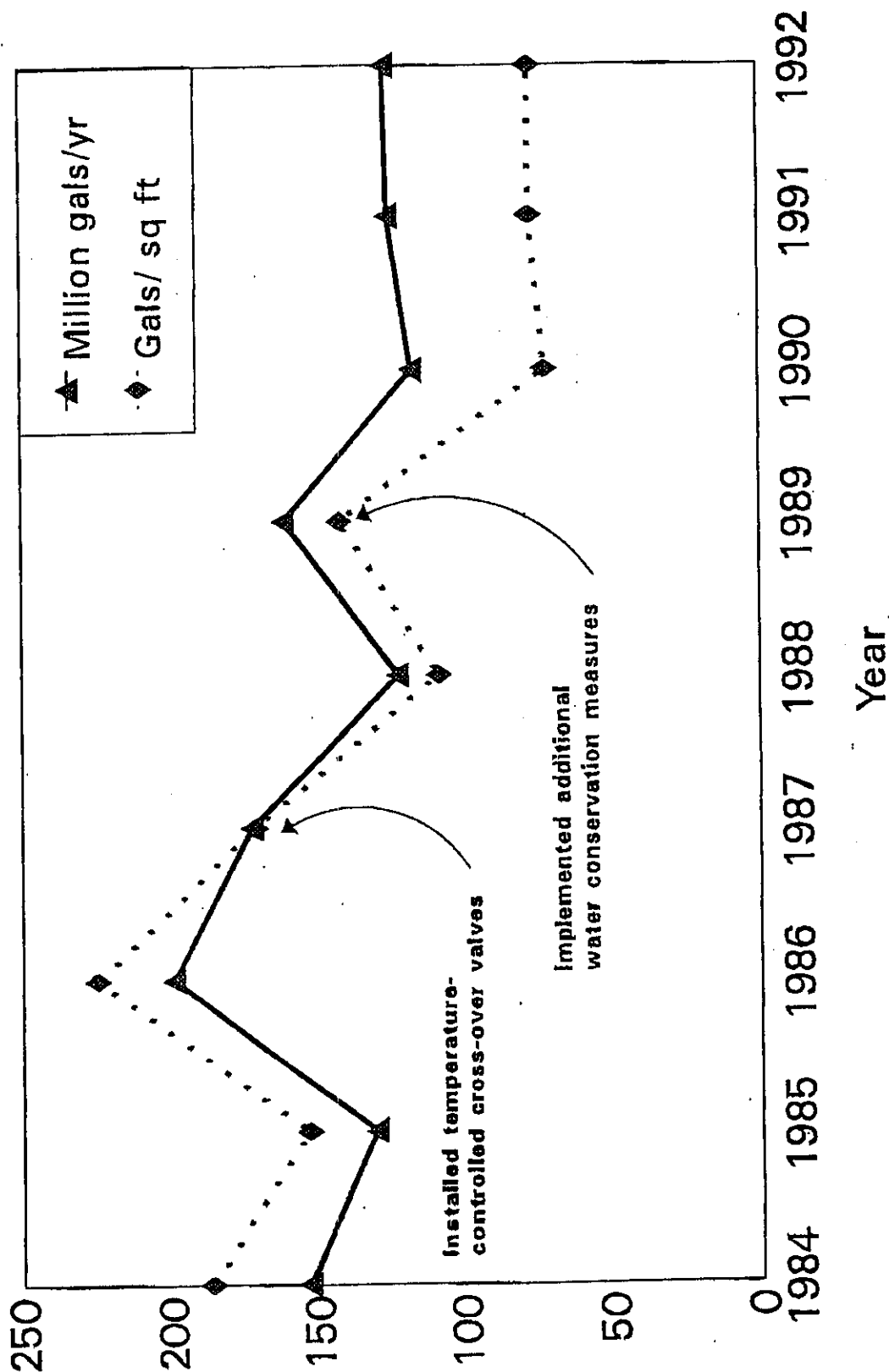
Enclosure

cc: Neal S. Oldemeyer, City Geothermal Coordinator
Jeffrey C. Fereday, Givens Pursley & Huntley
Doug Strickling, City Attorney's Office
CF/SF - GEO 48(a)

NSO/MISC/IDWRLTR1

Boise City Geothermal System

Effects of Conservation Efforts





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 14, 1993

RE: MORATORIUM - BOISE FRONT LOW TEMPERATURE GEOTHERMAL
RESOURCE GROUNDWATER MANAGEMENT AREA

Dear Permit Holder:

Enclosed is an order which extends for five years the
above referenced moratorium.

Objections to the order may be filed in compliance with
the Department's adopted rules of practice and procedure.
If you have questions, please feel free to contact the
Department.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton'.

L. Glen Saxton
Chief, Water Allocation Bureau

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE BOISE FRONT)
LOW TEMPERATURE GEOTHERMAL RESOURCE)
GROUND WATER MANAGEMENT AREA)
_____)

**ORDER EXTENDING A
FIVE YEAR MORATORIUM**

WHEREAS, on June 15, 1987, the Director of the Idaho Department of Water Resources (IDWR) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area in Ada County due to reported declines in aquifer water levels and water pressure; and

WHEREAS, on June 10, 1988, IDWR issued an order establishing a five year moratorium to prevent further development or additional use of the low temperature geothermal water resource (resource); and

WHEREAS, on May 28, 1993, IDWR advised the users of the resource that the five year period was about to end and that IDWR was reviewing the need for the moratorium and whether it should be modified or extended. IDWR also advised the users that based on hydrologic data collected during the moratorium period, IDWR planned to extend the moratorium for an additional five year period and requested written comments on the proposed action; and

WHEREAS, five (5) parties, including major users of the resource, submitted written comment on the proposal to extend the moratorium. The major users did not object to extending the moratorium provided the moratorium could be terminated before the end of the five year period based on sufficient data to show that the resource could be further developed without adverse effects. Two of the commentators suggested that their particular wells should be excluded from the moratorium area; and

WHEREAS, IDWR finds that the two issues described above are adequately addressed in the order to be extended. The order allows modification or rescission prior to the expiration of the five year period if suitable information becomes available. The order also provides for the review and approval of additional development of specific projects if available information confirms that other uses will not be injured and that the the aquifer will not be depleted; and

WHEREAS, hydrogeologic data collected over the past five years is not sufficient to show that the aquifer is stabilized and that

additional development can occur without injuring existing users and the aquifer. Additional data are needed over a longer term in order to make a more accurate determination of the potential extent of development which can occur in the future.

NOW, THEREFORE, pursuant to Section 42-1805(7) Idaho Code, and Water Appropriation Rule, it is hereby ordered that:

(1) The order dated June 10, 1988 which established a moratorium on further development and additional use of the low temperature geothermal water resource in the Boise Front Ground Water Management area is extended.

(2) The provisions of this order are effective for five years from the date issued unless rescinded or modified by an order of the court of competent jurisdiction or unless rescinded or modified by an order of the Director.

Dated this 11TH day of JUNE, 1993.


R. KEITH HIGGINSON
Director

June 15, 1989

City of Boise
Attn: Wm J. Ancell
150 N. Capitol Blvd.
Boise, ID 83702

RE: REQUEST FOR EXTENSION OF TIME - PERMITS 63-9138 AND 63-9139

Dear Mr. Ancell:

The department has reviewed the extension of time requests submitted in connection with the above referenced permits. The department will hold the requests without action pending the development and analysis of additional data on the Boise Front Low Temperature Geothermal Water Resource and the expiration of the present 5 year moratorium which was issued on June 10, 1988.

If for some reason, an extension of time is not allowed in the future, the department will provide you with sufficient notice to allow you to file proof of beneficial use on the portion of the permit(s) developed prior to the imposition of the moratorium.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: W. Region

RECEIVED

MAY 30 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-9139

Name(s) of Permit Holder: City of Boise, Attn: William J. Ancell, Director of Department of Public Works

Post Office Address: 150 N. Capitol Boulevard, Boise, Idaho 83702

Telephone No. (208) 384-4292

Date Proof is Due: June 1, 1989

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

See attachment A.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attachment A.

Permit holder(s) request an extension to June 10, 19 93.
(1 yr. minimum)

W. J. Ancell
(Signature)*

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19 _____.

ATTACHMENT A

Permit No. 63-9139

The City has been unable to develop additional diversions of water under Permit No. 63-9139 in part because of the filing of two lawsuits in district court and an administrative action against the City. The district court actions are: Boise Warm Springs Water District v. Idaho Department of Water Resources, et al., Case No. 91336 (Ada County), and Boise Warm Springs Water District's Second Amended Crossclaim in State of Idaho v. United States, Case No. 39576 (Twin Falls County). The administrative action is In the Matter of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area, Idaho Department of Water Resources (filed January 22, 1988). These actions purport to raise the question whether the City is now or should ever be entitled to develop additional water from the Boise Front Low Temperature Geothermal Aquifer under this permit. These actions thus are litigation which bring the City's title to such water into question. The City has not considered it in the best interest of its citizens to seek to develop water pursuant to this permit at this time.

In addition, the administrative action resulted in the Order Establishing a Moratorium issued by the Director of the Idaho Department of Water Resources on June 10, 1988. The moratorium order, which is in effect until June 10, 1993 (unless earlier rescinded), purports to prohibit "further development or additional use pursuant to undeveloped or partially developed permits" until the permit holder shows to the satisfaction of the Department that further development "will not cause additional depletions of the aquifer," will not "increase pumping lift or pressure reduction to existing users," and will not "reduce the temperature of the resource" below an unspecified level relative to efficiency. These conditions also could be interpreted as effectively prohibiting the City from proceeding with additional development under this permit, at least for the pendency of the moratorium. The City has appealed the moratorium order, but will be unable to determine its rights pursuant to the order until the appeal is resolved.

The Department has engaged consultants to conduct further studies of the aquifer from which additional production under this permit would be diverted. It is uncertain what actions will be taken in response to these studies, once they are complete. However, these too could affect the City's ability to proceed with additional development and/or its right and title to the water contemplated for further development under the permit.

The City also has entered into negotiations with other parties concerning the lawsuits, the effect of the moratorium order and other subjects affecting the development of additional water from the aquifer. In these negotiations, which are ongoing, the City is seeking, among other things, to reach an agreement with Boise Warm Springs Water District which would involve a joint study of the aquifer and the parties' relative effects upon it, if any. If this study is undertaken, it too could influence the City's development of additional amounts of water under this permit.

Finally, the City has proceeded diligently under its permits to appropriate waters from the aquifer. Several additional businesses in the downtown Boise area currently desire to become geothermal heating customers. Moreover, the City is serving several other businesses with spent water that already has been used for heating in other customers' buildings. Once the City is again able to proceed with development of additional amounts of water from the aquifer, the City expects customers from these groups to seek supplies of primary heating and cooling water. It would be in the public interest to grant the City additional time to perfect its right to additional diversions under this permit. In addition, an extension of time is appropriate in this case because, as a municipality, the City reasonably requires additional time in order to respond to the needs of both its growing population and its redeveloping downtown area.

For all these reasons, the City takes the position that the public interest is best served by

refraining from seeking further development under this permit at this time. However, the public interest likewise would be served by allowing the City an extension of time within which to develop such waters, at least until more information is available from the study now underway in the Department and the moratorium has been lifted.

May 10, 1989

Jeffrey C. Fereday
Givens, McDevitt, Pursley, Webb & Buser
277 No. 6th Street
P.O. Box 2720
Boise, Idaho 83701

RE: PERMITS 63-9138 AND 63-9139

Dear Mr. Fereday:

I reviewed your letter dated May 2, 1989 in connection with the above referenced permits.

Department files show that on March 31, 1989, a proof due notice was sent to the permit holder showing that the proof of application of water to beneficial use (proof) is due on or before June 1, 1989. The files also show that the extension of time which the department can grant pursuant to Section 42-204(5), Idaho Code, for a showing of due diligence has already been granted.

The Order Establishing a Moratorium (moratorium) issued by the Director on June 10, 1988, in connection with the Boise Front Low Temperature Geothermal Resource Ground Water Management Area does not in itself grant an extension of time for outstanding permits affected by the moratorium. An extension of time must be requested pursuant to the usual permit perfection procedures of the Idaho Code.

Section 42-204(1), Idaho Code, authorizes the director to grant extensions of time in connection with permits for which litigation has brought the title to the water in question. Requests for extension of time based on delays caused by litigation must be accompanied by evidence to support the periods of delay claimed. The delay period caused by the department's June 10, 1988 order, as applicable to these particular permits, is one (1) year (June 1988 to June 1989). Until requests for extension of time have been submitted and evaluated, it is premature, to speculate on the disposition of such extension requests.

Upon submittal of extension requests, the department will review the merits of the requests on a case-by-case basis to determine appropriate action. If neither a request for extension of time nor the proof is received by June 1, 1989, the department is required to send a lapse notice to the permit holder.

Jeff Fereday

-2-

May 10, 1989

Please feel free to contact the department if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: W. Region
G.W. Prot Sec.

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
KENNETH R. McCLURE
CHAS. F. McDEVITT
LEO EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

*ALSO ADMITTED IN OREGON

RECEIVED
MAY 08 1989

Department of Water Resources

May 2, 1989

Mr. L. Glen Saxton
Chief, Operations Bureau
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720

Re: City of Boise Water Right Permit Nos. 63-9138 and 63-9139

Dear Mr. Saxton:

I am writing on behalf of our client, the City of Boise, with regard to proof of beneficial use for the water right permits listed above. These permits concern pumping of low-temperature geothermal water from the Boise Front Geothermal Aquifer. As to each permit, the Department has granted the City an extension of time until June 1, 1989 within which to prove beneficial use. However, the City has been prevented from proceeding with full development under these permits by litigation filed in early 1988 against the City in district court and in the Department which challenges the City's right to this water, and by the Department's order of June 10, 1988 which placed a five-year moratorium on further development of the groundwater resource from which further pumping and beneficial use will occur under these permits. We respectfully request that the Department recognize, pursuant to I.C. § 42-204, an extension of time within which to make full beneficial use under these permits.

Substantial development has occurred under permit no. 63-9139, including the pumping and beneficial use of approximately 200 million gallons per year of low-temperature geothermal water. Before the moratorium was imposed in June 1988, and in part because of the legal actions filed against it by Boise Warm Springs Water District earlier that year, the City took steps to improve the efficiency of its use from the aquifer. These efforts have made it possible for the City to reduce its per-customer pumping from the aquifer. But for purposes of the proof of beneficial use under the permit, the City has shown beneficial use of and an entitlement to the higher amount.

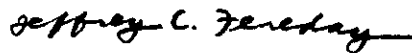
Mr. L. Glen Saxton
May 5, 1989
page 2

In addition, and again in part as a response to the moratorium and the litigation, the City has acquired new customers who are willing, at least for the meantime, to receive "second use" or "waste" water from the City's delivery system. These customers are primarily in the redeveloping areas in and around downtown; the water they are using already has been delivered to and used by a primary heating customer and discharged into the City's collection system. Some of these customers may seek to upgrade to a full temperature supply within a reasonable time after the current legal impediments are resolved. The City also expects that additional downtown customers will seek to connect to the City's primary supply within such a time period. In the meantime, the City continues to make diligent efforts to identify additional users and to put to beneficial use all waters it is entitled to divert under this permit.

Permit no. 63-9138 has not yet been developed, but the City reasonably cannot plan to do so until the moratorium and the pending lawsuit are lifted.

We would appreciate your confirming as soon as possible that our time for proving up these permits is extended for the duration of the legal impediments, including the moratorium. Thank you for your assistance.

Very truly yours,



Jeffrey C. Fereday

cc: Mayor Dirk Kempthorne
William J. Ancell, Director of Public Works
Charles R. Mickelson, Boise City Engineer
Mr. Victor Kollock, City Dept. of Public Works

CITY OF BOISE
P.O. BOX 500
BOISE, ID 83701

March 31, 1989
138087

PROOF DUE NOTICE

RE: PERMIT NO. 63-09139

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 5, 1988

RE: Permit Nos. 63-9138/9139

Jean Uranga
Uranga & Uranga
Box 1678
Boise, ID 83701-1678

Dear Ms. Uranga:

We acknowledge receipt of the assignments for the above referenced permits. We have changed our computer records for Permit No. 63-9139 to reflect the City of Boise as the current owner once again.

The assignment for 63-9138 is being returned to you, however, since this permit was never assigned from City of Boise to Boise Geothermal, Ltd. and therefore still remains in the name of the City of Boise.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

cc: City of Boise

RECEIVED

OCT 11 1988

URANGA & URANGA
ATTORNEYS AT LAW
714 NORTH 5TH STREET
P. O. BOX 1678
BOISE, IDAHO 83701-1678

LOUIS L. URANGA
JEAN R. URANGA
CHRISTOPHER M. BIETER

TELEPHONE (208) 342-8931
FAX (208) 384-5686

July 20, 1988

HAND-DELIVERED

Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RE: Permit Numbers 63-9138 and 63-9139

To Whom It May Concern:

Please be advised that I am the attorney for the Boise City Geothermal Project.

Enclosed for filing please find two Assignments of Permit whereby Boise Geothermal, Ltd., an Idaho Limited Partnership, has reassigned to the City of Boise, all right, title and interest which Boise Geothermal, Ltd. may have had in the two permits.

Would you please provide me with your acknowledgment letter to complete the assignments.

If you have any questions, please let me know.

Sincerely yours,



JEAN R. URANGA

JRU/ys
Enclosure
cc: Chuck Mickelson

FILED

OCT 11 1988

63-9139

June 21, 1988

CERTIFIED MAIL

Melvin Baptie
Boise Geothermal, Ltd.
3108 Ridgeway Dr.
Boise, ID 83702

Dear Mr. Baptie:

RE: BOISE FRONT - ORDER ESTABLISHING A MORATORIUM

Enclosed is an order establishing a moratorium in connection with further development of the warm water aquifer in the Boise Front Low Temperature Geothermal Ground Water Management Area.

The moratorium has been ordered pursuant to the authority of Section 42-1805(7), Idaho Code, and Rule 7 of the Department's Water Appropriation Rules and Regulations.

Objections to entry of the order shall be considered by the department under the provisions of the department's adopted Rules of Practice and Procedure and applicable law. Objections must be filed within fifteen (15) days of the date of this letter.

Sincerely,

NORMAN C. YOUNG
Administrator

Encl: 1

MICROFILMED

OCT 11 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE BOISE)
FRONT LOW TEMPERATURE)
GEOTHERMAL RESOURCE GROUND)
WATER MANAGEMENT AREA)

ORDER
ESTABLISHING
A MORATORIUM

On June 15, 1987, the Director of the Idaho Department of Water Resources (IDWR) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area (Boise Front) in Ada County due to reported declines in aquifer water levels and pressure. On January 22, 1988, Boise Warm Springs Water District (BWSWD) petitioned IDWR to:

1) Establish a moratorium on further development pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the Department's Water Appropriation Rules and Regulations,

2) Designate the Boise Front as a critical ground water area pursuant to Section 42-233(a), Idaho Code, and

3) To stop further development in the Boise Front pursuant to management authority provided by Sections 42-233(b) and 42-237(b), Idaho Code.

The IDWR staff has reviewed the present status of use and development of the low temperature geothermal resource in the Boise Front area and based upon this staff review, the Director has determined that:

1) Water levels or pressures in the Boise Front continue to decline at an estimated rate of six (6) to seven (7) feet per year in all or part of the Boise Front.

2) Pending applications and undeveloped permits could increase the annual withdrawal from the aquifer several fold if developed.

3) Protection of existing rights require additional management of the resource.

4) A moratorium on further development which will increase the rate of depletion from the Boise Front is required to insure compliance with the provisions of Chapter 2, Title 42, Idaho Code.

5) Additional hydrogeologic data is needed **INADEQUATELY**

OCT 11 1988

evaluate the characteristics of the aquifer to prevent over appropriation of the resource, to stabilize depletions and to adequately assess the potential of long term declines.

6) By maintaining a ground water management area designation, the Director is authorized to require right holders to report withdrawals of ground water and other information to determine the ground water supply and its usage.

7) The Director is charged with the protection of existing water rights while allowing reasonable use of the resource.

8) Section 42-1805(7), Idaho Code, and Rule 7 of the Water Appropriation Rules and Regulations provide for the establishment of a moratorium on further development.

NOW, THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the Water Appropriation Rules and Regulations, it is hereby ORDERED in connection with the Boise Front Low Temperature Geothermal Resource Ground Water Management Area designed on June 15, 1987 that:

1. Effective with the date of entry of this order, further development or additional use pursuant to undeveloped or partially developed permits is prohibited until the permit holder shows to the satisfaction of the Director that further development or additional use: a) will not increase depletions from the aquifer; b) will not increase pumping lift or decrease pressure to existing prior users; and c) will not reduce temperature to existing users causing systems operating at reasonable efficiency to no longer operate.

2. Pending and future applications will be rejected unless information is provided to demonstrate the use: a) will not cause additional depletion of the aquifer; b) will not increase pumping lift or pressure reduction to existing users or undeveloped permit holders; and c) will not reduce the temperature of the resource to existing users or undeveloped permit holders below the temperature necessary for a system operating at reasonable efficiency to operate.

3. The Director retains the designation of the Boise Front as a Ground Water Management Area and DENIES the petition of the Boise Warm Springs Water District to designate the Boise Front a Critical Ground Water Area.

4. The provisions of this order are effective upon issuance and remain effective for a period of five (5) years unless rescinded, modified or extended by subsequent order of the Director.

5. Service and publication of this order shall be made in accordance with the provisions of Rule 7 of the Water

OCT 11 1988

Appropriation Rules and Regulations.

6. Any person aggrieved by this order shall be entitled to a hearing before the Director for the purpose of contesting the order. A request for hearing must be filed with the Director within fifteen (15) days after receipt of a copy of the order by certified mail, or within fifteen (15) days after completion of the publication of the order for three (3) consecutive weeks in a newspaper of general circulation, whichever is earlier. The hearing shall be conducted in accordance with the provisions of Chapter 52, Title 67, Idaho Code, and the rules of Practice and Procedure of the Department of Water Resources.

Dated this 10TH day of JUNE, 1988.


R. KEITH HIGGINSON
Director


OCT 11 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-9139

Name(s) of Permit Holder(s): Boise Geothermal Ltd. Inc.

Post Office Address: 3310 Idaho St. Boise, Idaho 83702

Tel. No. 336-8700

☒ I hereby certify that construction of diversion works for the above referenced permit began on December 30, 1980 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

6/29/83
Date

David J. Smith
Signature of Permit Holder
General Partner
Boise Geothermal Ltd.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-9139

Name(s) of Permit Holder(s): CITY OF BOISE

Post Office Address: % BOISE GEOTHERMAL P.O. BOX 500
BOISE, IDAHO 83701

Tel. No. 336-4013

☒ I hereby certify that construction of diversion works for the above referenced permit began on SUMMER 1981 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

6-30-83
Date

Sean R. Wanga
Signature of Permit Holder
attorney for Boise Geothermal

Boise Geothermal Ltd.
331 W. Idaho
Boise, Idaho

PLACE
STAMP
HERE

RECEIVED

JUN 30 1983

RECEIVED

OCT 11 1988



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Boise Geothermal
P.O. Box 500
Boise, Idaho 83701

PLACE
STAMP
HERE

RECEIVED

JUN 30 1983

RECEIVED

OCT 11 1988



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

ELAM, BURKE, EVANS, BOYD AND KOONTZ

ATTORNEYS AND COUNSELORS AT LAW

SUITE 1010 FIRST INTERSTATE BANK BUILDING

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

CABLE-EBEBK

June 29, 1983

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL P. BURKE
BLAINE F. EVANS
PETER J. BOYD
ROBERT J. KOONTZ
M. ALLYN DINGEL, JR.
JOHN S. SIMKO
JACK S. GJORDING
LARRY D. RIPLEY
JOHN MAGEL
DAVID B. LINCOLN
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE
DANIEL L. POOLE
RANDALL A. PETERMAN
WILLIAM J. RUSSELL

MERRILY MUNTHERR
KAYE L. O'RIORDAN
RYAN P. ARMBRUSTER
DAVID E. COMSTOCK
CHARLES L. HAY
MELVILLE W. FISHER II
WILLIAM G. DRYDEN
ROBERT C. HAMPTON
BILL V. BRUMLEY, JR.
TODD J. WILCOX
BRUCE H. TOMPKINS
TERRY T. UHLING
PETER C. MARSHALL
WILLIAM J. BATT
KARL JEPPESEN
OF COUNSEL

HAND DELIVER

Department of Water Resources
Statehouse
Boise, ID 83720

Attn: David R. Tuthill, Jr.,

Dear Mr. Tuthill:

Enclosed please find the card requested in your
letter of June 24, 1982.

Very truly yours,

ELAM, BURKE, EVANS, BOYD & KOONTZ

Kaye L. O'Riordan
Kaye L. O'Riordan

KLO:pb
Enc.

RECEIVED

OCT 11 1988

63-9139



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 3, 1987

Ira W. Fonshill, III
Boise Geothermal LTD
P.O. Box 1228
Boise, ID 83701

RE: Monitoring of the Boise Geothermal
Groundwater System

Dear Mr. Fonshill:

The enclosed order is being sent to you because of the Department's concern about the Boise Geothermal System. By collecting uniform and consistent data from the major users, a better understanding of the System will be known and management alternatives of the system can more properly be considered.

You and the other major users are required to develop a program for accurate monitoring and record keeping. The Department is willing to meet with you to discuss possible equipment selection and questions you may have.

If you have questions or comments, please contact John Carlson (phone 334-4406) of this Department.

Sincerely,

John E. Beal for
L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt(GP5-1.60)

Enclosure

CC: IDWR - Western Region

MAILED

OCT 11 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF A COMPREHENSIVE)
MONITORING PROGRAM IN THE BOISE)
FRONT LOW TEMPERATURE GEOTHERMAL)
RESOURCE GROUND WATER MANAGEMENT)
AREA)
_____)

ORDER REQUIRING
MONITORING AND
RECORD KEEPING

This matter having come before the Director of the Department of Water Resources (Department) as a result of reported water level declines of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area, and the need for a comprehensive monitoring system, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. The Director of the Department has the responsibility to administer the ground water basins of the State to protect prior rights yet allow full economic development.

2. The Boise Front Low Temperature Geothermal Resource Ground Water Management Area was designated by the Director on June 15, 1987.

3. A preliminary study performed by Boise State University on several wells in a portion of the management area indicates that the resource may be limited and that significant declines in water levels in pumped and monitored wells within the system are occurring.

RECEIVED

OCT 11 1988

CONCLUSIONS OF LAW

1. Section 42-226, Idaho Code, declares all ground waters to be the property of the State, and charges the State with supervising the appropriation and allotment of the same so that early appropriation of underground water are protected in the maintenance of reasonable groundwater pumping levels.

2. Section 42-233b, Idaho Code, authorizes the Director of the Department of Water Resources to require all water right holders within a designated ground water management area to report withdrawals and other necessary information for the purpose of assisting him in determining water usage and available ground water supplies.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Boise Geothermal LTD shall install and maintain equipment and forward to the Department on a monthly basis the following information:

1. Continuous withdrawal rate and withdrawal volume amounts.
2. Continuous casing pressure and/or drawdown measurements on production and injection wells.
3. Temperature of withdrawn and injected fluids on a daily basis.

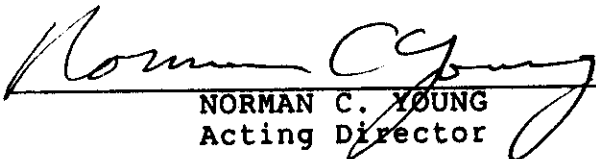
IT IS FURTHER ORDERED that within thirty (30) days of this Order Boise Geothermal LTD shall submit a written proposal to the Department for review and approval describing a monitoring pro-

FILED

OCT 11 1988

gram and equipment to be used and/or installed to comply with this order.

Dated this 29TH day of July, 1987.


NORMAN C. YOUNG
Acting Director

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OCT 11 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 6, 1985

Melvin J. Baptie
Boise Geothermal LTD
331 West Idaho St.
P.O. Box 500
Boise, ID 83701

RE: Geothermal Well Under Permit 63-9138 & 63-9139

Dear Mr. Baptie:

As you may be aware, the Department of Water Resources is responsible for monitoring development of the State's water resources to see that it is beneficially used and not developed to a point that would cause injury to prior developers.

An immediate concern of this Department is the Boise area. As more and more people develop systems utilizing the thermal waters, there is a growing concern that the wells should be monitored so that resources can be evaluated as to further development.

I am interested in what records are being kept of your wells and would appreciate your submitting a copy of these records for the time these wells have been in use.

Your immediate attention to this matter would be appreciated.

Sincerely,

JOHN D. CARLSON
Construction Permits Section

JDC:ldt

RECEIVED

OCT 11 1988

URANGA & URANGA
ATTORNEYS AT LAW
714 NORTH 5TH STREET
P. O. BOX 784
BOISE, IDAHO 83701-0784

MAY 25 1984

Department of Water Resources

LOUIS L. URANGA
JEAN R. URANGA

TELEPHONE 342-8931
AREA CODE 208

May 25, 1984

Mr. David R. Tuthill, Supervisor
Water Rights Section
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Request for Extension of Time for Permit No.
63-9139

Dear Mr. Tuthill:

You recently granted a Request for Extension of Time with respect to Permit No. 63-9139, filed by Boise Geothermal, Ltd. As the records of the Department of Water Resources should indicate, the water right issued under Permit No. 63-9139, was originally issued to the City of Boise. We have assigned our interest in this water right to Boise Geothermal, Ltd., for development. As the transmittal letter of April 30, 1984, from Boise Geothermal, Ltd., stated, the wells and applicable water rights will ultimately revert to the City of Boise.

Since Boise Geothermal, Ltd., is the assignee and since you have granted their request for an extension of time, I assume the interests of the City of Boise in Permit No. 63-9138 and the priority date would also be protected by the extension.

If you believe it is necessary for the City of Boise to file its own request for an extension of time with respect to Permit No. 63-9139, would you please let me know.

Sincerely yours,

Jean R. Uranga
JEAN R. URANGA

MISCONFIRMED

JRU/tg
cc: Chuck Mickelson
Kaye O'Riordan

UCL 11 1988

May 9, 1984

Boise Geothermal LTD
331 W. Idaho St.
P. O. Box 500
Boise, ID 83701

Gentlemen:

Re: Permit No. 63-9139

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to June 1, 1989.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

May 2, 1984

Boise Geothermal, Ltd.
331 W. Idaho Street
P. O. Box 1228
Boise, ID 83701

PERMIT NO. 63-9139

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 33977.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
MAY 10 1984
DEPT. OF WATER RESOURCES

BOISE GEOTHERMAL, Ltd.

An Idaho Limited Partnership

General Partners
Ira W. Fonshill III
Melvin J. Baptie

MAY 9 1984

Idaho Department of Water Resources

April 30, 1984

Mr. David R. Tuthill, Supervisor
Water Rights Section
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Re: Extension of Time Request for Permit 63-9139

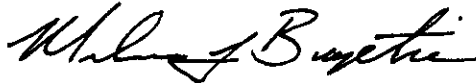
Dear Mr. Tuthill:

Enclosed is Request for Extension of Time for proof of beneficial use for approved permit 63-9139. Also enclosed is the required filing fee of \$15.00.

Although some supporting documentation is undoubtedly in the water-right file for Permit 63-9139, I would like to point out that Boise Geothermal Ltd., while a private partnership, operates as a municipality in supplying water to end-users. The distribution system, in fact, is owned and maintained by the City of Boise. The entire system, including wells, pumps and pumphouses, could revert to City ownership as soon as 15 years from the date of the geothermal lease and agreement between Boise Geothermal Ltd. and the City of Boise. The City can exercise the option to purchase the system after fifteen years, or after each five-year period after the initial fifteen. What I'm trying to point out is simply that the water-supply system developed under Permit 63-9139 is operated like any other municipal-supply system, with full ownership reverting ultimately to the City of Boise, a fact which should be considered in this request for extension of time.

If I can answer any questions you may have, or in any way help expedite the processing of the Request for Extension of Time, please feel free to contact me.

Sincerely,



Melvin J. Baptie, General Partner
Boise Geothermal Ltd.

Enclosures

RECEIVED

APR 3 1984

Department of Water Resources



CITY OF TREES

BOISE CITY, IDAHO

RICHARD R. EARDLEY
MAYOR

COUNCIL MEMBERS
MARY TRAIL, COUNCIL PRESIDENT
RALPH MCADAMS, COUNCIL PRO-TEM
H. BRENT COLES
GLENN SELANDER
MARY TATE
RON J. TWILEGAR

April 2, 1984

State Of Idaho
Department Of Water Resources
Statehouse
Boise, ID 83720

To Whom It May Concern:

The enclosed two copies of certified mail were delayed do to improper addressing. Louis Uranga is located at 714 N. 5th, Boise, ID 83702 and Boise Geothermal Ltd. is not part of the City Of Boise Government.

Sincerely,

Phil Handzel

MICROFILMED

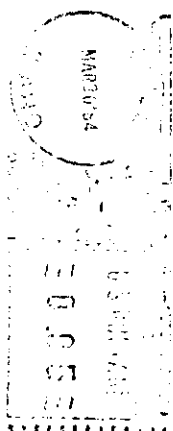
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

714 N. 5th

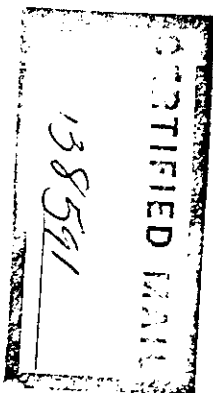
CITY OF BOISE
C/O LOUIS URANGA
P.O. BOX 500
BOISE, ID 83701

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

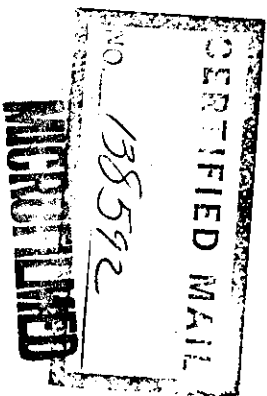
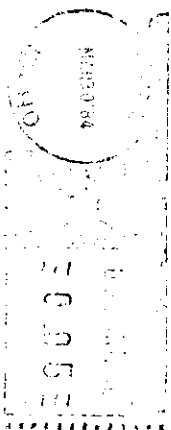
BOISE GEOTHERMAL LTD.
331 W. IDAHO
P.O. BOX 500
BOISE, ID 83701



APR - 2 1984



APR - 2 1984



S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138572

BOISE GEOTHERMAL LTD.
331 W. IDAHO
P.O. BOX 500
BOISE, ID 83701

PROOF DUE NOTICE

MARCH 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9139 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

Boise Geothermal RECEIVED

P.O. Box 500 Boise, Id. 83701

SEP 11 1981

Department of Water Resources

**Project Board of
Control**

Boise City Council

Dick Eardley, MAYOR
Joy Buersmeyer
Ralph McAdams
Marge Ewing
Glenn Selander
Fred Kopke
Keith Anderson

**Boise Warm Springs
Water District Board**

Terence O'Rourke, Chairman
Dorothy L. Mott
Harold T. "Buck" Jones
Carl E. Nicholson
H.T. Plumb

Director

Phil Hanson
(208) 384-4013

September 9, 1981

Jo Beeman
Attorney
Department of Water Resources
Idaho State Office
450 West State Street
Boise, Idaho 83720

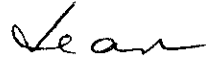
Re: Lease between Boise City and Boise
Geothermal, Ltd.

Dear Jo:

Enclosed please find a copy of the geothermal
lease which you requested.

If you have any questions after reviewing the
lease, please do not hesitate to contact me.

Sincerely yours,



JEAN R. URANGA
Attorney

Enclosure.

MICROFILMED

GEOHERMAL LEASE AND AGREEMENT

DATED: August 25, 1980.

BETWEEN: Ira W. Fonshill, III, and Melvin J.
Baptie, General Partners

"Partnership"

and

Boise City, a Municipal Corporation of
the State of Idaho

"Boise"

RECITALS:

Boise owns the geothermal resources in a parcel of property situated in Ada County, Idaho, which property has potential for development of geothermal resources.

The Partnership is willing to enter into this Lease and Agreement and to advance all funds necessary for the exploration and development of the property for the production of geothermal resources, and if such resources are developed, to sell and deliver such resources to Boise for ultimate sale and distribution to end users of such resources. The sale of such resources to Boise pursuant to this Lease and Agreement reflect the undertaking by the Partnership of the commitments by it and the risks inherent in an exploration project of the type contemplated hereunder.

THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Definitions.

Unless the context otherwise specifies or requires, the terms defined in this Section 1 shall for all purposes of this Lease have the meanings herein specified, the following definitions to be equally applicable to both the singular and plural forms of any of the terms herein defined.

1.1 The term "Boise" means Boise City, an Idaho Municipal Corporation, the Lessor pursuant to this Lease and Agreement.

1.2 The term "Partnership" means Ira W. Fonshill, III, and Melvin J. Baptie, General Partners, and then when formed, Boise Geothermal Limited, an Idaho Limited Partnership in which Ira W. Fonshill, III, and Melvin J. Baptie will be the General Partners and which will be the Lessee and operator under the terms of this Lease and Agreement.

1.3 The term "Property" means all right, title and interest of Boise to the geothermal resources including minerals present in the geothermal fluid, and including any and all water rights pertaining to the real property, in and on the real property more particularly described as follows:

Boise Meridian, Idaho

T. 3 N., R. 2 E.

Tract 37, consisting of 4.13 acres;

Tract 38, consisting of 449.16 acres;

Tract 39, consisting of 14.64 acres;

Tract 40, consisting of 4.95 acres.

1.4 The terms "geothermal resource" or "geothermal energy" means the natural heat of the earth, the energy, in whatever form below the surface of the earth, present in, resulting from or created by, or which may be extracted from such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam in whatever form found below the surface of the earth which contains or transmits the natural heat energy of the earth, but excluding petroleum, oil, hydrocarbon gas or other hydrocarbon substances.

1.5 The term "the Act" means the Idaho Geothermal Resources Act, Title 42, Chapter 40, Idaho Code.

1.6 The term "Effective Date" means August 25, 1980.

1.7 The term "Lease" means this Geothermal Lease and Agreement.

Section 2. Lease; Possession; Control.

2.1 Boise hereby leases and demises and grants to the Partnership upon and subject to the terms and conditions hereinafter set forth, all of its right, title and interest in the Property, together with a right-of-way, entry into and upon, transit through and across, and egress from the portion of the real property owned by Boise, consisting of Tracts 37 and 38 of the real property described in Section 1.3 above, for all men and material engaged in the accomplishment of the Partnership's activities.

2.1.1 Attached hereto as Exhibit A is a map showing the surface boundaries of the real property.

2.2 The Partnership shall be entitled to use and occupy only so much of the surface of the real property as

MICROFILMED

may be required to drill for, extract, produce, remove, utilize, sell and dispose of geothermal resources and associated by-products produced from the Property, with the right of entry on the real property and use and occupancy thereof at all times for said purposes and the furtherance thereof, including the right to construct, use and maintain thereon and to remove therefrom all works, buildings, plants, waterways, roads, pipelines, reservoirs, tanks, pumping stations or other structures necessary to the full enjoyment and development of the geothermal resources.

2.3 The possession by the Partnership of the Property shall be sole and exclusive for the purposes hereof and for purposes incident or related thereto, excepting that Boise reserves the right to use and occupy said Property, or to lease or otherwise deal with the same, without interference with the Partnership's rights, for any and all uses other than the use and rights permitted to Partnership hereunder.

2.4 Boise, through its agents, shall be permitted at all reasonable times to go in and upon the real property, during the term of the Lease, to inspect the operations and the geothermal resources and associated by-products produced from the Property.

2.4.1 It is in the best interests of the Partnership and the City of Boise to assure reservoir integrity through a program of testing and monitoring. The Partnership will conduct such tests as are needed, in the Partnership's judgment, in furtherance of its operations. The Partnership agrees to permit the City of Boise or its designated agents and representatives, and at Boise's expense, to conduct well testing from time to time, provided that such testing is conducted at such times and in such manner as to not unreasonably interfere with the operations of the Partnership. The results of this testing will be shared between the parties and testing will be carried on jointly as the parties shall agree.

Section 3. Term.

3.1 This Lease shall be for a primary term of fifteen (15) years from and after the Effective Date and will be renewed pursuant to Section 11 hereof for seven additional five (5) year terms, unless this Lease is otherwise terminated pursuant to its provisions.

3.2 If the first well is not drilled and tested on the Property on or before twelve (12) months (subject to Section 9 hereof) from the Effective Date hereof, this Lease shall ter-

minate with no further obligation on the part of either party, unless the Partnership and Boise agree to an extension thereof. It is understood that time is of the essence in accomplishing the drilling, and the Partnership will use its best efforts to commence and complete drilling as expeditiously as possible.

Section 4. Representations and Warranties of Boise.

4.1 Boise represents that its right, title and interest in the Property was obtained through a quitclaim deed from the United States of America to Boise, which quitclaim deed was based upon Title X, Public Law 95-586, 92 Stat. 2492, and Boise will defend its title thereto. A copy of the quitclaim deed is attached hereto as Exhibit B. Boise represents and warrants to the Partnership that Boise has good and marketable title to Tracts 37 and 38 of the real property free and clear of all equities, encumbrances or claims of adverse ownership, except for those easements and servitudes listed in the commitment for title policy attached hereto as Exhibit C and subject to acceptance by the Partnership of the final title insurance policy.

4.2 So long as the Partnership shall perform the covenants required to be performed by it hereunder, the Partnership shall have peaceful and quiet use and enjoyment and possession of the Property to the extent and for the purposes provided in this Lease, and Boise will warrant and defend the Partnership in such peaceful and quiet use and possession at the sole cost and expense of Boise.

4.3 On the Effective Date this Lease shall have been fully authorized and approved by the City Council of Boise, and Boise shall have delivered to the Partnership an opinion of counsel, in form and substance satisfactory to the Partnership, that on the Effective Date this Lease is a legal, valid and binding obligation of Boise, and no action, election or other consent of the citizenship of Boise is required to make this Lease effective.

Section 5. Drilling; Commitments for End Use.

5.1 Boise's present design of a distribution system anticipates that there be delivered geothermal resources in the form of hot water at a rate of at least 2,000 gallons per minute and up to approximately 4,000 gallons per minute at approximately 170° F., consistent with the operations standards of the system as provided in writing to the Partnership on the Effective Date. In addition, the hot water must be delivered to the vicinity of what is known as the Beard well, as identified in Exhibit A. Boise will give the Partnership at least ninety (90) days' notice before Boise's distribution system is completed. It is the goal of

the Partnership to develop, pursuant to the Lease, wells sufficient to meet Boise's requirements, but its only obligations are as set forth herein.

5.1.1 After the first well is drilled, if the results of such drilling warrant, in the Partnership's sole judgment, the drilling of additional well(s), such drilling will be commenced within six (6) months of the completion of drilling of the first well.

5.1.2 After the first well is drilled, if the results of such drilling do not warrant, in the Partnership's sole judgment, the drilling of additional well(s), the Partnership may surrender this Lease pursuant to Section 10.4.

5.2 The Partnership's objectives shall be consistent with Boise's delivery system. The extent of the Partnership's drilling activity shall be limited to development of geothermal resources in a volume of at least 2,000 gallons per minute and up to approximately 4,000 gallons per minute, as set forth in Section 5.1 herein and shall be limited to providing geothermal resources to Boise, except as provided under Sections 6.2 and 6.3. Having met these requirements, the Partnership shall cease drilling activity under terms of this Lease, unless otherwise mutually agreed. It is understood and agreed that Boise has first and continuing right of refusal to total Partnership production pursuant to Sections 6.1 and 6.2 hereof, and the Partnership has first right of refusal to any excess or spent resource which may result from delivery systems capacity changes.

5.3 Nothing in this Lease shall be construed to obligate the Partnership to drill injection wells or undertake any method of disposing of geothermal resources after their delivery to Boise.

5.4 Subject to waiver by Boise of the Partnership's drilling the first well within the time set forth in Section 3.2, Boise's sole remedy for failure of the Partnership to complete the first well shall be termination of this Lease.

5.5 Within twelve (12) months from the Effective Date, Boise agrees to obtain end use contracts in a form acceptable to the Partnership for geothermal energy in an amount equal to the thermal equivalent of at least 2,000 gallons per minute at approximately 170° F. It is understood that time is of the essence in obtaining these end use contracts and Boise will use its best efforts to do so as expeditiously as possible. The Partnership's sole remedy for failure of Boise to obtain these end use contracts shall be termination of this Lease or continuation of the Lease pursuant to Section 6.3.

Section 6. Sale or Royalties.

6.1 In lieu of royalties to Boise, the Partnership shall sell and deliver its entire production of geothermal resources to Boise at prices set forth in Schedule I attached hereto and otherwise in accordance with this Section 6.

6.1.1 The term "entire production" as used in Section 6.1 is confined to such geothermal resources as are compatible with, and capable of being utilized by Boise in Boise's distribution system as designed on the Effective Date of this Lease.

6.1.2 Boise shall not be obligated to purchase any geothermal resources which are not compatible with Boise's distribution system and Boise shall not be obligated to purchase more geothermal resources than it requires for distribution to end users.

6.1.3 In the event the Partnership develops geothermal resources which are incompatible with Boise's distribution system or do not meet the capacity set forth in Section 5.1, Boise shall have the first and continuing right to accept all or any part of the geothermal resources which are developed, and if Boise exercises its right to accept such geothermal resources, the prices set forth on Schedule I shall be renegotiated.

6.1.4 Boise and the Partnership acknowledge that the pricing formula set forth in Schedule I was designed to reimburse the Partnership for its costs and expenses in developing the geothermal resource, and for its undertaking the risk of failure to develop such resources. If the Partnership develops geothermal resources compatible with Boise's distribution system with the capacities set forth in Section 5.1, no amendment or modification shall be made to Schedule I until the Partnership shall have recovered 300% of initial investment associated with or attributable to the development of geothermal resources. At such time as the Partnership shall have recovered 300% of its initial investment, and every year thereafter, either party may initiate negotiations to amend Schedule I. Such negotiations shall be initiated and conducted in good faith by the parties.

6.2 Until Boise's distribution system is completed, the Partnership shall be entitled to market the entire production for its own account and to pay royalties to Boise pursuant to Section 6.3 hereof, and such right shall continue until Boise shall have given the Partnership ninety (90) days advance notice of Boise's intention to accept delivery.

6.3 In the event the Partnership develops geothermal resources which are not compatible with Boise's distribution system or which are not accepted by Boise under Boise's first and continuing right to accept all or any part of the production, the Partnership shall pay Boise a royalty out of the proceeds received by it from the sale of such non-compatible resources as follows:

6.3.1 Ten percent (10%) of the gross receipts received by the Partnership from the sale of geothermal resources from the Property.

6.3.2 All taxes required to be paid by the Partnership for or on account of each sale of any geothermal resources upon which a royalty shall be payable under this Section shall be deducted from the Partnership's selling price therefor before computation of royalties hereunder.

6.3.3 The Partnership shall pay Boise on or before the last day of each and every calendar quarter the royalties accrued and payable for the preceding calendar quarter. Concurrently with making each such royalty payment, the Partnership shall deliver to Boise a statement in accordance with generally accepted accounting procedures setting forth the basis for the determination of the royalty then paid by the Partnership.

Section 7. Operations.

7.1 During the term of this Lease, all decisions with respect to exploration, development and operations on the Property, and with respect to the character of the work performed thereon, shall be solely those of the Partnership.

7.1.1 The Partnership may in its sole judgment use Boise's existing engineering studies as produced under Department of Energy Contract DE-FC07-79ET207053, in its drilling operations and will work with Boise to provide geothermal resources compatible with Boise's distribution system.

7.2 The Partnership will not commit waste.

7.3 The Partnership shall comply with all Federal, State and local laws and regulations applicable to its operations on the property.

7.4 The Partnership shall obtain all permits required under the Act or as may otherwise be required under all other laws and such permits shall be included in the term "Property" as defined herein.

7.5 The Partnership shall indemnify and save and hold harmless Boise from and for any and all losses, claims, actions, judgments or damages or injury to persons or property and losses and expenses caused or incurred by the Partnership, its servants, agents, employees, guests and business invitees. In addition, the Partnership shall maintain, and specifically agrees that it will maintain throughout the term of this Lease, liability insurance in which Boise shall be a named insured in the minimum amount of \$100,000 per person for personal injury or death, and \$300,000 for personal injury or death in any one accident or occurrence where two or more persons have claims, and \$100,000 property damage per occurrence. The limits of insurance shall not be deemed a limitation of the Partnership's covenants to indemnify and save and hold Boise harmless.

7.6 The Partnership shall also maintain Worker's Compensation insurance and all other employee benefits mandated by law and in accordance with the laws of the State of Idaho.

7.7 The Partnership shall keep the real property free and clear of all liens and encumbrances, but may in good faith contest the validity or amount of any lien which may be levied against the property.

7.8 All machinery, equipment, buildings, inventory or other supplies acquired by the Partnership after the Effective Date for operations on the property shall belong to and be owned by the Partnership.

7.9 On termination or surrender of this Lease pursuant to Section 10 hereof all property acquired pursuant to Section 7.8 hereof shall be subject to an option in Boise to purchase the same at its original cost to the Partnership, less depreciation taken by the Partnership.

7.9.1 In the event Boise does not elect to purchase the property, the Partnership shall have forty-five (45) days after expiration of Boise's option to remove the same from the real property.

7.9.2 All property not removed within the forty-five (45) days shall be deemed abandoned to Boise.

Section 8. Taxes.

8.1 Notwithstanding that Boise as a Municipal Corporation of the State of Idaho may not be required to pay taxes of any nature, the Partnership shall only be obligated to pay its own federal, state and local taxes on its share of income attributable to operations on the Property, and any other tax in the nature of an excise.

Section 9. Force Majeure.

9.1 If the Partnership or Boise should be prevented or delayed from performing any of the obligations of this Lease by reason of an act of nature, strike, threat of strike, fire, flood, delay in transportation, insurrection, mob violence, requirement or regulation of government and a good faith effort is being made to comply with same, unavoidable casualties, shortage of labor, equipment or materials breakdown or other disabling causes for any reason which cannot be reasonably overcome by means normally employed in the performance of business or any other reasonable cause or causes, including inability to secure or the absence of a market for, commercial sale of geothermal resources or any of them produced from the Property then in such event any such failure to perform shall be excused and not be deemed a breach of this Lease, and performance of said obligation shall be suspended during such period of disability, and the time for performance of said obligations shall be extended for a period equal to the period of disability.

9.1.1 More specifically and without limiting the foregoing, any delay caused by action or inaction of government regulatory agencies will extend the time for performance hereunder.

Section 10. Default; Surrender.

10.1 In case of default in performance by the Partnership of any of the terms, covenants or conditions contained herein, Boise shall give the Partnership written notice specifying the particulars in which it is claimed the Partnership is in default. If the Partnership fails to remedy the default within ninety (90) days after receipt of the written notice, Boise may at once enter into and upon the

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Property or any part thereof and declare a forfeiture and termination of this Lease. Failure by the Partnership to produce geothermal resources shall not be considered a default.

10.2 Upon the expiration of this Lease, or the earlier surrender or termination thereof, the Partnership shall quietly and peaceably surrender possession of the Property to Boise and shall deliver to Boise a quitclaim deed describing the Property so affected.

10.3 In the event the Partnership is in good faith contesting any claim by Boise that the Partnership is in default, subject to all applicable laws, either party may seek a judicial determination with respect to the claimed default, but in such event, the Partnership is not obligated to take any action to cure any claimed default until the matter is finally adjudicated or otherwise resolved.

10.4 The Partnership may at any time surrender this Lease as to all or any part of the Property by delivering to Boise a quitclaim deed describing the Property surrendered, and thereupon all rights and obligations of the parties hereto shall cease and terminate as to the Property so surrendered, except that the Partnership shall have a continued obligation (1) to make payments of all accrued royalties, and (2) to place all wells on the Property to be surrendered in condition for suspension of operations or abandonment.

Section 11. Right of Boise to Purchase Partnership's Interest.

11.1 After expiration of the primary term or any extension thereof, Boise shall have the option to purchase the Partnership's interest in the Property, including all permits and all property owned or acquired by the Partnership and located on the real property. The option shall be exercised in two phases. First, at least ninety days before the expiration of the primary term or any renewal term of this Lease, Boise shall give the Partnership written notice that Boise intends to attempt to raise the funds necessary to purchase the Partnership's interest. Second, if Boise does raise the funds, Boise shall give the Partnership at least sixty (60) days written notice before the expiration of the primary term or any renewal term of this Lease. The Partnership's interest shall be valued at its then market value determined by the capitalization of net operating income averaged over the last three (3) years of operations at a rate determined in accordance with Schedule II attached hereto and made a part hereof. If Boise does not exercise its option to purchase the Partnership's interest, then this Lease shall be automatically extended for the next renewal period on the same terms

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and conditions as set forth herein. On the expiration of the last renewal period, Boise shall purchase the Property for \$10.00 from the Partnership.

Section 12. Recordation.

12.1 On the Effective Date, an executed and acknowledged counterpart of this Lease, or a good and sufficient memorandum thereof, shall be placed of record in the records of Ada County, Idaho.

Section 13. Notice.

13.1 Notices to the parties to this Lease shall be in writing and shall be effective when delivered, or if mailed, shall be effective on the date following mailing by certified mail addressed to the party indicated below or at such other address as the party may indicate to the other in writing:

Boise:

Partnership:

Section 14. Assignment.

14.1 The Partnership shall not assign or transfer this Lease or any privilege hereunder, either voluntarily or involuntarily, without the prior written consent of Boise, which consent shall not be unreasonably withheld.

Section 15. Miscellaneous.

15.1 Boise, through its agents, may at reasonable times inspect the books and records of the Partnership with respect to any matters pertaining to this Lease.

15.2 This Lease shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

15.3 This Lease shall be governed and interpreted in accordance with the laws of the State of Idaho.

15.4 This Lease shall be executed in one or more counterparts, each of which shall constitute one and the same agreement.

15.5 The headings or captions contained in each section of this Lease are for ease of reference and convenience only, and shall not be considered in connection with the construction of this Lease or any section hereof.

15.6 If any provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF The parties hereto have executed this Geothermal Lease and Agreement the day and year shown above by the undersigned thereunto duly authorized.

BOISE CITY

By Richard R. Easley
Title Mayor

Ira W. Fonshill, III
Ira W. Fonshill, III

Melvin J. Baptie
Melvin J. Baptie

GENERAL PARTNERS

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STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of August, 1980, before me, the under-
signed Notary Public in and for said State, personally appeared
Richard R. Cardley as Mayer
of Boise City, known to me to be the person whose name is
subscribed to the within and foregoing instrument, and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on
the day and year first above written.

Patricia B. Reed
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
) ss.
County of Ada)

On this 27 day of August, 1980, before me, the under-
signed Notary Public in and for said State, personally appeared
Ira W. Fonshill, III, and Melvin J. Baptie, General Partners,
known to me to be the persons whose names are subscribed to the
within and foregoing instrument, and acknowledged to me that
they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on
the day and year first above written.

Patricia B. Reed
Notary Public for Idaho
Residing at Boise, Idaho

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ORDINANCE NO. 455

BY THE COUNCIL: ANDERSON, BUERSMEYER, EWING, MCADAMS
SELANDER AND SILVA

AN ORDINANCE APPROVING A GEOTHERMAL LEASE AND AGREEMENT
BETWEEN BOISE CITY AND IRA W. FONSHILL, III, AND MELVTN J.
BAPTIE, A PARTNERSHIP, FOR THE LEASE OF GEOTHERMAL RESOURCES;
AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST
SAID GEOTHERMAL LEASE AND AGREEMENT; AND DISPENSING WITH THE
READING RULE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF BOISE CITY, IDAHO:

Section 1. That the Geothermal Lease and Agreement,
a copy of which is attached hereto marked Exhibit "A" and
made a part hereof by attachment, be, and the same hereby
is, approved both as to form and substance.

Section 2. That the Mayor and City Clerk be, and
they hereby are, authorized to respectively execute and
attest said Geothermal Lease and Agreement upon behalf of
Boise City.

Section 3. That pursuant to the affirmative vote
of onehalf (1/2) plus one (1) of the Members of the full
Council, the rule requiring two (2) separate readings by
title and one (1) reading in full be, and the same hereby
is, dispensed with, and accordingly, this Ordinance shall be
in full force and effect immediately upon its passage,
approval and publication.

PASSED by the Council of the City of Boise City,
Idaho, this 25 day of August, 1980.

APPROVED by the Mayor of the City of Boise City,
Idaho, this 25 day of August, 1980

APPROVED:

Richard R. Easley
Mayor

ATTEST:

Sam Moody
City Clerk

0-60-80

RECORDED

GEOTHERMAL LEASE AND AGREEMENT

SCHEDULE II

Capitalization Rate

The capitalization rate to be applied pursuant to Section 11 of the Lease shall be as follows:

<u>Year in Which Option is Exercised</u>	<u>Capitalization Rate to be Applied (%)</u>
15	3.5
20	7.0
25	11.0
30	16.5
35	25.0
40	37.5
45	60.0

Net operating income for purposes of Section 11 of the Lease is defined as revenue less operating expenses before depreciation, debt service and income taxes.

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GEOHERMAL LEASE AND AGREEMENT

SCHEDULE I

Pricing

The quantity of heat by which the price of geothermal water will be equated to the price of natural gas is a "therm" which is equal to 100,000 B.T.U.'s. Geothermal water for the purposes of this schedule will contain the equivalent of 3.12 therms of heat per 100 cubic feet of water given a water temperature of 170° F., and based on a 50° temperature drop through each space heating installation.

The price per therm or fraction thereof, to be charged by the Partnership shall be an amount which is discounted 46% from the prevailing therm price to commercial users charged by the largest supplier of natural gas in Idaho. This price is as set forth in Intermountain Gas Company's Rate Schedule GS-1, General Service, and which will be measured by the equivalent to this rate schedule in the future. The price shall be adjusted in relation to the price of natural gas on July 1st and January 1st of each calendar year.

The Partnership's geothermal water will be measured at the well head by a flow meter and a temperature monitor and translated to a price for billing purposes based on the actual number of therms per 100 cubic feet of water which are delivered to Boise City by the Partnership. The parties to this Lease agree to develop a schedule to adjust the discount rate based on well head water temperatures and system load. If such a schedule is not developed, the first two paragraphs of this Schedule shall control.

The actual number of therms per 100 cubic feet of water will be calculated by multiplying 3.12 therms, or its discounted value based on lower or higher temperatures, by an appropriate temperature discount multiple. The temperature multiple will be computed on the average weekly temperature as recorded by the temperature monitor for each week within each calendar quarter.

The provisions of this schedule shall remain in effect for the term of this lease and agreement, and may be changed only in accordance with the provisions of Sections 6.1 and 6.1.4 of the Lease.

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the UNITED STATES OF AMERICA, by virtue of Title X, Public Law 95-586, 92 Stat. 2494, does hereby remise, release, and forever QUITCLAIM unto the CITY OF BOISE, its successors and assigns, all its right, title, and interest to the geothermal resources, including minerals present in the geothermal fluid in and to the following described real property, situated in the County of Ada, State of Idaho, to-wit:

Boise Meridian, Idaho

T. 3 N., R. 2 E.

Tract 37, consisting of 4.13 acres;

Tract 38, consisting of 449.16 acres;

Tract 39, consisting of 14.64 acres;

Tract 40, consisting of 4.95 acres.

NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the CITY OF BOISE, the said interest to the geothermal resources, including minerals present in the geothermal fluid, TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the CITY OF BOISE, its successors and assigns, forever.

IN WITNESS WHEREOF, the United States of America has executed this document as of this 19th day of May 1980.

UNITED STATES OF AMERICA

By *Robert O. Buffington*
State Director Idaho State Office
Bureau of Land Management
Boise, Idaho

STATE OF IDAHO)
County of Ada)^{ss.}

On this 19th day of May 1980 personally appeared before me Robert O. Buffington, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

Richard A. Gies
Notary Public in and for the
State of Idaho
Residing at Boise

(SEAL)

EXHIBIT B

RECORDED

EXHIBIT A



SAFECO TITLE INSURANCE COMPANY OF IDAHO

COMMITMENT FOR TITLE INSURANCE

SAFECO TITLE INSURANCE COMPANY OF IDAHO, an Idaho corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance in ALTA Single Form Policy - 1970 coverages, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B, and the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, which Insured and said amount may be changed by subsequent endorsement.

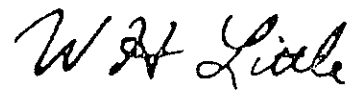
This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment is further conditioned by the Conditions and Stipulations and Exclusions from Coverage of the basic form of the policy or policies committed to be issued. The examination of the public records made by Company as to the land set out in Schedule A was made wholly for determining the insurability of the title to said land and not for reporting on the condition of the record.

IN WITNESS WHEREOF, SAFECO Title Insurance Company of Idaho has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.



Secretary



President



An Authorized Signature

CONDITIONS AND STIPULATIONS OF COMMITMENT

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual pecuniary loss incurred in reliance hereon in undertaking in good faith (a) to eliminate exceptions shown in Schedule B, or (b) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

NOTE: The language contained in the printed Exclusions from Coverage and Conditions and Stipulations of the policy may be examined by reference to forms on file in the office of the Department of Insurance or by inquiry at the office which issued this Commitment.

SCHEDULE A

Order No. 1-95291

1. Effective date: March 30, 1979 at 8:00 A.M.
2. Policy or policies to be issued:

Amount \$5,000.00

 - (a) Owners Standard Coverage
Name of proposed Insured:
CITY OF BOISE
 - (b) Mortgage Coverage Amount: \$
Name of proposed Insured:
3. The estate or interest in the land described in this commitment and covered herein is:
FEE SIMPLE
4. Title to the estate or interest referred to herein is at the effective date hereof vested in:
CITY OF BOISE, a municipal corporation, as to PARCEL I and II
UNITED STATES OF AMERICA, as to PARCEL III
5. The land referred to in this Commitment is described as follows:

See EXHIBIT I attached hereto and made a part hereof.

RN/js

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EXHIBIT I

PARCEL I:

Tract 37 and 38 in Sections 1, 2, 11 and 12, T. 3 N., R. 2 E., B.M, Ada County, Idaho, exclusive of the cemetery and access road, all in the Old Fort Boise Military Reservation. Also except the following described tracts of land:

Beginning at a point 5363.16 feet South 70°00' West from the Northeasterly corner of Tract 38, according to the official plat of the survey of said Tract (situate in Sections 1, 2, 11 and 12 of Township 3 North, Range 2 East of the Boise Meridian, Idaho), the real point of beginning (the Northeasterly corner of the Veterans Administration grounds), and thence 650 feet North 70°00' East along the Northerly line of said Tract 38 to a point; thence 1225 feet South 25°28' East to a point; thence 390.70 feet South 30°26' West to a point; thence 325 feet South 70°00' West to a point; and thence 1475 feet North 25°28' West to the real point of beginning (Northeasterly corner of the Veterans Administration grounds or 5363.16 feet South 70°00' West of the Northeasterly corner of said Tract 38) containing 20.98 acres, subject to all easements and restrictions of record.

AND

Commencing at the concrete monument which is located at the southwest corner of the Boise Barracks Military Reservation, thence North 70°00' East 1514.16 feet along the southerly boundary of the Boise Barracks Military Reservation and the northerly boundary of Reserve Street to an iron pin which is the real point of beginning, thence continuing North 70°00' East 1061.21 feet along the southerly boundary of the Boise Barracks Military Reservation to an iron pin, thence North 24°19' West 373.21 feet to an iron pin, thence North 48°13' West 334.62 feet to an iron pin, thence North 35°24' West 849.86 feet to an iron pin, thence South 03°36' West 1625.21 feet to the real point of beginning, encompassing an area of 18.686 acres laying in the northwest 1/4 of Section 11, T. 3 N., R. 2 E., B.M.

PARCEL II:

Beginning at a point South 84°44' East, 905.7 feet from the corner common to sections 2, 3, 10 and 11, T. 3 N., R. 2 E., Boise Meridian, Idaho; thence North 68°14' East, 141.3 feet; thence South 87°45' East 516.6 feet; thence South 16°15' East, 315.2 feet to a point on the boundary line between a parcel of land held by the Department of the Interior and the parcel of land relinquished by the Veterans Administration; thence South 84°45' West 602.2 feet along the boundary line between these two parcels of land; thence North 22°40' West, 353.6 feet along the boundary line between a parcel of land held by the Independent School District of Boise City and the parcel of land relinquished by the Veterans Administration to the point of beginning, containing 4.95 acres.

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Order No. 1-95291

EXHIBIT I continued

PARCEL III:

Tract 39 in Section 2, T. 3 N., R. 2 E., E.M., Ada County, Idaho and the following described tract of land:

Commencing at the southwest corner of the Old Fort Boise Military Reservation, thence north $70^{\circ}0'$ East 1,448.2 feet; thence north $4^{\circ}32'$ East 627 feet to the true point of beginning; thence the following courses and distances: South $87^{\circ}8'$ west 696.5 feet; thence north $21^{\circ}2'$ West 532 feet; thence south $69^{\circ}4'$ West 21.9 feet; thence north $22^{\circ}4'$ west 86.3 feet; thence north $84^{\circ}50'$ east 993.6 feet; thence south $4^{\circ}32'$ west 624.95 feet to the point of beginning all in the Old Fort Boise Military Reservation.

SCHEDULE B

Order No. _____

Page _____

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment, including matters that may affect the title by reason of the proposed Insured acquiring title.

2. Rights or claims of persons in possession or claiming to be in possession, easements, liens or encumbrances including material or labor liens, which are not shown by the public records; reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.*

3. Questions of location, boundary and areas; overlaps and encroachments by improvements belonging to these or adjoining premises; all dependent upon actual survey for determination.*

4. Assessments which are not shown as existing liens by the public records; taxes not yet payable; pending proceedings for vacating, opening or changing streets or highways preceding entry of the final ordinance or order therefor.*

*Paragraphs 2, 3 and 4 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed below.

(SCHEDULE B CONTINUED ON THE NEXT PAGE
OF THIS COMMITMENT)

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NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

Order No. 1-95291

SCHEDULE B (continued)

5. All taxes which the County is making no assessment.
6. Special assessments and sewerage charges, if any, for the City of Boise, for which we make no certification.
7. Reservations in U. S. Patent recorded as Instrument No. 397935, as follows:

"For use for recreational purposes only; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said City of Boise, Idaho, and to its successors forever, subject, however, to the following reservations, conditions, and limitations:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

There is also reserved to the United States, all mineral deposits in the land above described, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

As provided by Section 3 of the act of June 4, 1954, supra, for a period of twenty-five years from date hereof, control over, or title to, the land described herein may be transferred by the grantee or its successor, or the land devoted to a use other than that for which the land is granted, only with the prior consent of the Secretary of the Interior. Should such consent not be obtained, upon the attempt of the grantee or its successor to make such a transfer or change of use within the said period of twenty-five years, title to the land shall revert to the United States. Subject to such rights for telephone line purposes as the Mountain States Telephone and Telegraph Company may have in accordance with agreement No. W-1084 SC-61, dated April 19, 1933, of the Secretary of the Army.

RECORDED

Order No. 1-95291

8. Reservations in U. S. Patent recorded as Instrument No. 432935, as follows:

"For civil defense purposes only; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said City of Boise, Idaho, and to its successors forever, subject, however, to the following reservations, conditions and limitations:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

There is, also, reserved to the United States, all mineral deposits in the land above described, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Provided, that, for a period of twenty-five years from date hereof, if the patentee or its successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States. All restrictions, limitations, and conditions, contained in this patent, concerning the use of the land, the transfer of title thereto, the control thereover, and nondiscrimination of the users of the land and facilities thereon, shall cease to be in effect upon the expiration of twenty-five years from the date of this patent."

MICROFILMED

Order No. 1-95291

9. Reservations in U. S. Patent recorded as Instrument No. 536175, as follows:

"Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

There is also reserved to the United States, all mineral deposits in the land above described, together with the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary of the Interior.

Provided, that, if the patentee or its successor attempts to transfer title to or control over the lands in another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by an person because of such person's race, creed, color, or national origin, title shall revert to the United States."

10. Reservations in U. S. Patent recorded as Instrument No. 577368, as follows:

"...for an Idaho State Veteran's Home site purposes only...

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts.

There is reserved from the land hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. There is also reserved to the United States, all mineral deposits in the land above described, together with the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary of the Interior.

MICROFILMED

10. continued

If the patentee or its successor in interest does not comply with the provisions of the approved plan of development, filed on January 7, 1964 with the Bureau of Land Management, or with the approved plan of management, filed on January 20, 1964 with the Bureau of Land Management, or by any revision thereof approved by the Secretary of the Interior or his delegate, said Secretary or his delegate, after due notice, and opportunity for a hearing, may declare the terms of this grant terminated in whole or in part. The patentee by acceptance of this patent, agrees for itself and its successors in interest that such declaration shall be conclusive as to the facts found by the Secretary or his delegate and shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration. The Secretary, or his delegate, may in lieu of said forfeiture of title require the patentee or its successor in interest to pay the United States an amount equal to the difference between the price paid for the land by the patentee prior to issuance of this patent and 50 percent of the fair market value of the patented lands, to be determined by the Secretary or his delegate as of the date of issuance of this patent, plus compound interest computed at four percent beginning on the date this patent is issued.

Provided, that, if the patentee or its successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

11. Easement as granted by BOISE CITY to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, by instrument recorded August 27, 1970, as Instrument No. 750009, records of Ada County, Idaho; for operation, maintenance and repair of its lines.

12. Easement as granted by the Independent School District of Boise City to the Boise Water Corporation by Instrument recorded October 15, 1974 as Instrument No. 902544, records of Ada County, Idaho for installation, operation, maintenance, repair, inspection, alteration and replacement of its lines.

13. Easement as granted by Boise City to the Idaho Power Company, a Corporation, by instrument recorded November 4, 1971 as Instrument No. 787324, records of Ada County, Idaho for the purpose of construction maintenance, repair, alteration, inspection and replacement of an underground transmission and distribution line and other related facilities from time to time.

Order No. 1-95291

14. Easement as granted by Administrator of Veterans Affairs to The Independent School District of Boise City by instrument recorded November 5, 1974 as Instrument No. 904946, records of Ada County, Idaho, subject to the following:

1. That the Government reserves unto itself rights for all purposes across, over, or under the easement area hereinafter described; such rights, however, to be exercised in a manner which will not create undue interference with the use and enjoyment by the Grantee of said easement; provided, that any construction by the Government in connection with the rights so reserved shall be at the expense of the Government.
2. That said facilities shall be installed, operated, maintained, reconstructed, repaired, and replaced by the Grantee, within the easement area without cost or expense to the Government, under the general supervision and subject to the approval of the Veterans Administration official having immediate jurisdiction over the property. The Grantee shall replace, repair, restore, or relocate any property of the Government affected or damaged directly or indirectly by the construction, reconstruction, installation, operation, maintenance, and replacement of said facilities all to the satisfaction of the Hospital Director, Veterans Administration Hospital, Boise, Idaho.
3. No mining operations shall be conducted on the premises described above. No minerals shall be removed therefrom except such as are reasonably necessary incident to the utilization of the described premises for the purpose for which this easement is granted.
4. That the Grantee will indemnify and save the Government harmless from any liability or responsibility of any nature whatsoever arising directly or indirectly from the privileges herein granted.
5. That all right, title, interest, and estate hereby granted shall cease and terminate effective as of the date of written notice from the Government to the Grantee, its successors or assigns; that there has been, (a) a failure to comply with the terms and conditions of the grant, or, (b) a nonuse of the easement for a consecutive two-year period for the purpose of which granted, or (c) an abandonment of the easement.
6. That upon termination or forfeiture of this grant, the Grantee shall within a reasonable time thereafter, if so requested by the Government, remove from the land hereinafter described all structures, installations, and appurtenances thereto belonging to Grantee and restore the premises to the satisfaction of the Government.

MICROFILMED

Order No. 1-95291

7. The Grantee does by the acceptance of this instrument covenant and agree for itself, its assigns, and its successors in interest to the interest in property herein conveyed, or any part thereof.

(a) That it is now complying and will continue to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations of the Veterans Administration issued pursuant to that Title, and that the easement and its appurtenant areas and facilities, whether or not on the property herein involved, will be operated in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Veterans Administration and in effect on the date of this instrument, all to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activities provided thereon; and

(b) That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and sublessees and licensees doing business or extending services under contractual or other arrangement on the interest in property herein conveyed.

15. Easement as granted by Administrator of Veterans Affairs to The Intermountain Gas Company of Boise by instrument recorded January 10, 1975 as Instrument No. 911379, records of Ada County, Idaho; subject to the following:

1. That the Government reserves unto itself rights for all purposes across, over, or under the easement area hereinafter described; such rights, however, to be exercised in a manner which will not create undue interference with the use and enjoyment by the Grantee of said easement; provided, that any construction by the Government in connection with the rights so reserved shall be at the expense of the Government.
2. That said facilities shall be installed, operated, maintained, reconstructed, repaired, and replaced by the Grantee, within the easement area without cost or expense to the Government, under the general supervision and subject to the approval of the Veterans Administration official having immediate jurisdiction over the property. The Grantee shall replace, repair, restore, or relocate any property of the Government affected or damaged directly or indirectly by the construction, reconstruction, installation, operation, maintenance, and replacement of said facilities all to the satisfaction of the Hospital Director, Veterans Administration Hospital, Boise, Idaho.
3. No mining operations shall be conducted on the premises described above. No minerals shall be removed therefrom except such as are reasonably necessary incident to the utilization of the described premises for the purpose for which this easement is granted.
4. That the Grantee will indemnify and save the Government harmless from any liability or responsibility of any nature whatsoever arising directly or indirectly from the privileges herein granted.

RECEIVED

Order No. 1-95291

5. That all right, title, interest, and estate hereby granted shall cease and terminate effective as of the date of written notice from the Government to the Grantee, its successors or assigns, that there has been, (a) a failure to comply with the terms and conditions of the grant, or, (b) a nonuse of the easement for a consecutive two-year period for the purpose of which granted, or (c) an abandonment of the easement.
6. That upon termination or forfeiture of this grant, the Grantee shall within a reasonable time thereafter, if so requested by the Government, remove from the land hereinafter described all structures, installations, and appurtenances thereto belonging to Grantee and restore the premises to the satisfaction of the Government.
7. The Grantee does by the acceptance of this instrument covenant and agree for itself, its assigns, and its successors in interest to the interest in property herein conveyed, or any part thereof.
- (a) That it is now complying and will continue to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations of the Veterans Administration issued pursuant to that Title, and that the easement and its appurtenant areas and facilities, whether or not on the property herein involved, will be operated in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Veterans Administration and in effect on the date of this instrument, all to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activities provided thereon; and
- (b) That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and sublessees and licensees doing business or extending services under contractual or other arrangement on the interest in property herein conveyed.
8. This easement is subject to the conditions and provisions of the Deed of Easement, dated October 21, 1974, to the Independent School District of Boise, Idaho, recorded under Instrument No. 904946 at the office of the Recorder, Ada County, Idaho at 1:50 p.m. on November 5, 1974.

JAN 21 1981

ANDERSON & KELLY

CONSULTANTS IN ENGINEERING AND GEOLOGY
8700 EMERALD STREET BOISE, IDAHO 83704

Department of Water Resources

KEITH E. ANDERSON
JACK E. KELLY
W. L. BURNHAM

AREA CODE 208
TELEPHONE: 375-9220
CABLE ADDRESS: ANDKEL

January 19, 1981

Department of Water Resources
Statehouse
Boise, ID 83720

Attn: Paul Castelin, Supervisor
Construction Permits Section

Dear Paul:

In response to your letter of January 19, 1981 we are enclosing a copy of the specifications for the Boise Geothermal Ltd. drilling project. The contract has been awarded to Holman Drilling Corporation of Spokane, who are licensed in Idaho.

*Filed in
Geothermal
files
permits
sec.*

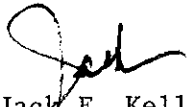
With specific reference to your numbered items, the first two are answered by the specifications. 3) Boise Geothermal Ltd. will "wholesale" the water to the City of Boise who will be responsible for disposition of the effluent. 4) Ira W. Fonshill and Melvin Baptie are the General Partners. 5) We understand assignment has been made of water rights.

By copy of this letter and your letter, we are informing others who will be able to further clarify items 3), 4) and 5).

We will keep you informed, as requested.

Sincerely,

ANDERSON & KELLY



Jack E. Kelly

JJK/sk

encl.

cc: Boise Geothermal Ltd.
Nathan Little, CH2M

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 19, 1981

Mr. Jack E. Kelly
Anderson & Kelly
6700 Emerald St.
Boise, ID 83704

Dear Jack:

This is to acknowledge receipt of your letter of December 30, 1980, in which you claim exemption for Boise Geothermal Ltd. to apply for a geothermal resource well permit under Section 42-4003(e), Idaho Code.

While such claim is hereby noted; under provisions of Section 42-4003(e)(2), certain data may be required by the Director to ensure both proper administration of the Geothermal Resources Act and protection of the groundwater resources of the State. The following information should be supplied to this Department prior to beginning construction of any geothermal well:

1. Details of well construction to include as a minimum: casing sizes, thicknesses and lengths, proposed grouting procedures, safety devices, valving and any other measures designed to conserve and protect the geothermal and groundwater resources of the State.
2. The means by which the resource is expected to be contained and controlled.
3. The disposition of the spent geothermal effluent (surface disposal, reinjection).
4. Name, address and interest of principal(s).
5. Any legal arrangement that exists between Boise City and Boise Geothermal Ltd. with regard to water rights. If an approved water right permit is not in the name of or assigned to Boise Geothermal Ltd., exemption requested under Section 42-4003(e) may not apply.

The well(s) must be drilled by a licensed Idaho water well driller and constructed in compliance with the minimum well construction standards of the State. Well driller reports must be filed with this Department within 30 days of completion of each well. The Department requests notification at least 24 hours prior to the test of any casing, cementing, valving, or flow/pump tests to be performed so

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Mr. Jack E. Kelly

Page 2

January 19, 1981

that an observer may be present. Notification of abandonment, if anticipated, must be given to the Department at least 48 hours in advance and any abandonment procedures must either follow Minimum Well Construction Standards or be approved by this Department.

I will be happy to discuss any of these matters with you, now and as the project progresses. Please contact me if you have any questions or need any assistance.

Sincerely,



PAUL M. CASTELIN, Supervisor
Construction Permits Section

PMC:ldt

RECEIVED
JAN 22 1981
CONSTRUCTION PERMITS SECTION

JAN 2 1981

ANDERSON & KELLY

CONSULTANTS IN ENGINEERING AND GEOLOGY
6700 EMERALD STREET BOISE, IDAHO 83704

Department of Water Resources

AREA CODE 208
TELEPHONE: 375-9220
CABLE ADDRESS: ANDKEL

KEITH E. ANDERSON
JACK E. KELLY
W. L. BURNHAM

December 30, 1980

Mr. Stephen Allred, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Mr. Allred:

We have been retained by Boise Geothermal Ltd. to act as their consultants on well drilling, testing, evaluation and related matters. Boise Geothermal Ltd. is proceeding with plans to develop water for space heating of commercial buildings in downtown Boise under a lease from the City of Boise. Development and appropriation of water will be made under the authority of water right permits issued by your Department to the City of Boise. We also wish to inform you that we claim exemption from the requirements for a permit to drill geothermal wells under Sec. 42-4003 Paragraph (e) of the Idaho Code.

Sincerely,

ANDERSON & KELLY


Jack E. Kelly

JEK/sk

cc: Boise Geothermal Ltd.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 13, 1981

Boise Geothermal Ltd.
331 W. Idaho
Boise, Idaho 83701
Permit # 63-9139

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 25, 1979

Re: Permit No.'s 63-9138 & 63-9139

City of Boise
c/o Ms. Lee Post
P.O. Box 500
Boise, Idaho 83701

Dear Ms. Post:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

Please be advised that, depending upon your plans for fish propagation, you may be subject to regulations of the Department of Fish and Game. We suggest that you check with them before starting construction.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al.

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City of Boise

Re: Permit No.'s 63-9138 & 63-9139

June 25, 1979

Page 2

(Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

cc: Michael Dennard
Deputy City Attorney

RECEIVED
JUN 27 1979



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

June 25, 1979

Re: Permit No.'s 63-9138 & 63-9139

Michael Dennard
Deputy City Attorney
P.O. Box 500
Boise, Idaho 83701

Dear Mr. Dennard:

I regret that so much time has elapsed with no response to your letter dated May 22, 1979.

I am enclosing copies of the approved Applications for Permit referenced above issued to the City of Boise.

If we can be of further service to you, please feel free to call us.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

RECEIVED
JUN 28 1979
WATER RESOURCES

DATE 6/7/79

1/2

FROM David Shaw

TO 63-9138, 9139

OK to
approve
DBS

SUBJECT Approval

The primary concern in some of the other protested applications in this area has been speculation. There was some concern by Boise Warm Springs of well interference during test pumping by DOE of some of the exploratory wells although there is little known about the capability of the total resource. There may become merit in investigating the declaration a geothermal area - should investigate the advisability of doing it now as opposed to in the future after more development has taken place. (No apparent advantage 6/20 DBS)

SIGNATURE

DATE 6/7/79

2/2

FROM

TO 63-9138, 9139

SUBJECT

Since Boise City presently may have the potential to proceed with a geothermal development I recommend these app's be approved. I do not think it would be well to hold up a viable project when the extent of the resource ~~is not~~ shows no indication of being too small to provide the desired energy.

DBS

SIGNATURE



LEGAL DEPARTMENT

BOISE CITY, IDAHO

RICHARD R. EARDLEY
MAYOR

RECEIVED
MAY 24 1979

May 22, 1979

Department of Water Resources
Western Regional Office

COUNCIL MEMBERS

MARJORIE J. EWING, PRESIDENT
RALPH J. MCADAMS, PRES. PRO-TEM
BERNE K. JENSEN
JOY BUERSMEYER
GLENN E. SELANDER
FRED L. KOPKE

L. Glenn Saxton, P.E.
Chief, Operations Bureau
Department of Water Resources
92 South Cole Road
Boise, ID 83705

Re: Application 63-9138 and 63-9139, Boise City

Dear Glenn:

Earlier this year, by letter dated January 11, 1979, you advised the City of the status of our water rights applications described above. In that letter, you indicated that the applications were received on April 17, 1978 and were advertised but not protested. You also indicated that the applications were being reviewed pending receipt of a feasibility study, construction schedules and a detailed plan of development. It is my understanding that the Boise Geothermal Plan, in its final form, has been forwarded to your department for review. The Plan contains the items with reference to the Boise City - Warm Springs Water District Joint Geothermal Project which you requested. Also, as you know, the City has received tentative approval on a grant from the Department of Energy to fund our geothermal project.

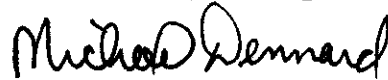
I am writing this letter, first of all, to inquire again as to the status of our applications and to obtain an estimated date when a final decision might be reached. I have also been advised as to some potential problem in granting a similar application #63-9215 by the State of Idaho covering the old penitentiary area. It was my understanding that this application was filed subsequent to our own and that any final action on that application could not be had until the Boise City applications have been resolved. I would appreciate your sending me information on the State's application, specifically, the date of filing, and the status of the same.

MICROFILMED

L. Glenn Saxton
May 22, 1979
Page 2

I appreciate your assistance in the above matter.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael Dennard". The signature is fluid and cursive, with the first name "Michael" and last name "Dennard" clearly distinguishable.

Michael Dennard
Deputy City Attorney

MD:jyw

cc: Phil Hansen

MICROFILM

AFF REVIEW - STATE OFFICE

63-9139

1. ✓ Name vs. Signature
2. W Source
3. Spts Point of Diversion
4. 12 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. S Time req. for Proof of B/U
7. Boise City limits Place of Use for other than irrig.
8. see exhibit c Place of Use for irrigation (add acres)
9. other Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 135 Fee & Rec't. No. 4/17/78

Copies Sent To:

Yes Idaho Health Department *should be sent a copy*
 Idaho Fish & Game Dept. NO U.S.F.S.
NO Bureau of Land Management Dept. of Lands
 Other

Type of use should be changed to

Dam Safety Information N/A (Goes to Permit Section)

12.0 cfs space heating
 12.0 cfs cooling
 12.0 cfs irrigation
 12.0 cfs commercial
 12.0 cfs fish propagation

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 63-9138 + other Boise City filings for irrigation of ponds

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition NO

Payette River Letter NO

Priority Date 4/17/78

Water Quality #16

Water Quality #10 Yes
 intrastate X interstate

Meas. Dev. or Sc. Meas. Yes 01

Totalizing meter NO

Supplemental NO

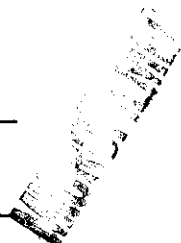
Right-of-Way Cond. Yes

Watermaster Cond. NO
 Wtr. Dist No.

Meas. Dev. Cond. for apps within a Water Dist.

Add: Cond. on 63-9138
 use F. & G. PACA.

 Reviewer
6/1/79 Date



January 11, 1979

RE: Applications 63-9138 and 63-9139

City of Boise
c/o Louis Uranga
P. O. Box 500
Boise, Idaho 83701

Gentlemen:

Pursuant to an inquiry on January 10, 1979, from Lee Post of the city's energy office, I am forwarding this letter describing the status of the above referenced applications.

Both applications were received on April 17, 1978, were advertised and were not protested.

This office is holding the applications pending receipt of feasibility studies, construction schedules and a detailed plan of development.

The protest of Boise City and Ada County against the applications of F. Joe Kanta (63-8790 and 63-8791) must also be resolved before the Department can take final action on the City of Boise's applications.

I hope this adequately described the status of the pending applications.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Operations Bureau

LGS:cs

APPROVED
JAN 15 1979

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-9139

☒ Source
☒ Point of Diversion ~~2~~
☒ County ~~X~~
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map ~~X-21-5~~
☒ Signature
☒ Fee

(1) lys 4-18-78

In form to receipt

(2) ly 4-26-78

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ *make press release on this one.*
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(3) _____

In form for advertising

(4) _____

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use *Yes - see condition*

(10) _____

Comments: _____

(11) ly OK

Affidavit of Publication received (date) 5-8-78

(12) _____

Final date for protests 5/15/78
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

By _____

RECEIVED
MAY 23 1978

Department of Water Resources

*Hold until implement.
plan received w/ regard
to geothermal app.*
Conditions - Total diversion
rate for irrigation from
rights 63-9138 and 63-9139
shall not exceed 17.35 cfs.
- The diversion rate from this
rights and all other rights
shall not exceed 0.02 cfs/acre
for irrigation.



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

Division of Environment
801 Reserve Street
Boise, Idaho 83702

May 4, 1978

MEMORANDUM

TO: David B. Shaw

FROM: Frank Keller

Department of Land Resources
Boise Regional Office

RE:

1. 63-9144 Idaho Land Developers, Inc.
2. 63-9137 Edward Riddle
3. 63-9138 City of Boise (geothermal)
4. 63-9139 City of Boise (geothermal)
5. 63-9134 Phillips Enterprises, Inc.
6. 63-9136 Garden City
7. 77-S-39 Stanley Kish
8. 65-S-118 W&L Land and Livestock Co.
9. 65-S-119 Idaho Rand, Inc.

Items 1,5,6. We will have to review plans and specifications on these. We, however, have no objections to the permit.

Item 2. We have no comment.

Items 3 and 4. Any discharge to a stream or runoff to a stream will have to be coordinated with our stream quality program.

Items 7,8,9. We have no comments.

Frank Keller

FK/ds

Microfilm



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

April 26, 1978

Re: Application for Permit No. 63-9137 -- Edward B. Riddle
63-9138 & 63-9139 -- City of Boise

Frank Keller
Department of Health & Welfare
Statehouse Mail
Boise, ID

Dear Mr. Keller:

Enclosed are copies of the above referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the applications, please contact this office.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:rf

Enc.

RECEIVED
MAY 1 1978
BOISE, IDAHO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 20, 1978

Re: Notice of Claim to a Water Right No. 63-4706 -- Melvin &/or Dolores Hodges
Notice of Application for Water Permit No. 61-7361 -- Mary Bott
63-0137 -- Edward Riddle
63-9138 -- City of Boise
63-9139 -- City of Boise
63-9140 -- Dorothy Ellsworth

Idaho Statesman
P. O. Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before May 15, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
5-8-78
[Signature]

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NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that CITY OF BOISE, c/o Louis Uranga
P. O. Box 500, Boise, Idaho
has on April 17, 1978 submitted Application No. ~~63-9189~~ 63-9139
for a permit to appropriate 12 cubic feet per second XXXXXXX
XXXXXXX of water from a groundwater source
by means of well, pump and pipeline
within the NE 1/4 Sec 11 (2), SE 1/4 Sec 2 (2), SW 1/4 Sec 2 T3N-R2E B.M.
Ada County
to be used from Jan 1 to Dec 31
for space heating and cooling, ~~XXXX~~ sewer maintenance, pools, greenhouses,
fish hatchery and from Apr 1 to Oct 15 for irrigation
within the Boise city limits

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Director of
the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho
83705 on or before ~~XXXX~~ May 15, 1978.

C. STEPHEN ALLRED

Director

Published in the Idaho Statesman, Boise, Idaho
on April 27, 1978 and May 4, 1978.



INTER-DEPARTMENT MEMO — 1

FROM *Glen*

DATE *4-18-78*

TO *File*

SUBJECT *Changes on original app.*

The map has been changed (P.D.'s) to agree w/ Exhibit "A". This was done pursuant to a telephone conversation today w/ Louis Uranga.

MICROFILMED

SIGNATURE