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WATER RESOURCES
WESTERN REGIONTransfer No. 71690
78371

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

Name of applicant The Terteling Company, Inc. Phone (208) 338-5200
Post Office Address 3823 N. 36th Street, Boise, ID 83703

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes: To add one new well as a point of diversion for all three water rights; to make other low temperature geothermal wells owned by both The Terteling Company and T-7, LLC points of diversion for low temperature geothermal water right nos. 63-12, 63-13 and 63-15.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature	Period of Use
<u>63-12</u>	<u>07/01/1921</u>	<u>.14 cfs</u>	<u>Domestic, Heating, Irr.</u>	<u>1/1</u> to <u>12/31</u>
<u>63-13</u>	<u>07/01/1922</u>	<u>.66 cfs</u>	<u>Domestic, Heating, Irr.</u>	<u>1/1</u> to <u>12/31</u>
<u>63-15</u>	<u>03/23/1927</u>	<u>.80 cfs</u>	<u>Domestic, Heating, Irr.</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred .86 cfs cubic feet per second and/or 400 acre-feet per annum.

3. Source of water Groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for division
		NW	SW	28	4N	2E	ADA	Tiegs Well
		NE	SE	29	4N	2E	ADA	Silkey Well
		NE	SE	29	4N	2E	ADA	Office Well
		NW	SW	22	4N	2E	ADA	Windsock Well
		NE	SW	22	4N	2E	ADA	Greenhouse Well (Proposed new well)
		SW	NW	22	4N	2E	ADA	Pool Well
		NW	NE	22	4N	2E	ADA	Motorcycle Hot Well
		NE	NW	22	4N	2E	ADA	Terteling Springs Well

AMENDED

* Please see attached narrative for further discussion

SCANNED
MAY 17 2005

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	22									7.0 D,H			.5 D,H					7.5
4N	2E	29													7.5 D,H				7.5

Total acres 6.0

6. General Information:

a. Description of diversion system Deep wells pumping from low-temperature geothermal aquifer into an existing interconnected distribution system originally used for irrigation purposes in Section 22. A similar, but separate interconnected system exists in Section 29.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: No effect on lands currently irrigated by these water rights

d. Remarks: The total instantaneous diversion of water pursuant to water right nos. 63-12, 63-13 and 63-15 from all points of diversion shall not exceed 0.86 cfs, nor shall the total combined diversion volume for these water rights from all of the points of diversion exceed an annual volume of 400.0 acre feet.*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

* Please see attached narrative for further discussion

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

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED:** Please see copies of attached Approved Transfer.

1. Right Evidenced by:

- a. Decree No. 11748 Decreed to _____
in case of Silkey vs. Tiegs
dated 06/30/1930 in Boise county of Ada
- b. License Nos. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- c. Transfer Nos. 68558 which produce these rights.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total acres _____

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

PART 2

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

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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

Please see attached labeled copy of USGS map.

A blank sheet of graph paper featuring a uniform grid of small squares. The grid is composed of solid black lines forming the outer boundaries and dashed black lines for internal divisions. There are 10 columns and 8 rows of squares in total.

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

PART 3**B. CHANGES IN NATURE OF USE**

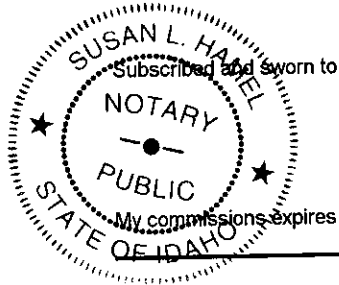
1. New Nature of Use Amount Hours/days/year Period of Use
 _____ to _____

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

3. Describe effects on water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

21st

day of

April

20 05

(Signature of Applicant)

(Notary Public)

Susan L. Hamel

03/27/2008

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ re'd. _____ by _____

Copy of transfer sent to lien holder _____

NARRATIVE

I. Restriction: Under no circumstances will combined diversions of water under water right nos. 63-12, 63-13 and 63-15 exceed .86 cfs or 400 acre-feet per year.

II. Purposes: The purposes of this proposed transfer (listed below) are predicated on the central goal of flexibility in the use of water right nos. 63-12, 63-13 and 63-15 while preventing any expansion in quantities of water diverted from the Water District 63-S low temperature geothermal aquifer.

1. To provide backup existing geothermal source wells for existing heating uses under water right nos. 63-12, 63-13 and 63-15 in T4N R2E, Section 22, NESW and SESW.
2. To add a new well as a point of diversion for water right nos. 63-12, 63-13, 63-15 in T4N R2E, Section 22, NESW.

III. Discussion of Purposes of Transfer

1. Backup geothermal wells for existing heating uses.

(a) Given that replacement pumping plants and parts for existing wells that are points of diversion for water right nos. 63-12, 63-13 and 63-15 are custom-built out of the country, replacement and/or repair of existing pumping plants and wells in the event of failure may take as long as one month. To avoid the economic hardship such a failure would cause, The Terteling Company seeks to add existing geothermal wells located on the Terteling property as backup points of diversion for its water rights.

(b) Water rights 63-12, 63-13, 63-15 will be transferred to the points of diversion for geothermal water located on the Terteling Ranch, including the point of diversion for water right no. 63-31052 (Pool Well).

(c) In the event that Water Right nos. 63-12, 63-13 and 63-15 are diverted from the point of diversion for water right no. 63-31052 (Pool Well), any such diversions of water right nos. 63-12, 63-13 and 63-15 will be separately monitored with a calibrated, high-quality totalizing flow-meter, reported to the Water District 63-S water master, and accounted for as a portion of the annual volumetric limitation of 400 a/f to which water right nos. 63-12, 63-13 and 63-15 are cumulatively limited.

2. To add new well as point of diversion.

(a) The proposed new Greenhouse Well will permit The Terteling Company to move past its dependence on aging geothermal wells that may soon reach the end of their useful life.

(b) Because of the large costs and extensive investigation necessary to locate, drill and complete the new Greenhouse Well with adequate seals and long-term materials, The Terteling Company seeks a period of three years within which to complete the same.

(c) As with all other changes proposed under this transfer, any diversions of water from the

new Greenhouse Well will be subject to the 400 afa and .86cfs to which water right nos. 63-12, 63-13 and 63-15 are subject.

IV. Proposed Conditions

To ensure that there is no expansion of the transferred water rights pursuant to this part of the proposed transfer, Applicant proposes that they be conditioned as follows:

- WB ✓
1. Under no circumstances will combined diversions of water under water right nos. 63-12, 63-13 and 63-15 exceed .86 cfs or 400 Acre-feet per year.
 2. The flow rate and volume of all diversions of water pursuant to water right nos. 63-12, 63-13 and 63-15 shall be monitored, and reported quarterly to the water master of Water District 63-S in accordance with the attached monitoring plan.
 3. All points of diversion approved under this transfer shall be equipped with flow rate/volume monitoring devices that are subject to approval by the water master of Water District 63-S.
 4. The proposed Greenhouse Well shall be completed within 3 years of the date of approval of this transfer. All other changes approved under this transfer shall be completed within one year of the date of approval of this transfer.
 5. Water may be diverted for heating purposes under water right nos. 63-12, 63-13 and 63-15 from the point of diversion for water right no. 63-31052 located in T4N R2E, Section 22 SWNW (known locally as the "Pool Well") only upon an emergency preventing the diversion of water right nos. 63-12, 63-13 and 63-15 from the Windsock well for heating uses located in T4N R2E Section 22, NESW, and SESW.
 6. A flow rate/volume monitoring device acceptable to IDWR and the watermaster shall be placed on the distribution line leading from the Pool Well to the places of use located in T4N R2E Section 22, NESW, and SESW.