

AMENDED

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DEPARTMENT OF
WATER RESOURCES

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Transfer No. 71690

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

Name of applicant The Terteling Company, Inc. Phone (208) 338-5200Post 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 all hot 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; to add flexibility and backup to existing geothermal systems and existing domestic heating uses; and to add a new place of use.*

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	SE	21	4N	2E	ADA	Tom's Hot Well
		NE	NW	22	4N	2E	ADA	Terteling Springs Well
		SW	NW	22	4N	2E	ADA	Peaceful Cove Nursery Well

* Please see attached narrative for further discussion

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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	S W	S E	
4N	2E	21													H				
4N	2E	22							H		7.0 D,H C	H		.5 D,H					7.5
4N	2E	29													7.5, D,H, C				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.

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

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED: Please see copies of attached Approved Transfer.

- 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.

- ☐
- 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:

[illegible]

8. Lands irrigated or place of use:

[illegible]

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 _____

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

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

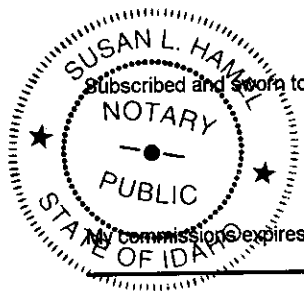
1. New Nature of Use Amount Hours/days/year Period of Use
 _____ to _____

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

20th

day of

December

2004

(Signature of Applicant)

Susan L. Hamel
 (Notary Public)

My commission expires

03/27/2008

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 3 attachments

Received by DB Date 12/23/04 Protest filed by _____

Prelim. check by LG Fee \$250

Received by KB Date 4/12/04 W031514

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 0.86 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 add existing geothermal source wells as backup points of diversion 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 provide backup geothermal water rights for existing heating uses authorized by water right nos. 63-31052, 63-31057, and 63-31059.
3. To add a new place of use for heating under water right nos. 63-12, 63-13 and 63-15 in T4N R2E, Section 22, NWSW.
4. 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 months. 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) Any water diverted pursuant to water right nos. 63-12, 63-13 and 63-15 which is used for heating purposes from any point of diversion approved under this transfer shall be accounted for as a portion of the 400 afa to which water right nos. 63-12, 63-13 and 63-15 are cumulatively limited.

(c) The proposed changes will permit water to be diverted from smaller wells when demand is lower.

(d) Water diverted under water right nos. 63-12, 63-13 and 63-15 from the Pool Well, Peaceful Cove Nursery Well, and Tom's Hot Well to the heating places of use located in T4N R2E Section 22, NESW, SESW and NWSW shall be separately monitored from other diversions from the Pool Well, Peaceful Cove Nursery Well, and Tom's Hot Well, shall be reported to the watermaster, and shall be accounted for as a portion of the 400 afa to which water right nos. 63-12, 63-13 and 63-15 are cumulatively limited.

2. To provide backup geothermal water rights for heating use in the event of administrative curtailment of later priority water rights.

(a) Water rights 63-12, 63-13, 63-15 will be transferred to the points of diversion for water right nos. 63-31052 (Pool Well), 63-31057 (Peaceful Cove Nursery Well), and 63-31059 (Tom's Hot Well).

(b) In the event that Water Right nos. 63-12, 63-13 and 63-15 are diverted from the points of diversion for water right nos. 63-31052 (Pool Well), 63-31057 (Peaceful Cove Nursery Well), and 63-31059 (Tom's Hot Well), any such diversions of water right nos. 63-12, 63-13 and 63-15 will be separately monitored, reported and deducted from the volumetric limitation to which water right nos. 63-12, 63-13 and 63-15 are subject.

(c) At any time that water right nos. 63-12, 63-13 and 63-15 are diverted from these points of diversion, diversion volumes will be monitored with calibrated, high-quality totalizing flow-meters and reported to the Water District 63S water master.

3. To add new heating place of use.

(a) Structures in T4N R2E, Section 22, NWSW will be heated with geothermal water diverted pursuant to water right nos. 63-12, 63-13 and 63-15.

(b) Any water diverted pursuant to water right nos. 63-12, 63-13 and 63-15 which is used in T4N R2E, Section 22, NWSW shall be accounted for as a portion of the 400 afa to which those water rights are cumulatively limited.

4. 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 0.86cfs combined use limitations 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:

1. Under no circumstances will combined diversions of water under water right nos. 63-12, 63-13 and 63-15 exceed 0.86 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 changes proposed under this transfer shall be completed within three years 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"), from the point of diversion for water right no. 63-31057 located in T4N R2E, Section 22 SWNW (known locally as the "Peaceful Cove Nursery Well"), and from the point of diversion for water right no. 63-31059 located in T4N R2E, Section 21 NESE (known locally as the "Tom's Hot Well"). All diversions of water from the Pool Well, the Peaceful Cove Nursery Well and Tom's Hot Well pursuant to water right nos. 63-12, 63-13 and 63-15 shall be subject to the volumetric and flow rate combined use limitations for water right nos. 63-12, 63-13 and 63-15.
6. A flow rate/volume monitoring device acceptable to IDWR and the watermaster shall be placed on the distribution lines leading from the Pool Well, the Peaceful Cove Nursery Well, and Tom's Hot Well to the places of use located in T4N R2E Section 22, NESW, SESW and NWSW. All diversions from the Pool Well, the Peaceful Cove Nursery Well, and Tom's Hot Well to uses authorized under water right nos. 63-12, 63-13 and 63-15 shall be separately monitored and reported to the watermaster.