

MEMORANDUM

To: File 63-12, 63-13, and 63-15

From: Jeff Peppersack

Date: August 26, 2004

Re: Lease of Water Right to and Rental from the State Water Supply Bank

<u>Water Right</u>	<u>SRBA Claim</u>	Lease: <u>Rate</u>	<u>Volume</u>	<u>Acres</u>
63-12	same	0.05 cfs	3.8 af	6 ac
63-13	same	0.23 cfs	15.0 af	6 ac
63-15	same	0.28 cfs	15.0 af	6 ac
combined total		0.30 cfs	15.0 af	6 ac

The applicant, The Tertling Company, Inc. has offered a portion of the rights for lease to the bank for the period August 26 to September 25, 2004 with the intent to rent the rights from the bank for use at an alternate point of diversion due to an emergency situation with an existing well. The rights are all claimed in the SRBA and were the subject of a recent transfer (2002). No forfeiture or other issues have been identified. The right should be accepted into the bank as proposed in the application.

The same applicant has applied to rent the right from the bank to apply water from an alternate well (see attached description from Ed Squires). The watermaster for WD 63-S has provided comments indicating no concerns with the use of the alternate well (see attached). Glen Saxton has agreed that the rental can be approved subject to agreement from other users in the district. Letters were submitted by Dana Hofstetter, representing Edwards Greenhouses, and Dave Hendrickson of Quail Hollow Golf Club agreeing to the use of an alternate well subject to measurement and monitoring (see attached).

The rental should be approved with appropriate conditions and recognition of existing water right conditions.

Peppersack, Jeff

From: Ed Squires [ed@hydrologicinc.net]
Sent: Monday, August 23, 2004 1:06 PM
To: Glen Saxton
Cc: Charles L. Honsinger; Dave Hendrickson ; Steve Lester; Garnette Monnie; Neely, Ken; Tom E. Terteling ; Keen W. Shelley ; Jeff Peppersack ; L. Graves; Rob Whitney
Subject: Emergency Request for Temporary Point of Diversion Change in District 63-S, August 23, 2004
Importance: High

Dear Glen:

On behalf of my client, the Terteling Company, I have the following emergency request for IDWR permission to use an alternate point of diversion for temporary diversion of low-temperature geothermal ground water within the State Water District 63-S! Here are the facts of the situation behind our request:

- 1) The Terteling Company (TTCI) notified the water master and other District water users of its intention to conduct maintenance on its Windsock geothermal well during the non-heating season of July and August of this year.
- 2) A cable-tool work-over rig was set up over the well and the inside wall of the casing was cleaned using a de-scaling tool and a wire brush to remove accumulated encrustation.
- 3) Upon completion of the well work, a down hole camera inspection of the well showed a severely corroded casing that is subject to immediate catastrophic collapse (see attached down hole still photographs).
- 4) Owing to the compromised condition of the 34-year-old casing, TTCI is justifiably concerned about reinstallation of its pumping plant in the well and about the potential for failure of the well during the cold winter months of 2004 when it is being pumped at capacity for space heating purposes. The Windsock well is currently the only source of low-temperature geothermal groundwater for the Flora Co. greenhouses in Stewart Gulch. Arrangements are being made to install a new liner casing and to pressure grout seal the new casing into place for the long term. Rob Whitney of the IDWR Western Regional Office will be notified of any proposed changes to well construction.
- 5) The newly recognized problems with the well could not come at a worse time with the recent onset of cooler weather and approaching fall and winter heating season (TTCI's present greenhouse stock require heat when the temperature drops below 60 degrees).
- 6) Although TTCI is expediting the new well materials to Boise, the well repairs and pump installation will require some time to accomplish and the well will not be on line for the early portion of the heating season.
- 7) To that end, TTCI requests permission from IDWR, and the water master of District 63-S, to temporarily divert a portion of its water rights Nos. 63-12, 63-13, And 63-15 from its low-temperature geothermal "Pool Well" for space heating purposes within the nearby greenhouses.
- 8) It has been shown through extensive monitoring and hydraulic testing of the TTCI wells (monitoring and measurements of which the water master and the IDWR are aware) that the Pool well and Windsock wells are hydraulically interconnected within the geothermal aquifer and that they draw from a common groundwater source. Indeed, TTCI has a pending Transfer application (filed April 9th, 2004) that seeks to add the TTCI Pool well as a point of diversion for water right Nos. 63-12, 63-13, and 63-15. The Pool Well point of diversion is farther away from the wells of existing District 63-S water users than the Windsock well. Additionally, the Pool well is produced at a lower instantaneous diversion rate than the Windsock well.

8/25/2004

- 9) In consideration of all of the above, TTCI requests that it be allowed, under an emergency situation, to be able to divert a portion of its geothermal water rights through the Pool well for space heating of the Flora Co. greenhouses during the early portion of the space heating season until its Windsock well can be properly repaired and returned to service. It is anticipated that 30 days may be necessary to effect the necessary changes and to equip the Windsock well with a different pump (owing to the proposed smaller diameter casing sleeve). Although the Pool well cannot produce the entire water right, it can probably keep the present greenhouse crop from perishing during the early part of the heating season when outside ambient temperatures are not extreme.
- 10) The Pool well will be monitored for volume pumped and the total volume pumped from the TTCI Pool well during this temporary period, will be subtracted from the 400 acre foot annual water right allotment of the Windsock well under water rights Nos. 63-12, 63-13, and 63-15.
- 11) TTCI will keep the District 63-S water master apprised of the situation with regular (bi-weekly) updates. TTCI further understands that the proposed temporary use is subject to the water master's discretion with respect to any unforeseen (and unexpected) effects on other District water users. It is my professional opinion, based upon years of monitoring and study of the Stewart Gulch low-temperature geothermal aquifer, that there will be no negative effects to existing water users in District 63-S from the proposed change. Indeed, the volume of water produced from the TTCI low-temperature wells will be less than if the Windsock well were being pumped.
- 12) I need to express that this is an urgent request needing immediate resolution to prevent loss of this season's greenhouse stock or the expenditure of large amounts of money for space heating using alternate means such as natural gas fired heaters. This request is especially important given that nighttime temperatures in Boise dropped well below 60F last night, and are expected to drop lower tonight and later this week.

Please discuss this at IDWR and let me know of your decision as soon as possible. Thank you for any expeditious review you can direct to this situation.

Respectfully,

Ed Squires
Hydro Logic, Inc.
342-8369

13) emergency

14) problemsThe wellUpon cleaning of the well, including wire-brushing of the inside



Peppersack, Jeff

From: Neely, Ken
Sent: Monday, August 23, 2004 1:52 PM
To: Keen, Shelley; Peppersack, Jeff; Graves, Lori
Subject: FW: Emergency Request for Temporary Point of Diversion Change in District 63-S, August 23, 2004
Importance: High

From my perspective as the Water Master's for Water District 63S, I do not have any objectives to this request.

Ken Neely

Kenneth W. Neely, Technical Hydrogeologist
 Idaho Department of Water Resources
 Hydrology Section - Ground Water Monitoring
 1301 N. Orchard Street
 Boise, ID 83705
 208.327.5455 (phone)
 208.327.7866 (fax)
<http://www.idwr.state.id.us/hydrologic/>

-----Original Message-----

From: Ed Squires [mailto:ed@hydrologicinc.net]
Sent: Monday, August 23, 2004 1:06 PM
To: Glen Saxton
Cc: Charles L. Honsinger; Dave Hendrickson ; Steve Lester; Garnette Monnie; Neely, Ken; Tom E. Terteling ; Keen W. Shelley ; Jeff Peppersack ; L. Graves; Rob Whitney
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8/25/2004

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com**FAX COVER SHEET****DATE:** August 25, 2004

TO:	Glen Saxton	FAX:	327-7866
CC:	Charles L. Honsinger		342-4591
	Ken Neely		327-7866
	Jeff Peppersack		327-7866
	Ed Squires		342-3100

FROM: Dana L. Hofstetter**RE:** The Terteling Company -
Emergency Request For Temporary Point of Diversion Change

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ORIGINAL BY MAIL: YES X NO

HOFSTETTER LAW OFFICE

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Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

August 25, 2004

Via Facsimile and U.S. Mail

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: The Terteling Company -
Emergency Request for Temporary Point of Diversion Change

Dear Mr. Saxton:

On behalf of Edwards Greenhouses, this letter responds to The Terteling Company's August 23, 2004 Emergency Request for a Temporary Point of Diversion Change in District 63-S (the "Request").

While there does not appear to be specific statutory provision for the Request, Edwards Greenhouses does not oppose the Temporary Request under the emergency circumstances presented and to the extent that appropriate conditions are included in any approval. It is noted that the Temporary Request is for a limited 30-day period and that any amounts diverted will be included within the annual diverted volume allowance. Any approval of the Request should include these considerations as well as a requirement for monitoring and recording of flow rates and volumes diverted under the supervision of the District's Watermaster. Further, the approval should immediately terminate prior to expiration of the 30-day time to the extent that any other users in District 63-S are

Glen Saxton
August 25, 2004
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impacted by the temporary use. Additionally, the Idaho Department of Water Resources should consider whether to include in its approval appropriate measurement and data gathering during the temporary 30-day approval period to assist with evaluation of the pending transfer application which also involves, in part, this same point of diversion.

Please let me know if you have any questions or comments about these suggestions.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, reading "Dana Hofstetter". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Dana L. Hofstetter

cc: Charles L. Honsinger *via facsimile*
Ken Neely *via facsimile*
Jeff Peppersack *via facsimile*
Ed Squires *via facsimile*



FAX

ATTENTION TO: JEFF PEPPERSACK
FROM: DAVE HENDRICKS@QUAIL HOLLOW G.C.
DATE 8.25.04
OF PAGES CT1

INFO: _____

**PLEASE FEEL FREE TO CALL 208-344-7807 OR FAX 208-344-7824
SHOULD YOU HAVE ANY QUESTIONS.**

QUAIL HOLLOW G.C.

4520 N. 36TH ST.

BOISE ID, 83703

August 25, 2004

Jeff Peppersack
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83406-2237

Re: The Terteling Company Windsock Well Difficulties

Dear Mr. Peppersack:

I have been contacted by Ed Squires of Hydro Logic, Inc. who has explained the current problems with The Terteling Windsock geothermal well. I understand that the Tertelings have requested permission to use an alternate well for 30 days to heat their greenhouses while the Windsock well is being repaired. After discussing the situation with Ed Squires, I believe the proposed use will not impact Quail Hollow Golf Course negatively and I do not have concerns about the proposed temporary use of the Terteling Pool well while the Windsock well is being repaired.

I do acknowledge and appreciate the Department requiring discussion amongst the District's water users prior to allowing this use.

Respectfully,

Dave Hendrickson